

COUNCIL		
Report Title	CONSTITUTIONAL CHANGES	
Key Decision	N/A	
Ward	All	
Contributors	Head of Law	
Class	Part 1	Date 25 February 2015

1 Summary

This report brings to the attention of the Council changes to the law that allow electronic service of papers for Council meetings. It also brings to the attention of members the requirement to establish a Pension Board and asks for constitutional amendments to reflect these changes. Changes to the Constitution are recommended in accordance with the views of the Council's Constitution Working Party.

2 Purpose

The purpose of this report is to ensure that full Council amend the Constitution to reflect changes in the law, so that the Constitution remains fit for purpose.

3 Recommendation

- 3.1 That the Constitution be amended as set out in paragraphs 4.7 and 6 of this report.
- 3.2 That the Council establish a Pension Board with effect from 1st April 2015 with the detailed terms of reference set out in Appendix 1 of this report.
- 3.3 To make appointments to the Pension Board at the earliest opportunity.
- 3.4 To agree that the remuneration for non-councillor members of the Pension Board be equivalent to that paid to co-opted members of the Council's Standards Committee from time to time.
- 3.5 To delegate to the Head of Law authority to amend the Council's Member Code of Conduct to reflect the particular circumstances of the Pension Board and ask that she circulate it to the Board members once appointed.

4 Electronic service

- 4.1 The Local Government Act 1972 (as amended) makes detailed provisions about notice of Council meetings and access to reports about matters that will be discussed at the meetings of Council and its decision making bodies.
- 4.2 As part of its modernising agenda, on 7th January 2015 the Local Government (Electronic Communications) (England) Order SI 2015/5 was laid before Parliament. It came into force on 30th January this year.
- 4.3 It provides that at least five clear days before a meeting a notice of the time and place of the intended meeting must be published at the Council's offices and if the meeting is called by members it must be signed by those members. This re-iterates existing law.
- 4.4 However the Order also amends the law so that in future the summons for meetings may be served on members either
- (1) by post to, or leaving at, their usual place of residence, or a different address specified by the member; or
 - (2) by sending in electronic form to a particular electronic address where the member has consented to electronic transmission to that address.
- 4.5 The upshot is that in future all papers for Council meetings may be served on members electronically should they so consent.
- 4.6 The summons must be "authenticated" , namely signed or otherwise authenticated in such manner as the proper officer thinks fit.
- 4.7 To give effect to this change in the law, officers recommend that Para C5 of the Constitution be amended to read as follows:-

"5 Notice of place of residence or alternative

5.1 At least 5 clear days before a Council meeting, the proper officer will publish at the Council's offices and on the Council's website, notice of the time and place of the intended meeting and, where the meeting is called by members of the Council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting.

5.2 The proper officer will send to every member of the Council a summons to attend the meeting , specifying the business proposed to be transacted at the meeting and authenticated by the proper officer. The summons may be served by:-

(a) sending it to, or leaving it at the member's usual place of residence; or

(b) where the member has specified an address other than their usual place of residence, by sending it to, or leaving it at, that other address; or

(c) where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn) sending it in electronic form to that address.

5.3 In paragraph 5.2 above “authenticated” means signed or otherwise authenticated in such manner as the proper officer thinks fit”

- 4.8 It is proposed that authentication should be by actual or electronic signature of the Chief Executive.
- 4.9 There are no changes to the public’s access to information.

5 Pension Board

- 5.1 The Council is the administering authority for the Local Government Pension Scheme (LGPS) in Lewisham. It administers the scheme not only for the Council itself but also the employers who are scheduled or have admitted body status such as Phoenix and Lewisham Homes.
- 5.2 The Government has recently put in place a framework for the governance of the LGPS nationally. Under the Local Government Pension Scheme (Amendment) Regulations 2015 (the Regulations) a national scheme advisory board is to be appointed to advise the Secretary of State on changes to the LGPS and to provide advice to administering authorities in relation to the management of local schemes and their funds. A shadow national board is already in place. The regulations also provide for the establishment of local pension boards whose role is to assist administering authorities to secure compliance with the LGPS regulations and other legal requirements and generally to ensure that there is efficient and effective governance and administration of the fund at a local level.
- 5.3 Key features of the regulations are as follows:-
- (1) Each administering authority must establish a local Pension Board by 1st April 2015.
 - (2) The role of the Board is to assist the administering authority with compliance issues and effective governance and administration.
 - (3) The Pension Board may only be established as a committee of the Council with the approval of the Secretary of State.
 - (4) Costs of the Pension Board are chargeable to the pension fund.

- (5) It is for the administering authority to determine the membership of the Pension Board, how they are appointed and removed, and their terms of appointment. However, the Board must include in equal number, at least 4 in total, employer and scheme member representatives. Unless the Pension Board is established, with Secretary of State consent, as a formal committee of the Council, only scheme member representatives and employer representatives may vote. Should it wish to do so, the Council may appoint other members to the Pension Board, but they are not entitled to vote.
- (6) Scheme member and employer representatives must have the capacity to represent scheme members and employer respectively and the Council must satisfy itself on this point.
- (7) Councillors and officers who have any responsibility for management or administration of the fund may not be appointed to the Pension Board. Any elected councillors appointed to the Board must be appointed as either an employer or scheme member representative.
- (8) The members of the Pension Board must not have a conflict of interest (as defined in S5(5) Pensions Act 2013), and the administering authority must satisfy itself on this point and check from time to time that this is the case. Board members must supply such information as the administering authority requires to substantiate this. For these purposes a conflict of interest is a financial or other interest which is likely to prejudice the person's exercise of functions as a member of the Board (but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme).
- (9) The Secretary of State may issue guidance in relation to pension boards, and the administering authority must have regard to it. To date none has been issued by the Secretary of State, though the Pensions Regulator has done so and the Shadow Advisory Group has issued a template for the Board's terms of reference. Regard should be had to both. The contents of Appendix 1 are largely based on these documents with some amendment to fit local circumstance.
- (10) The Pension Working Group (PWG), consisting of members and officers, chaired by Councillor Ingleby, has considered the new legislation since its formative stage and proposed detailed Terms of Reference. Those detailed terms of reference were considered by the Constitution Working Party which agreed that those now appearing at Appendix 1 to this report should be recommended to Council to direct the operations of the Pension Board when it is established. The only significant difference from the recommendations of the PWG is that the core functions of the Pension Board are defined in the broadest of terms in Appendix 1 so that the Board will have the flexibility to decide upon its own activities so long as they reflect the regulatory requirements which define them.

6. To give effect to this legislative change it is proposed that the Constitution be amended to insert a new Article 9.6 which should be worded as follows:-

“9.6 *The Council will appoint a Pension Board as set out in the first column of the table below, with the composition set out in the second column and the terms of reference set out in the third column*

<i>Pension Board</i>	<i>Composition</i>	<i>Terms of reference</i>
<i>Pension Board</i>	<p><i>2 employer representatives, and</i></p> <p><i>2 scheme member representatives,</i></p> <p><i>all of them appointed in accordance with the Pension Board detailed Terms of Reference as approved and published by the Council from time to time</i></p> <p><i>One other member as the Council may from time to time appoint to act as independent Chair, such member not to have any voting rights.</i></p>	<p>To fulfil the statutory functions imposed upon Pension Boards by the Pensions Act 2013, the Local Government Pension Scheme (Amendment) Regulations 2015, any amendment thereto and any other relevant legislation in place from time to time</p> <p>In particular to assist the Council and advise it upon measures as administering authority to secure compliance with the Local Government Pension Scheme Regulations and other legal requirements , and generally to ensure that there is efficient and effective governance and administration of the fund at a local level.</p> <p>To report annually to the Council in relation to the above for inclusion in the Council’s annual governance statement</p>

7 Pension Board Detailed Terms of Reference

7.1 The document appearing at Appendix 1 broadly reflects the guidance and template from the Pensions Regulator and national Scheme Advisory Board with amendments proposed to reflect local circumstances. Key features are highlighted below.

Code of Conduct

- 7.2 It is suggested that Board members should, so far as possible, be subject to the same requirements relating to their conduct as are local councillors. Certain exceptions would exist (e.g. provisions relating to matters that do not constitute a conflict of interest and the fact that there is no legal provision which would make it a criminal offence not to declare disclosable pecuniary interests). It is recommended that the Head of Law, having consulted the Executive Director for Resources and Regeneration, be authorised to adapt the existing Member Code of Conduct to fit the circumstances of the Pension Board and circulate it to members of the Board when appointed.

Independent Chair

- 7.3 Paragraph 11 of Appendix 1 refers to the appointment of an independent Chair, who as an independent, by law would have no voting rights. This accords with the template terms of reference provided by the Shadow Advisory Board, who suggest that the Board should, where possible, make decisions by consensus. Instances of failure to reach consensus should be recorded and published. (paragraph 23(c)). Members' attention is drawn to the restrictions to be imposed on the Chair at paragraph 22(b).

No substitutes

- 7.4 Paragraph 14 and paragraph 18 – it is proposed that substitutes should not be appointed.

Appointment of member representatives

- 7.5 Paragraph 15(a) relates to the appointment of scheme member representatives. It is proposed that 1 member representative should be appointed by recognised trade unions. To be clear about this, officers recommend that the scheme member representative appointed by this method should be nominated by the trade union with the largest number of Lewisham scheme members in its membership. Paragraph 15(b) suggests that one further member representative should be appointed by a transparent process open to all Fund members and approved by the Council.

Appointment of employer representatives

- 7.6 It is proposed that 2 employer representatives be appointed by the Council where all employers have been asked to submit their interest in undertaking the role of employer representative on the Board.

Term of office

- 7.7 Paragraph 25 – It is proposed that the usual term of office of those appointed to the Pension Board be 4 years from the Annual General Meeting (AGM) at the beginning of a Council administration to the first AGM after the next

Council election. It is proposed initially that 1 scheme member representative and 1 employer representative appointed in 2015 should serve until the AGM in 2017. It is also suggested that 1 scheme member and 1 employer representative be appointed until the AGM in 2018. This would stagger the termination of the initial Board members' period in office.

Meeting frequency

- 7.8 Paragraph 35 – It is suggested that meetings must be held at least once per year with the possibility of more being called at the discretion of the Board.

Board administration

- 7.9 The proposal is for the Board to proceed as if it were a Council committee in so far as access to information and records are concerned.

Quorum

- 7.10 A meeting will only be quorate if at least 50% of both member and employer representatives are present.

8 Legal implications

- 8.1 The legal implications are set out in the body of the report. The proposals in this report reflect new legal duties imposed upon the Council. The Council is required to maintain its Constitution which contains the rules by which Council business is conducted. A copy will be available on the Council's website. The CWP was established to advise the Council on any proposed changes, and it is for full Council to agree any amendment to the existing constitution.
- 8.2 Once a decision has been made in relation to the Pension Board, the Council must comply with publication requirements pertaining to the establishment of the Board, its members and terms of reference.
- 8.3 Members are asked to agree that a payment be made to those appointed to the Pension Board. It is noteworthy that the Board is not to be established as a formal Council committee and it is not necessary for any of those appointed to the Board to be councillors. Those appointed to the Board (other than those who may also be elected councillors) will not be members of the Council. However, applying the principles pertaining to the Standards Committee, it is not proposed that any payment be made to an elected councillor appointed to the Pension Board. In respect of members of the Board who are not councillors, it is proposed that they receive payment equivalent to the allowance paid to the co-opted members of the Standards Committee at any time. This currently stands at £600 per annum.
- 8.4 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil

partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.6 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

8.7 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

8.8 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

8.9 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

8.10 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

9 Financial implications

- 9.1 With regard to electronic service of meeting papers, there are no financial implications arising directly from this report, though if as a result there is a reduction in the need to produce paperwork for meetings, this may reduce printing costs. The extent will depend on the level of take up by members of the alternative means of service.
- 9.2 The costs of the Pension Board are recoverable from the Fund

10. Environmental Implications

There are no specific implications

11. Equalities implications

There are no specific implications arising.

For further details please contact Kath Nicholson: 020 8314 7648

LOCAL PENSION BOARD OF THE LONDON BOROUGH OF LEWISHAM
DETAILED TERMS OF REFERENCE

Introduction

1. This document sets out the terms of reference of the Local Pension Board of the London Borough of Lewisham (the 'Administering Authority') a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013. the Local Pension Board (hereafter referred to as 'the Board') is established in accordance with Section 5 of that Act and under regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).
2. The Board is established by the Administering Authority and operates independently of the Pension Investment Committee. Relevant information about its creation and operation are contained in these Terms of Reference.
3. The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board unless expressly included in this document.
4. The Board shall be constituted separately from the Pension Investment Committee constituted under Section 101 of the Local Government Act 1972 with delegated authority to execute the function of the Administering Authority.

Interpretation

5. The following terms have the meanings as outlined below:

'the Act'	The Public Service Pensions Act 2013
'the Code'	means the Pension Regulator's Code of Practice No 14 governance and administration of public service pension schemes
'the Committee'	London Borough of Lewisham's Pension Investment Committee who has delegated decision making powers for the Pension Fund in accordance with Section 101 of the Local Government Act 1972.

‘the fund’	means the Pension Fund that is managed and administered by the London Borough of Lewisham as Administering Authority.
‘the Guidance’	means the guidance on the creation and operation of local pension boards issued by the Shadow Scheme Advisory Board.
‘the Regulations’	means the Local Government Pension Scheme Regulations 2013 (as amended from time to time); the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (as amended from time to time), including any earlier regulations as defined in these regulations to the extent they remain applicable and the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 (as amended from time to time).
‘Relevant legislation’	means relevant overriding legislation as well as the Pension Regulator’s Codes of Practice as they apply to the Administering Authority and the Board, notwithstanding that the Codes of Practice are not legislation.
‘the Scheme’	means the Local Government Pension Scheme in England and Wales.

Statement of Purpose

6. The purpose of the Board is to assist the London Borough of Lewisham in its role as a scheme manager of the Scheme. Such assistance is to:
 - (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pension Regulator in relation to the Scheme and;
 - (b) to ensure the effective and efficient governance and administration of the Scheme.

Duties of the Board

7. The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty Board members should be subject to and abide by the code of conduct for Board members.

Establishment

8. The Board is established on 1 April 2015.

Membership

9. The Board shall consist of 4 voting members, as follows:
 - 2 Scheme Representatives; and
 - 2 Employer Representatives.
10. There shall be an equal number of Member and Scheme Employer Representatives.
11. There shall also be one other member who will be appointed as Chair, who is not entitled to vote.

Scheme Member Representatives

12. Scheme Member representatives shall either be scheme members or have capacity to represent scheme members of the Fund.
13. Scheme Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
14. Substitutes shall not be appointed.
15. A total of 2 Scheme member representatives shall be appointed as follows:-
 - (a) 1 Scheme member representative shall be nominated by the trade union with the largest number of Lewisham Scheme members in its membership.
 - (b) 1 Scheme member representative shall be nominated by a transparent process open to all Fund members and approved by the Council.

Employer Representatives

16. Employer representatives shall be office holders or senior employees of employers of the Fund or have experience of representing scheme employers in a similar capacity. No officer or elected member of the London Borough of Lewisham who is responsible for the discharge of any function of the London Borough of Lewisham under the Regulations may serve as a member of the Board.
17. Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
18. Substitutes shall not be appointed.

19. A total of 2 employer representatives shall be appointed to the Board by the Council where all employers have been asked to submit their interest in undertaking the role of employer representative on the Board.

Other Members

20. The independent member (Chair) shall be appointed to the Board by the agreement of the London Borough of Lewisham.
21. Other members (who are not scheme member nor employer representatives) do not have voting rights on the Board.

Appointment of Chair

- 22(a) Subject to the meeting arrangements in paragraphs 35 to 37 below a Chair shall be appointed for the Board using the processes listed below:
- 22(b) An independent chair is to be appointed by the London Borough of Lewisham but shall count as an 'other' member under paragraphs 20-21 above. In this respect the term independent means having no existing employment, financial or other material interest in either the London Borough of Lewisham or any scheme employer in the Fund and not being a member of the Fund. The appointment of the Chair shall be subject to the passing of a motion to confirm by a majority of the employer and member representatives of the Board.

Duties of Chair

23. The Chair of the Board:
 - (a) Shall ensure the Board delivers its purpose as set out in these Rules of Procedure.
 - (b) Shall ensure that meetings are productive and effective and that opportunity is provided for the views of all members to be expressed and considered, and
 - (c) Shall seek to reach consensus and ensure that decisions are properly put to a vote when it cannot be reached. Instances of a failure to reach a consensus position will be recorded and published.

Notification of appointments

24. When appointments to the Board have been made the London Borough of Lewisham shall publish the name of Board members, the process followed in the appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

Term of Office

25. Board members shall normally be appointed at the first AGM following a local Council election and serve until the first AGM after the next local Council election. Extensions to terms of office may be made by the London Borough of Lewisham with the agreement of the Board.
26. Initially the Council will appoint:
 - (a) 1 employer representative and scheme member to serve until the Council's AGM in 2017
 - (b) 1 employer representative and scheme member representative to serve until the Council's AGM in 2018.
27. A Board member may be appointed for further terms of office using the methods set out in paragraphs 15 and 19.
28. Board membership may be terminated prior to the end of the term of office due to:
 - (a) A member representative appointed on the basis of their membership of the scheme no longer being a scheme member in the Fund.
 - (b) A member representative no longer being a scheme member or a representative of the body on which their appointment relied.
 - (c) An employer representative no longer holding the office or employment or being a member of the body on which their appointment relied.
 - (d) A Board member no longer being able to demonstrate to the London Borough of Lewisham their capacity to attend and prepare for meetings or to participate in required training.
 - (e) The representative being withdrawn by the nominating body and a replacement identified.
 - (f) A Board member has a conflict of interest which cannot be managed in accordance with the Board's conflict policy.
 - (g) A Board member who is an elected member becomes a member of the Committee.
 - (h) A Board member who is an officer of the London Borough of Lewisham becomes responsible for the discharge of any function of the London Borough of Lewisham under the Regulations.

Conflicts of interest

29. All members of the Board must declare to the London Borough of Lewisham on appointment and at any such time as their circumstances change, any potential conflict of interest arising as a result of their position on the Board.
30. A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by virtue of that person being a member of the Scheme.
31. On appointment to the Board and following any subsequent declaration of potential conflict by a Board member, the London Borough of Lewisham shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Board's conflicts policy and the requirements of the Code.

Knowledge and understanding (including Training)

32. Knowledge and understanding must be considered in light of the role of the Board to assist the London Borough of Lewisham in line with the requirements outlined in paragraph 6 above. The Board shall establish and maintain a Knowledge and Understanding Policy and Framework to address the knowledge and understanding requirements that apply to Board members under the Act. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.
33. Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy framework.
34. Board members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

Meetings

35. The Board shall as a minimum meet 1 time each year, but may determine to meet more regularly.
36. The Chair of the Board with the consent of the Board membership may call additional meetings. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board, including telephone conferencing and emails.

Quorum

37. A meeting is only quorate when at least 50% of both scheme member and employer representatives are present.
38. A meeting that becomes inquorate may continue but any decisions will be non-binding.

Board administration

39. The agenda and supporting papers will be issued at least 5 working days (where practicable) in advance of the meeting except in the case of matters of urgency.
40. Draft minutes of each meeting including all actions and agreements will be recorded and circulated to all Board members. These draft minutes will be subject to formal agreement by the Board at their next meeting. Any decisions made by the Board should be noted in the minutes and in addition where the Board was unable to reach a decision such occasions should also be noted in the minutes.
41. The minutes may with the agreement of the Board, be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.
42. Officers shall arrange such advice as is required by the Board subject to such conditions as are listed in these Terms of Reference for the use of the budget set for the Board.
43. Officers shall ensure an attendance record is maintained along with advising the London Borough of Lewisham on allowances and expenses to be paid under these terms.

Public access to Board meetings and information

44. Generally the public will be given access to Board meetings, if they would be entitled to access to its meeting if it were established as a formal Council Committee.
45. Observers are welcome to record any part of any board meeting that is open to the public. The Council cannot guarantee that anyone present at a board meeting will not be filmed or recorded by anyone who may then use the image or sound recording.
46. The following will be entitled to attend Board meetings in an observer capacity:

- (a) Members of the Pensions Investment Committee;
- (b) Any person requested to attend by the Board.

Any such attendees will be permitted to speak at the discretion of the Chair.

47. In accordance with the Act the London Borough of Lewisham shall publish information about the Board to include:
- (a) The names of Board members and their contact details.
 - (b) The representation of employers and scheme members on the Board.
 - (c) The role of the Board.
 - (d) These Terms of Reference.
48. The London Borough of Lewisham shall also publish other information about the Board including:
- (a) Agendas and minutes
 - (b) Training and attendance logs
 - (c) An annual report on the work of the Board to be included in the Fund's own annual report.
49. All or some of this information may be published using the following means or other means as considered appropriate from time to time:
- (a) On the Fund's website.
 - (b) As part of the Fund's Annual Report.
 - (c) As part of the Governance Compliance Statement.
50. Information may be excluded on the grounds that it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

Expenses and allowances

51. The London Borough of Lewisham will reimburse the reasonable travel expenses of Board members in line with the London Borough of Lewisham's policy on expenses as set out in the Council's Constitution.
52. The London Borough of Lewisham shall pay allowances to Board members equivalent to the allowance paid to a co-opted member. In 2015/16 this is £600 per annum.

Budget

53. The Board is to be provided with adequate resources to fulfil its role. In doing so the budget for the Board will be met from the Fund. The full

Council will approve its budget on an annual basis. The budget will be managed by and at the discretion of the Board.

Core functions

54. The first core function of the Board is to assist the London Borough of Lewisham in securing compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme.
55. The second core function of the Board is to ensure the effective and efficient governance and administration of the Scheme.
56. In support of its core functions the Board may make a request for information to the Committee or Council officers with regard to any aspect of the London Borough of Lewisham's function. Any such request should be reasonably complied with in both scope and timing subject to data protection.
57. In support of its core functions the Board may make recommendations to the Committee or Council officers which should be considered and a response made to the Board on the outcome within a reasonable period of time.

Reporting

58. The Board should in the first instance report its requests, recommendations or concerns to the Committee or Council officers. In support of this any member of the Board may attend a Committee meeting as an observer.
59. Requests and recommendations should be reported under the provisions of paragraphs 57 and 58 above.
60. The Board should report any concerns over a decision made by the Committee to the Committee subject to the agreement of at least 50% of voting Board members provided that all voting members are present. If not all voting members are present then the agreement should be of all voting members who are present, where the meeting remains quorate.
61. On receipt of a report under paragraph 60 above the Committee should within a reasonable period, consider and respond to the Board.

- 62. Where the Board is not satisfied with the response received it may request that a notice of its concern be placed on the website and in the Fund's annual report.
- 63. Where the Board is satisfied that there has been a breach of regulation which has been reported to the Committee under paragraph 60 and has not been rectified within a reasonable period of time it is under an obligation to escalate the breach.
- 64. The appropriate internal route for escalation is to the Monitoring Officer.
- 65. The Board may report concerns to the LGPS Scheme Advisory Board for consideration subsequent to, but not instead of, using the appropriate internal route for escalation.
- 66. Board members are also subject to the requirements to report breaches of law under the Act and the Code [and the whistleblowing provisions set out in the London Borough of Lewisham's whistleblowing policy].

Review of terms of reference

- 67. These Terms of Reference shall be reviewed on each material change to those part of the Regulations covering local pension boards and at least every 12 months.
- 68. These Terms of Reference were adopted on [INSERT DATE]

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Signed on behalf of the London Borough of Lewisham
Kath Nicholson, Monitoring Officer

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Signed on behalf of the Board