

PUBLIC SERVICE PENSIONS ACT 2013 CONSTITUTION OF THE HERTFORDSHIRE LOCAL PENSION BOARD

1. NAME

- 1.1 The name of the Board is The Hertfordshire Local Pension Board and is established by Hertfordshire County Council in accordance with Section 5 of the Public Service Pensions Act 2013.

2. TERMINOLOGY

In this Constitution the following expressions have the meanings given below:

- “the Act”** means the Public Service Pensions Act 2013;
- “the Board”** means the Hertfordshire Local Pension Board established under Section 5 of the Act;
- “HCC”** means Hertfordshire County Council, the administering authority for the LGPS in Hertfordshire;
- “LGPS”** means the Local Government Pension Scheme;
- “Member”** means a member of the LGPS and includes an active member, a deferred member and a pensioner member as defined in the Regulations;
- “Employer representative”** means a member of the Board who has been appointed for the purpose of representing LGPS employers;
- “Member representative”** means a member of the Board who has been appointed for the purpose of representing members of the LGPS;
- “the Regulations”** means the Local Government Pension Scheme Regulations 2013 as amended by the Local Government Pension Scheme (Amendment) (Governance) Regulations 2015;

3. ROLE AND FUNCTIONS OF THE BOARD

- 3.1 In accordance with Sections 5(1) and (2) of the Act and the Regulations the role of the Board is:

- (1) To assist the County Council:
- (a) to secure compliance with the Regulations and any other legislation

relating to the governance and administration of the LGPS;

- (b) to secure compliance with any requirements imposed in relation to the LGPS by the Pensions Regulator;
 - (c) to ensure the effective and efficient governance of the LGPS;
 - (d) in all aspects of governance and administration of the LGPS, including funding and investments and the doing of any work requested by the County Council, but not to replace or duplicate the role of the County Council or to make decisions which are the responsibility of the County Council.
- (2) To do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions as set out above.

4. MEMBERSHIP AND TERMS OF OFFICE

4.1 The Board will be made up of:

4 employer representatives
4 member representatives

4.2 An employer representative must have the capacity to represent LGPS employers.

4.3 A member representative must have the capacity to represent members.

4.4 No officer or elected member of an administering authority who is responsible for the discharge of any function under the Regulations (apart from any function relating to local pension boards or the Local Government Pension Scheme Advisory Board) may be a member of the Board.

4.5 No elected Member of the County Council may be appointed to membership of the Board otherwise than as an employer representative or a member representative.

4.6 Appointment of Employer Representatives

4.6.1 The employer representatives will be appointed by the County Council following nomination from the following categories of employer:

- Schools and Academies
- Hertfordshire County Council
- District/Borough Councils and Police
- Other bodies

4.6.2 In the event that there are more nominations than there are places available on the Board, the County Council shall determine the nominee(s) to be appointed.

4.6.3 An employer representative shall be an elected member or senior employee of an LGPS employer or have experience of representing an LGPS employer in a similar capacity.

4.7 Appointment of Member Representatives

4.7.1 Applications will be invited from those eligible to be appointed as member representatives, either personally or by open invitation on the County Council's website.

4.7.2 Applications will be considered by the County Council and the person(s) to be appointed will be determined by the County Council.

4.8 Terms of Office

4.8.1 Subject to 4.8.3 below and to the arrangements relating to appointment of Board members approved by the County Council on 26 March 2019 (including transitional arrangements relating to the rotation of Board members applicable between 1 April 2019 and 1 April 2021*), the term of office for Board members will normally be 4 years with a maximum of two terms (a total of 8 years).

4.8.2 A member of the Board shall cease to hold office if:

- (1) he/she is an employer representative and the employer that he/she represents or was nominated by ceases to be an LGPS employer;
- (2) he/she resigns;
- (3) he/she becomes a member of the County Council's Pension Committee or otherwise becomes responsible for the discharge of any function of the County Council under the Regulations (apart from any function relating to local pension boards or the Local Government Pension Scheme Advisory Board);
- (4) he/she dies or becomes incapable of acting;
- (5) he/she has been appointed following nomination and the body which nominated him/her withdraws or revokes the nomination and nominates a replacement member of the Board;
- (6) he/she is removed by the County Council as a result of a persistent failure to attend meetings of the Board or to attend or participate in training arranged for members of the Board.

4.8.3 In the event of a vacancy on the Board a new member shall be appointed in accordance with the provisions of Paragraph 4.6 or 4.7 above (depending upon whether the vacancy is for an employer representative or a member representative) and the member so appointed shall hold office for the remainder of the term of office of the member replaced.

5. VOTING

- 5.1 Members of the Board who are either employer representatives or member representatives shall be voting members and each member shall have 1 vote.
- 5.2 Other members of the Board (if any) shall be non-voting members.
- 5.3 In the event of an equality of votes, the Chairman or, in the absence of the Chairman, the person presiding at the meeting, will have a second or casting vote.

6. CHAIRMAN

- 6.1 The Board will have a Chairman to be elected by the Board and the Chairman shall, subject to 6.3 below, be either an employer representative or a member representative.
- 6.2 The term of office of the Chairman shall be 2 years unless the Chairman resigns or is replaced by the Board.
- 6.3 The office of Chairman shall rotate between the employer representatives and the member representatives so that where the Chairman is an employer representative the next following Chairman shall be a member representative and vice-versa.
- 6.4 The Board shall elect a Vice-Chairman who shall, subject to 6.5 below, be either an employer representative or a member representative. The term of the Vice-Chairman shall be 2 years unless the Vice-Chairman resigns or is replaced by the Board.
- 6.5 Where the Chairman is an employer representative the Vice-Chairman shall be a member representative and vice-versa.

7. STANDARDS AND CONFLICTS OF INTERESTS

- 7.1 Members of the Board shall comply with the County Council's Code of Conduct for Councillors ("the Code"). Members of the Board who are not Councillors or officers of the County Council shall comply with any code of conduct applicable to their professional body and/or the organisation they represent ("the applicable code of conduct"), but if there is no applicable code of conduct or if the applicable code of conduct conflicts with the Code, then such members of the Board shall comply with the Code.
- 7.2 Members of the Board who are not elected Members of the County Council shall register their Disclosable Pecuniary Interests with the County Council's Monitoring Officer in accordance with the Code, the Localism Act 2011 and 4 Regulations made under the Localism Act 2011 as if they were elected members of the County Council.

8. KNOWLEDGE AND UNDERSTANDING

- 8.1 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 and the Regulations.
- 8.2 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 and Framework.
- 8.3 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 to carry out their role on the Board.

9. MEETINGS AND PROCEEDINGS OF THE BOARD

- 9.1 The Board shall hold at least 4 meetings each year. The Chairman of the Board, in consultation with the Board membership, may call additional meetings.
- 9.2 In the absence of the Chairman at a meeting of the Board, the Vice Chairman shall preside at the meeting. In the event that both the Chairman and Vice Chairman are absent then the Board will appoint another member of the Board who is either an employer representative or a member representative to preside at the meeting.
- 9.3 The quorum for a meeting of the Board shall be 50% of the total membership of the Board and must include an equal number of employer representatives and member representatives. No business shall be transacted if there is no quorum.
- 9.4 Substitute members will be permitted with the agreement of the Chairman, which may include that the meeting would be unlikely to be quorate unless substitution was permitted.
- 9.5 Where substitution is permitted the substitute member must be a formally appointed substitute employee member or formally nominated employer member of the Board
- 9.6. The Board shall keep minutes of the proceedings at meetings of the Board.
- 9.7 The agenda and reports for, and the minutes of, meetings of the Board shall be published on the County Council's website subject to the exclusion of any material, the disclosure of which would be likely to involve the disclosure of confidential or exempt information within the meaning of Part VA of and Schedule 12A to the Local Government Act 1972.
- 9.8 Board meetings shall be held in public subject to the right of the Board to exclude the public during particular items of business if, were they to be present, it is likely that there would be disclosure to them of confidential or

exempt information within the meaning of Part VA of and Schedule 12A to the Local Government Act 1972.

- 9.9 Subject to the provisions of the Act and the Regulations, and except where alternative or conflicting provision is lawfully made by this Constitution, meetings of the Board shall be in accordance with the County Council's Standing Orders for Regulatory and Other Committees as set out in Annex 12 of the Council's Constitution.
- 9.10 The operation of the Board shall be reviewed after the first year of operation.

10. INFORMATION

- 10.1 In accordance with Section 6 of the Act, the County Council shall publish information about the Board to include:
- a) The names of Board members;
 - b) The representation of employers and members on the Board;
 - c) The responsibilities of the Board.

11. EXPENSES AND ALLOWANCES

- 11.1 Members of the Board will be paid reasonable travel expenses and subsistence allowances in accordance with the County Council's Scheme for Member Allowances for the period in question.

* **Transitional Arrangements agreed at Council on 26 March 2019 regarding terms of office for members of the Board**

On 26 March 2019 Council agreed that rotation of Board membership would help address the issue of all Board Members (BMs) standing down at the same time. The appointment process for both Employer Board Members and Member Board Members will change with effect from 1 April 2019; where, for appointments of new BMs from 1 April 2019, half the BMs in each category will have terms of office expiring on 31 March 2021 and the other half terms of office expiring on 31 March 2023. Any BM appointed from 1 April 2021 or 1 April 2023 will be appointed for a full 4 year term. This will ensure rotation of Board Members. Existing BMs who will have served a 4 year term by 2019 and who are re-appointed following a selection process, will be appointed for a 2 year term expiring on 31 March 2021. Any new BM will be appointed for a 4 year term. If the process outlined above (applied separately to each category of BM) fails to produce the same number of BMs to be appointed for a 2 year term as are to be appointed for a 4 year term, then lots will be drawn to determine which BMs are to serve for 4 years and which for 2 years.