

## **Wiltshire Council**

### **Standards Committee**

**3 October 2024**

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### **Proposed Changes to the Constitution**

#### **Purpose of Report**

1. This report asks the Standards Committee to consider proposed changes to the following section of the Constitution:
  - Protocol 2 – Terms of Reference of the Wiltshire Pension Fund Committee and Local Pension Board
2. The Standards Committee is asked to make recommendations as it considers appropriate to Full Council, subject to agreement by the Wiltshire Pension Fund Committee.

#### **Background**

3. The Standards Committee has responsibility for oversight of the Council's constitution and making recommendations to Council.
4. The Standards Committee has established the Constitution Focus Group to review sections of the Constitution and present it with proposals to consider.
5. The Focus Group electronically considered the above section of the Constitution.
6. The Wiltshire Pension Fund Committee is a joint committee of Wiltshire Council and Swindon Borough Council. Wiltshire Council is the Administering Authority for purposes of the Pension Fund.

#### **Main Considerations**

7. The Wiltshire Pension Fund Committee terms of reference (Protocol 2a) was last updated in July 2020, along with the Governance Compliance Statement, introduced under the Local Government Pension Scheme Regulations 2008.
8. Since that time a number of operational practices have changed in the way the Fund is governed. In particular, the Committee resolved to make all substantive decisions at meetings of the whole committee, rather than exercise some functions through its established Investment Sub-Committee. Given the small size of the Committee with seven elected Members it was not considered necessary or appropriate for specific functions to be exercised by a Sub-Committee.
9. As a result, additional meetings of the Committee have been scheduled to accommodate the further business being determined.
10. Changes have been proposed to:
  - a) To remove all references to the Investment sub-Committee:

- b) To ensure that all activities in the former Investment sub-Committee's terms of reference are incorporated into the Committee's terms of reference;
- c) To reflect that the Committee meets more frequently under the new Committee meeting structure; And,
- d) Other minor changes for clarity.

11. A further review of both of the Protocol and the Governance Compliance Statement will take place to consider relevant changes arising from the introduction of the Regulator's new general code of practice and the awaited Scheme Advisory Board's good governance review, when it is published.

12. The Governance Compliance Statement is not a constitutional document, and so responsibility for it being updated lies with the Wiltshire Pension Fund Committee.

13. The Wiltshire Pension Fund Committee was updated on the proposals at its meeting on 19 September 2024 and was content for them to move forward.

### **Overview and Scrutiny Engagement**

14. The Constitution Focus Group includes a representative from Overview and Scrutiny.

### **Safeguarding Implications**

15. There are no safeguarding implications.

### **Public Health Implications**

16. There are no public health implications.

### **Procurement Implications**

17. There are no procurement implications.

### **Equalities Impact of the Proposal**

18. There are no equalities implications.

### **Environmental and Climate Change Considerations**

19. There are no environmental implications.

### **Workforce Implications**

20. There are no workforce implications.

### **Risks that may arise if the proposed decision is not taken**

21. The constitution would become increasingly out of date.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

22. No risks have been identified if the proposed actions are taken.

## **Financial Implications**

23. There are no financial implications.

## **Legal Implications**

24. There are no additional legal implications.

## **Options Considered**

25. Proposed changes could be delayed until further regulatory changes are enacted. However, this would leave the current constitution out of date from the current updated operations of the Committee.

## **Proposals**

26. That the Standards Committee:

Recommend that Full Council approve the proposed changes to Protocol 2 of the Constitution

**Perry Holmes - Director, Legal and Governance (and Monitoring Officer)**

**Jennifer Devine - Head of Wiltshire Pension Fund**

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## **Appendices:**

Appendix 1 – Committee Terms of Reference

Appendix 1b – Proposed Part 10 (tracked changes)

## **Background Papers**

None