

WILTSHIRE COUNCIL

WILTSHIRE PENSION FUND COMMITTEE

26 March 2020

Business continuity in response to COVID-19

Purpose of the Report

1. To consider the Fund's response to the current situation regarding COVID-19 and proposals to ensure its continued operation.

Background

1. The purpose of the Committee is to act on behalf of the Administering Body in its role as a scheme manager of the Scheme. In particular:
 - a) It will exercise the functions of the Council as administering authority under the Local Government Superannuation Acts and Regulations and deal with all matters relating thereto.
 - b) to have full decision-making responsibility on all aspects of the administration and management of the Pension Fund, ensuring that current and future pension liabilities are met through the investment of fund assets, delivery of fund performance & management of all risks;
 - c) to delegate to Pension Fund officers, the Local Pension Board, the Investment Sub-Committee, Advisers to the Scheme & other service areas within the Administering Authority whilst retaining responsibility, in order that the duties of the Committee are carried out in accordance with all relevant regulations & legislation;
 - d) the Committee shall work with the Board considering all their recommendations and determine any appropriate action(s) to be taken, or provide a reason to the Board for not enacting a recommendation made by them and;
 - e) maintain a business plan & other key Wiltshire Pension Fund documents such as the Governance Compliance Statement, Funding Strategy Statement and Investment Strategy Statement to facilitate the delegation to officers of key strategic functions of the Scheme.
2. In accordance with the Local Government Act 1972, local authorities are required to hold meetings to make decisions. It requires members to be physically present in order for a meeting to take place.
3. The Constitution, at present, makes insufficient delegation for decision-making in the event a meeting of the Wiltshire Pension Fund Committee cannot take place. As such, and in light of the current circumstances concerning COVID-19, a delegation to officers is deemed essential to the Fund's continued operation.

Considerations for the Committee

4. With the outbreak of COVID-19 and central government's current guidelines to the public it is possible that meetings of the Wiltshire Pension Fund Committee will be cancelled, or members and/or officers will be need to self-isolate and as such would be unable to attend a meeting in person. The Fund also needs to prepare for a potential 'lock down' situation during which all citizens are required to stay at home.

5. In such an event, the decision-making process as it stands would be ineffective since the Local Government Act 1972 requires local authorities to hold meetings in public to make decisions and meetings are only quorate when at least 25% of voting members are present, subject to a minimum of 3. A meeting that becomes inquorate may continue but any decisions will be non-binding.
6. The potential to hold meetings via digital platforms, such as Skype, has been considered, and central government has been lobbied to relax the Local Government Act 1972 legislation in relation to the requirement for physical attendance. A draft Coronavirus Bill has been published, however this does not include a relaxation of the requirement and therefore online meetings are currently not a possibility.
7. The Scheme of Sub-Delegation of the Director of Finance and Procurement is shown in Appendix 1. For the avoidance of doubt, the Director Finance and Procurement can make decisions on behalf of the Council within their areas of responsibility provided that that decision has not been specifically reserved to Full Council, a Committee or Cabinet.
8. In light of the beforementioned circumstances the following is proposed:

'To delegate to the Director of Finance and Procurement (or their nominated Deputy), to take all necessary decisions which would otherwise be taken by the Committee or Investment Sub Committee to manage the Wiltshire Pension Fund during any period in which the Committee is unable to meet to expedite its functions in a timely manner. Any decisions taken under this delegation will be made after consultation with the Chairman and Vice-Chairman and in advance of the decision being made where possible, and will be reported to the next formal meeting of the Committee. For the avoidance of doubt, this delegation applies to all matters within the remit of the committee, including administration and investment matters.'

As outlined in the delegation above, feedback will be sought from Committee members where possible in advance of a decision being taken by the Director of Finance and Procurement. Feedback will be sought electronically. The decision will be reported to the next public meeting of the Committee or Investment Sub Committee to ensure transparent reporting.

The Local Pension Board will also continue to have a role in reviewing the governance of the Fund during this period and will need to be assured that the delegation above is only being used where absolutely necessary. It is worth noting the Board is not constituted as a committee of the council under the Local Government Act 1972 and therefore can meet to form recommendations electronically.

Environmental Impact of the Proposal

9. There are no known implications at this time.

Financial Considerations & Risk Assessment

10. If the Fund is unable to make decisions, the budget and any potential additional expenditure will not be able to be authorised, which will impair the ability of the Fund to continue to operate and deliver core services. Additionally, any inability to make decisions regarding the investments could mean that the Fund is not able to respond to current market conditions, or fully implement the strategic asset allocation, which could lead to significant financial loss.

Legal Implications

11. Legal Services have been consulted in the development of this proposal.

Safeguarding Considerations/Public Health Implications/Equalities Impact

12. There are no known implications at this time.

Proposals

13. The Committee is asked to agree to the proposed delegation.

Andy Brown
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Unpublished documents relied upon in the production of this report: NONE