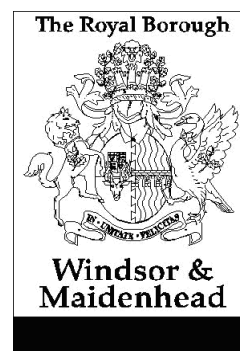


Report for: ACTION
Item Number: 5



Contains Confidential or Exempt Information	NO – Part I
Title	CONSTITUTION AMENDMENTS – LOCAL PENSIONS BOARD
Responsible Officer(s)	Nick Greenwood
Contact officer, job title and phone number	Nick Greenwood Pension Fund Manager 01628 796701
Member reporting	Councillor Lenton
For Consideration By	Constitution Sub-Committee
Date to be Considered	20 February 2015
Implementation Date if not Called In	n/a
Affected Wards	All
Keywords/Index	Constitution

Report Summary

1. This report sets out proposed amendments to the Constitution.
2. It recommends that Council consider and approves the proposed revisions.
3. These recommendations are being made as the Constitution needs to reflect the current best practice and other required amendments.
4. If adopted, there are no key financial implications for the Council.

If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
An up to date Constitution reflecting best practice will ensure democratic processes run efficiently and effectively, and ensure residents are informed of the correct processes.	From date of decision

1. Details of Recommendations

RECOMMENDATION: That the amendments to the Council’s Constitution as set out in Appendix A to the report be approved.

2. Reason for Recommendation(s) and Options Considered

2.1 The Constitution of the Royal Borough of Windsor and Maidenhead is a single point of reference which contains the principal operating structures and procedures of the authority. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. A full review of the Constitution was carried out in December 2012 and various changes have been made as required.

2.2 What amendments are requested to be made to the Constitution?

Amendments are recommended to Part 6 (Terms of Reference of all other Committees, Panels and Other Bodies of the Council) to recognise the formation of a Local Pensions Board as required by Regulation 106 of the Local Government Pension Scheme Regulations 2013. Terms of Reference are attached at Appendix A.

Option	Comments
1. Approve the changes to the Constitution Recommended Option	This will ensure that the Constitution is legally compliant and up to date with best practice.
2. Do not approve changes	The Constitution will not be up to date.

3. Key Implications

Defined Outcomes	Unmet	Met	Exceed	Significantly Exceeded	Date they should be delivered by
Amend the Constitution by the date set out.	Do not amend the Constitution by the date set out.	Amend by the date set out.	n/a	n/a	

4. Financial Details

a) Financial impact on the budget (mandatory)

There are no financial implications.

5. Legal Implications

The Constitution must be in compliance with the terms of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and Local Democracy, Economic Regeneration and Construction Act 2009, Localism Act 2010 and any other relevant statutory acts or guidance.

6. Value For Money

An updated Constitution will ensure the Council is less likely to be challenged on its procedures and processes.

7. Sustainability Impact Appraisal

There is no impact on sustainability objectives.

8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
There is a risk of challenge if the Constitution is not legally updated.	Constitution is not updated.	Constitution is regularly reviewed and updated.	Revised Constitution available on website.

9. Links to Strategic Objectives

The main links are to:

Residents First

- Work for safer and stronger communities

Value for Money

- Improve the use of technology

Delivering Together

- Enhanced Customer Services
- Deliver Effective Services

Equipping Ourselves for the Future

- Developing Our systems and Structures

10. Equalities, Human Rights and Community Cohesion

These amendments to the Constitution do not require a full EQIA. No negative impacts were identified.

11. Staffing/Workforce and Accommodation implications:

None.

12. Property and Assets

None.

13. Any other implications:

None.

14. Consultation

N/A

15. Timetable for Implementation

N/A

16. Appendices

N/A

17. Background Information

None

18. Consultation (Mandatory)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Burbage	Leader of the Council	10 Feb 2015	10 Feb 2015	
	Managing Director	10 Feb 2015		
Maria Lucas	Head of Legal Services	10 Feb 2015		
Andrew Brooker	Head of Finance	10 Feb 2015		
Cllr Lenton	Chair Pension Fund Panel	10 Feb 2015	10 Feb 2015	

Report History

Decision type:	Urgency item?
Non-key decision	No

Full name of report author	Job title	Full contact no:
Nick Greenwood	Pension Fund Manager	01628 796701

Recommended addition to Part 6 Section D Regulatory

D9 Local Pension Board

D9.1 Purpose

To assist the administering authority of The Royal County of Berkshire Pension Fund in securing compliance with the Local Government Pension Scheme Regulations, any other legislation relating to governance and administration of the Scheme and the requirements imposed by The Pensions Regulator including but not limited to:

- i) To challenge any failure to comply with the Scheme rules and associated legislation and any failure to meet the requirements and expectations of the Pensions Regulator;
- ii) To challenge any advice and guidance provided and to understand how that advice and guidance impacts on any decision for which the Board is legally responsible;
- iii) To monitor levels of performance of the administering authority and Scheme employers, review notices of unsatisfactory performance and determine what, if any, costs should be recovered by the Pension Fund where a failure to meet certain levels of performance have not been met;
- iv) To report breaches of the law to the Pensions Regulator where there is a reasonable cause to believe that a legal duty, which is relevant to the administration of the Scheme, has not been, or is not being, complied with as a result of which there is a likely material significance to the Pensions Regulator;
- v) Determine under what circumstances Scheme employers should be reported to the Pensions Regulator;
- vi) Keep under review the administering authority's communication policy with regard to Pension Scheme stakeholders;

D9.2 Membership

- Independent Chair
- 3 Employer Representatives
- 3 Scheme Member Representatives

N.B. A Member of the Berkshire Pension Fund Panel or Berkshire Pension Fund Advisory Panel is not eligible for membership of the Pensions Board neither are Royal Borough Officers who are involved with the administration or management of the Pension Fund.

D9.3 Quorum – 4 Members

D9.4 Frequency – Not less than bi-annually.