

REPORT TO:	Pension Committee 3 December 2021
SUBJECT:	Minute Taking at meetings of the Pension Committee and Pension Board
LEAD OFFICER:	Richard Ennis, Interim Corporate Director of Resources
WARDS:	All

SUMMARY OF REPORT: Following a request at the most recent Pension Committee meeting, this report provides Members with an opportunity to consider alternative provision for minute taking of Pension Committee and Pension Board meetings.

FINANCIAL IMPACT: Any costs arising from a decision to source external minute taking provision will be met from the Pension Fund.

RECOMMENDATIONS:

The Committee is recommended to:

- 1.1 Consider the report and determine if external minute taking services are required for the Pensions Committee and the Pension Board;
- 1.2 If the Committee determines that external minute taking services are required for either or both the Pension Committee and Pension Board, note that the Interim Corporate Director of Resources will procure such services for an initial period of twelve months, subject to recommendation 1.3 below, at which point the Committee will evaluate and review those arrangements; and
- 1.3 Consider the accompanying Part B paper that sets out the recommended budget for procuring such services.

1. BACKGROUND

- 1.1 Members of the Committee may be aware that the Council has been unable to meet its statutory requirements regarding the timely production of minutes since November 2020. This situation has been a consequence of several factors, including: the COVID 19 pandemic; the Council's financial position; now rescinded advice from the Council's External Auditors, Grant Thornton; and a number of staffing vacancies during that period.

- 1.2 The issue of the timely production of minutes has led to the Committee asking for alternative minute taking options to be explored for both the Pension Committee and the Pension Board.

2. ISSUES

- 2.1 The Pensions Regulations require the Council to provide both the Pensions Committee and the Pensions Board with the necessary resources to enable their efficient running.
- 2.2 The Council produces minutes to the standards required by statute, and this is detailed in full in report presented to the General Purposes and Audit Committee meeting held on the 16 September 2021 (see <https://democracy.croydon.gov.uk/documents/s32332/GPAC%20-%20Update%20on%20minute%20production%20v1.3.pdf>).
- 2.3 While the Council has taken a number of actions to clear its backlog of minutes of Council and Committee meetings, it remains unlikely that it will be able to meet its statutory requirements in relation to the timeliness of minutes until at least the 2022/23 financial year.
- 2.4 Some Members of the Committee have further highlighted the challenges facing staff that aren't experts on pension funds being required to produce appropriately detailed minutes that accurately capture the technical language of the considerations and advice that forms part of the Committee's deliberations.
- 2.5 To that end, it has been proposed that the Committee considers procuring specialist external minute taking services in order to:
 - i) ensure that minutes of meetings of the Pension Committee and Pension Board meet the statutory requirements regarding the timeliness of their production; and
 - ii) through the use of staff with greater expertise in pension funds, support the efficient production of minutes that more fully capture the nuances of the technical advice and considerations of the Committee and Board in taking decisions and making recommendations regarding the Fund.
- 2.6 If considering this option, there are a number of factors that the Committee should be cognisant of. These include:
 - i) That the cost of any additional provision, and that those costs will be met entirely from the Pension fund;
 - ii) That all clerking services, other than minute taking, will continue to be provided to the Pension Committee and Pension Board by Democratic Services on behalf of the Council;

- iii) That externally produced minutes will need to be produced in accordance with both the relevant statutory and constitutional provisions and will be subject to the same Access to Information requirements and approval processes as minutes produced by Council staff; and
- iv) That any such arrangement should be routinely reviewed.

2.7 Should the Committee be minded to pursue an external minute taking option for the Pension Committee and the Pension Board, then it is further recommended that the appropriate procurement processes be undertaken followed to purchase provision for a twelve month period, comprising of five meetings of both the Pension Committee and Pension Board.

3. CONSULTATION

3.1 Consultation has taken place with the Chair of the Pension Board, who supports the proposal on the basis that it would:

- i) Be a good investment in the work of the Pension Board and the Pension Committee; and
- ii) Support the move to “clear blue water” between the Pension Fund and the Authority.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

4.1 Please see the accompanying Part B report and for details of the recommended budget for procuring external minute taking services.

4.2 Any additional costs will be met from the Pension Fund.

5. LEGAL CONSIDERATIONS

5.1 The Head of Litigation and Corporate Law comments on behalf of the interim Director of Law and Governance that local government law requires the creation and subsequent keeping of minutes in relation to council meetings held in public together with their authentication. This specifically includes an obligation to make such minutes available for public inspection for a period of 6 years beginning with the date of the meeting under the Local Government Act 1972 section 100C.

5.2 Separately the Council's Constitution requires that a record is made of the decisions taken at every meeting of a Committee or Sub-Committee. The minutes shall also include a record of the Members in attendance, those absent and any apologies received.

- 5.3 The Constitution also provides that all minutes (except those prepared following a meeting of an Appointments Committee or Licensing Sub-Committee) shall be considered for approval at the next meeting of the Committee or Sub-Committee to which they relate and shall be open to question as to their accuracy before being signed.
- 5.4 The legal requirement to make available minutes for public inspection is also replicated in the Access to Information Procedure rules within the Council's Constitution.
- 5.5 Any procurement process undertaken must comply with all relevant procurement law and in particular the Tenders and Contract Regulations in the Council's Constitution.

Approved by Sandra Herbert, Head of Litigation and Corporate Law on behalf of the interim Director of Law and Governance & Deputy Monitoring Officer

6. HUMAN RESOURCES IMPACT

- 6.1 There are no human resources impacts, other than those described in the body of the report, for Croydon Council staff or employees.

(Approved by: Gillian Bevan, Head of HR, Resources and Assistant Chief Executives, on behalf of the Director of Human Resources)

7. DATA PROTECTION IMPLICATIONS

- 7.1 The recommendations in this report will not involve the processing of personal data.

CONTACT OFFICER:

Stephen Rowan, Head of Democratic Services and Scrutiny

APPENDICES TO THIS REPORT:

There are no appendices to this report.

BACKGROUND DOCUMENTS:

There are no unpublished documents on which this report is based.