

Article 11 - JOINT ARRANGEMENTS

11.1 Arrangements to Promote Wellbeing

The Cabinet, in order to promote the economic, social or environmental well-being of its area may:

- a. enter into arrangements or agreements with any person or body;
- b. co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- c. exercise on behalf of that person or body any functions of that person or body.

11.2 Joint Arrangements

- a. The Council may establish joint arrangements with one or more local authorities to exercise functions which are not Cabinet functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.
- b. The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

Except as set out below the Cabinet may only appoint Cabinet Members to a Joint Committee and those Councillors need not reflect the political composition of the Council as a whole.

The Cabinet may appoint Councillors to a Joint Committee from outside the Cabinet in the following circumstances:

- the Joint Committee has functions for only part of the area of the authority and that area is smaller than two fifth of the authority by areas or population. In such cases the Cabinet may appoint to the Joint Committee any Councillor who is a Councillor for a Ward which is wholly or partly contained within the area;
 - the Joint Committee is discharging a function in relation to five or more authorities;
 - the function which the Joint Committee is discharging is a function which is required by statute to be discharged by a Joint Committee;
 - political balance requirements do not apply to such appointments.
- c. Details of any joint arrangements including delegations to Joint Committees will be found in the Council's scheme of delegations in Appendix 1 of this Constitution.

11.3 Access to Information

The Access to Information Rules in Appendix 2 apply to Joint Arrangements.

11.4 Delegation to and from Other Local Authorities

- a. The Council may delegate functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- b. The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.
- c. The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting **except where it relates to pensions when it shall be reserved to Pensions Committee.**

DELEGATIONS/RESPONSIBILITIES FOR FUNCTIONS

10. DELEGATIONS TO THE PENSIONS COMMITTEE

- 10.1 To exercise all those functions of Wolverhampton City Council which are required to be performed by it in its role as Administering Authority for the Local Government Pension Scheme under the Public Service Pensions Act 2013 (and any associated legislation) adhering to the principles required by Statutory Guidance and the Code of Practice issued by the Pensions Regulator.
- 10.2 Under Section 4 of the Public Service Pensions Act 2013 the Scheme Manager for the Administering Authority shall be the Pensions Committee. The Administering Authority shall at Full Council every year approve the delegation of Scheme Manager under Section 101 of the Local Government Act 1972 to the Pensions Committee and appoint representatives to sit on the Committee for that year.
- 10.3 To exercise all the general powers and duties of the Council granted to the Cabinet and Cabinet Panels and Regulatory or other Committees provided that those parts of the Council's Financial Procedure Rules and Contracts Procedure Rules which relate to the acquisition and disposal of land, Fund Investment transactions, custody of assets, appointment of advisors, approval of expenditure and their related activities, shall not apply in relation to such acquisitions and disposals and expenditure in connection with the Pension Fund.
- 10.4 To ensure that equality issues are addressed in the development of policies and the provision of services and are appropriately monitored.
- 10.5 To ensure that consideration is given to the impact which the Committee's policies and provision of services have with regard to environmental matters.

10.6 PENSION COMMITTEE TERMS OF REFERENCE

- 10.6.1 The Council's financial procedure rules, contract procedure rules and internal financial limits concerning procurement do not relate to the Pensions Committee who, by delegation from Council, has authority to enter into contracts, procure services, purchase goods and manage financial investment through the internal controls of the West Midlands Pension Fund and in compliance with all applicable legislation.
- 10.6.2 The Pensions Committee may call upon the pension board to seek assistance on matters to be discussed at the committee meeting. Where such assistance is sought it must be considered as part of the decision making process.
- 10.6.3 Any reference within the Council's constitution that refers to Council or Cabinet and includes powers relevant to the work of the Pensions

Committee should be read to include Pensions Committee, including the setting of the Budget and Policy framework of the Fund.

10.6.4 The Pensions Committee shall adhere to the Standing Orders of Wolverhampton City Council and all matters of due process so far as they do not conflict with the preceding delegation.

10.6.5 Membership

10.6.5.1 The membership of the Pensions Committee shall consist of 10 Wolverhampton City Council members, 1 Elected Member from each of the 6 District Councils and 4 (non-voting) trade union representatives.

10.6.5.2 The quorum is 8

10.6.5.3 A substitution for any person appointed to the Pension Committee shall follow the Council's procedure

10.6.5.4 The term of office for a person appointed to the Committee shall be for a period no shorter than one year and no longer than eight years or their term of office (where the person is an elected Councillor, whichever is the shortest). This is to ensure a consistency of knowledge within the committee and to assist with the development of knowledge and experience.

10.6.5.5 Should an elected Councillor no longer be a member of their authority, their appointment on the Committee shall cease and a further nomination will be sought from that authority.

10.6.5.6 The Committee shall meet a minimum of quarterly

10.6.5.7 All persons appointed to the Committee will adhere to the Committee's code of conduct

10.6.5.8 Person's sitting on the Committee are expected to make themselves available to attend committee meetings. Person's who fail to attend 3 or more events (to include committees and training) will be asked to leave the committee and a replacement sought from their nominating body unless there are exceptional reasons for their failure to attend. Such reasons to be considered by the committee.

10.6.6 Chairing the committee

10.6.6.1 It will be the first business of the Committee at its annual meeting to receive nominations of a Chair and Vice Chair from Full Council who will sit for the term of one year.

10.6.6.2 In the event of a tie of votes of any business to be conducted, the Chair will have the casting vote. In the circumstances where the vote is to appoint a new Chair, the outgoing Chair will have the casting vote in the event of a tie.

10.6.7 Duties of the Pension Committee

10.6.7.1 The Pensions Committee to act as the Pension Scheme Manager for the Administering Authority in the management and administration of the local government pension scheme for the West Midlands.

10.6.7.2 To adhere to the principles set out in the Statutory Guidance and Codes of Practice issued by the Pensions Regulator and undertake its duties in compliance with the obligations imposed on it.

10.6.7.3 To provide independent assurance to members of the fund of the adequacy of the risk management framework and the associated control environment, responsible for the fund's financial and non-financial performance to the extent that it affects the fund's exposure to risk.

10.6.7.4 To administer all aspects of the West Midlands Pension Fund on behalf of Wolverhampton City Council.

10.6.7.5 To determine staffing structures, changes to vacant posts or the establishment of new posts and to receive reports on matters of staffing and employment of officers within the Fund.

10.6.7.6 To ensure that equality issues are addressed in the development of policies and the provision of services and are appropriately monitored.

10.6.7.7 To communicate with members of the fund keeping accurate records and publishing information as required about the fund and its work.

10.6.8 Training

In compliance with the requirements of the Public Service Pensions Act 2013 persons appointed to the Committee shall undertake at least 3 training sessions per year. The first training session will be organised within 28 days of their appointment to the Committee with subsequent training scheduled after 3 months of appointment and after 9 months of appointment.

10.7 Investment Advisory Sub-Committee

Under Section 101 the Pensions Committee has delegated responsibility for Investments to the Investment Advisory Sub-Committee.

All persons appointed to the Sub-Committee will adhere to the Committee's Code of Conduct.

10.7.1 Membership

10.7.1.1 The membership of the Sub committee shall be drawn from the Pensions Committee in proportionate numbers

10.7.1.2 The quorum shall be 5

10.7.1.3 The substitute for any persons appointed to the Sub Committee shall follow the Council's procedure

10.7.1.4 The Sub Committee shall meet a minimum of quarterly

10.7.1.5 In compliance with the legislative requirements of knowledge and understanding, person's appointed to the Committee are expected to make themselves available to attend committee meetings. Person's appointed who fail to attend 3 or more events (to include committees and training) will be asked to leave the committee and a replacement sought from their nominating body unless there are exceptional reasons for their failure to attend. Such reasons to be considered by the committee.

10.7.2 Chair

10.7.2.1 It will be the first business of the Sub Committee at its annual review to nominate a Chair who will sit for the term of one year.

10.7.2.2 In the event of a tie of votes of any business to be conducted, the Chair will have the casting vote. In the circumstances where the vote is to appoint a new Chair, the outgoing Chair will have the casting vote in the event of a tie.

10.7.3 Role

10.7.3.1 To advise on the establishing of policies in relation to investment management including the appointment and approval of terms of reference of independent advisers to the Fund.

10.7.3.2 To monitor investment activity and the performance of the Fund.

10.7.3.3 To oversee the administrative and investment management functions of the Pension Fund.

10.8 DELEGATIONS TO THE PENSION BOARD

10.8.1 The Pension Board is to conduct the duties imposed on it under Section 5 of the 2013 Act and associated legislation together with those duties outlined in the Statutory Guidance.

10.8.2 To adhere to the Codes of Practice issued by the Pension Regulator.

10.8.3 To assist the Pension Committee, as Scheme Manager, in securing compliance with the legislation relating to the governance and administration of the fund.

10.8.4 Undertake any other duties imposed by the Pension Committee from time to time.

10.8.5 The Pension Board is not a decision making body.

10.8.6 The Pension Board is not a scrutiny function.

10.8.7 The Pension Board will be collectively and individually accountable to the Pensions Committee.

10.8.8 The Pensions Board shall adhere to the Standing Orders of Wolverhampton City Council and all matters of due process so far as they do not conflict with the business of the board.

10.8.1 Pension Board Terms of Reference

10.8.1.1 All persons appointed to the Board will adhere to the Committee's Code of Conduct, including the duty to report conflicts and undertake training as required to ensure they meet the legislative requirement to have the knowledge and understanding required of them to undertake their role.

10.8.1.2 While not a formal committee of Council, meetings of the pension board will be formal occasions to be minuted adhering to the due process and rules of procedure so far as such do not make the business of the board unviable. Business to be conducted by the Pension Board shall be noted on a formal Agenda at least five working days in advance of the meeting. Additional business may be added to the Agenda at a later date with the consent of the Chair. Business not noted on the Agenda may only be considered at the meeting if agreed

by majority vote. This is to ensure all information is available and has been read and understood by pension board members.

10.8.1.3 The Pensions Board shall meet a minimum of twice yearly on a bi-annual basis. The ability to call additional meetings rests with the board and with pensions committee, such additional meetings to meet the minimum quorum requirement.

10.8.1.4 Persons appointed to the pensions board have the same right of access to information and documents to be considered as elected members as outlined in the The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and the The Openness of Local Government Bodies Regulations 2014. Save as all other provisions of these regulations do not apply to the pension board.

10.8.1.5 The Pension Board shall have the reporting obligations as set out in the Fund's 'Pension Board Reporting Policy'.

10.8.1.6 The Pension Board shall adhere to the operational policies of the Fund.

10.8.2 Membership

10.8.2.1 The Pensions Board consists of 12 persons made up of 5 employer and 5 member representatives in equal proportion plus 2 Wolverhampton City Council Elected Members. The employer and member representatives will hold the majority.

10.8.2.2 Recruitment to the board will follow the Fund's 'Pension Board recruitment policy'

10.8.2.3 The quorum is 7

10.8.2.4 Substitutions for the Pension Board shall be available by representative group not by individual board member. Substitutions will be sought as part of the appointing process. Where substitutions are required to attend the pension board meetings, formal notice of their attendance should be provided to the Fund at least two working days in advance of the meeting to afford the opportunity of papers to be circulated and read.

10.8.2.5 The term of office for a person appointed to the Pension Board shall be for a period no shorter than one year and no longer than two rotations of nominations or their term of office (where the person is an elected Councillor, whichever is the shortest). Nomination to the Pension Board shall take a 4 year rotation with one third nominations received in year 2 and one third nominations received in year 4, and so on.

Such rotation not to fall in the same year as Pension Committee rotation. This is to ensure a consistency of knowledge within the Pension Board and to assist with the development of knowledge and experience.

- 10.8.2.6 Nominations to the pensions board will be sought from the nominating body group on each occasion as the rotation for appointment arises. Where more than one nomination is received interviews for the vacant position will be held by the Director of Pensions, the Chair of Pensions Committee and one other.
- 10.8.2.7 Person's appointed to the Pensions Board are expected to make themselves available to attend meetings. Person's appointed who fail to attend 3 or more events (to include meetings and training) will be asked to leave the Board and a replacement sought from their nominating body unless there are exceptional reasons for their failure to attend. Such reasons to be considered by the pensions board.
- 10.8.2.8 Other than by ceasing to be eligible to sit on the pensions board (to include failure to attend meetings), a person appointed to the pensions board may only be removed from the position during their term of office by majority vote of the pensions board.
- 10.8.2.9 A person appointed to the pensions board may retire their position at any time. In such cases a nomination will be sought from their nominating body.

10.8.3 Chairing the Board

- 10.8.3.1 It shall be the first business of the Board at its annual meeting to nominate a Chair and a Vice-Chair for that year
- 10.8.3.2 In the event of a tie of votes of any business to be conducted, the Chair will have the casting vote. In circumstances where the vote is to appoint a new Chair, the outgoing Chair will have the casting vote in the event of a tie.

10.8.4 Information

- 10.8.4.1 Information relating to the work of the pension board (including any relevant minutes) will be published on the fund's website, save where such information is confidential or exempt under Schedule 12A.

10.8.4.2 Information detailing the pensions boards terms of reference shall be published on the fund's website together with the any vacancies as they arise.

G Delegations to the Director of Pensions

Function	Limits or restriction on delegation
West Midlands Pension Fund	
G1 The administrative management of matters in connection with the Council's role as administering authority for the West Midlands Pension Fund.	In accordance with the statutory provisions and any determinations of the Pensions Committee.
G2 The investment and general management of the Fund in accordance with the Pensions Committee's investment strategy set out in its policy statement.	In accordance with the statutory provisions and any determinations of the Pensions Committee.
G3 To provide services to the West Midlands Integrated Transport Authority Pension Fund.	In accordance with the agreement between the Council and the ITA.
<p data-bbox="181 1579 858 1724">G4 The general delegations to Strategic Directors as they relate to the Council's role as administering body and to the following</p> <p data-bbox="272 1758 858 1803">4.1 Financial Administration</p> <p data-bbox="272 1870 858 1915">4.2 Contracts and tendering</p> <p data-bbox="272 1982 858 2016">4.3 Management of Human Resources</p>	<p data-bbox="948 1758 1377 1832">In accordance with the Fund's Financial Procedure Rules</p> <p data-bbox="948 1870 1377 1944">In accordance with the Fund's Contract Procedure Rules</p> <p data-bbox="948 1982 1377 2016">In accordance with the Fund's</p>

4.4 Day to day administration and operational management

employee and staffing schedule and only for Fund staff

In accordance with the Constitution and any specific restrictions or limitations imposed.

4.5 Management of operational land and premises used for service delivery

In accordance with the Fund's financial and contract procedure rules

4.6 Compliance with the Health and Safety at Work etc Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

In accordance with the Council's Health and Safety policies and procedures.

4.7 Compliance with the Council's equal opportunities policy and relevant legislation

In accordance with the Council's equal opportunities policies and procedures.

4.8 Compliance with the Human Rights Act 1998

4.9 Compliance with the Data Protection Act and the Freedom of Information Act 2000.

4.10 To maintain written delegations for employee responsibility for their Business Units.