

6. Terms of Reference of Committees and Boards

Appointment of Committees/Terms of Office

Full Council appoints the Regulatory committees and advisory boards listed below to undertake a range of Non-Executive functions of the council.

Full Council determines the number and terms of reference and allocates the number of places on each committee to each political group. The political groups nominate the councillors to serve on committees or sub-committees.

Councillors, once confirmed as members of a committee or sub-committee, continue to hold office until they:

- (a) resign
- (b) cease to be members of the council (unless re-elected for a further term)
- (c) are removed from membership by the council or their political group

Once appointed, committees continue in office until the council appoints a successor committee or resolves the committee ceases.

Appeals Committee (10 members)

The Appeals Committee is established under s.102 of the Local Government Act 1972 to determine appeals against decisions of the council in relation to the following functions where the law, or council policy, requires the appeal to be determined by elected councillors:

- Awards
- School Transport, Curriculum Complaints, Adoption and Fostering Registration of Homes
- Housing Benefit and Council Tax
- Business Rate Hardship
- Rights of Way Orders and Highway Orders
- Tree Preservation Orders
- Approval of premises for marriage and civil partnership ceremonies
- When not dealt with by the Monitoring Officer under delegated powers, to consider dispensations from the restrictions to participate in a matter where a councillor has a Disclosable Pecuniary Interest
- Consideration of an investigating officer's report where a councillor is alleged to have breached the Member Code of Conduct
- Any other function involving an appeal process not specifically delegated elsewhere in this Constitution, or by the law, where no other delegation exists

The Appeals Committee oversees arrangements, including the appointment of the pool of councillors from which independent appeal panels are selected by the clerk to the Independent Education Appeals Panel, for school exclusions, admissions and special education needs appeals.

The Appeals Committee has the power to hear any appeal by a Governance Statutory Chief Officer against any action taken short of dismissal and to take any decision either to confirm the action or to impose no sanction or a lesser sanction and any other power reasonably required to undertake its role in relation to a Governance Statutory Chief Officer.

Appeals Sub-Committee (3 members)

The Appeals Committee may appoint a sub-committee to undertake the above functions, comprising any three councillors drawn from the main committee and the quorum is three, except any matter relating to any Governance Statutory Chief Officer.

Where the Appeals Committee or Sub-Committee is determining a Code of Conduct investigation into the conduct of a town or parish councillor, it shall also comprise a non-voting co-opted Town or Parish Councillor from another council, who is not a serving Isle of Wight Council councillor and does not have a conflict of interest.

Appointments and Employment Committee (6 members)

The Appointments and Employment Committee comprises six elected councillors, including the Cabinet member relevant to the post under consideration. The chairman of the committee is the Executive Leader. The Chief Executive and/or the Director of Corporate Services attend in an advisory capacity (except where their own role is being discussed).

The committee is responsible for:

- (a) the appointment of a Governance Statutory Chief Officer or a Director
- (b) making recommendations to Full Council for appointment to the Independent Remuneration Panel
- (c) hearing and determining any appeal against dismissal by any employee (except by any Governance Statutory Chief Officer)

All other officer appointment, capability or disciplinary decisions and appeals are the responsibility of the Chief Executive or an officer of the council nominated by them; members are not permitted to be involved in these decisions.

All appointments by the committee must be:

- (a) made on merit
- (b) subject to a job summary
- (c) subject to appropriate advertisement where the appointment is not an internal process

No offer of appointment of a Governance Statutory Chief Officer or Director or notice of dismissal (including by reason of redundancy) of a Director (who is not a Governance Statutory Chief Officer) shall be made until the proposed appointment or dismissal has been notified to the Cabinet and that either:

- (a) within the period specified in the notification no objection has been made by the Leader on behalf of the Cabinet; or
- (b) the committee is satisfied that any objection made is not material or well-founded

Where the committee proposes to appoint a Governance Statutory Chief Officer, a recommendation must be made to Full Council for approval prior to an offer of appointment being made.

Appointments Sub-Committee (3 members + 2 independents)

Any grievance or appeal against a notice of dismissal, suspension, or issue of capability of a Governance Statutory Chief Officer or a Director is considered by a sub-committee of the Appointments Committee, comprising three members who have not had any prior involvement in consideration of the case. Where necessary, members can be drawn from the wider membership.

The membership shall also include two independent persons when dealing with action in respect of a Governance Statutory Chief Officer.

Audit Committee (7 members)

The role of the Audit Committee is to:

- (a) ensure delivery of value for money
- (b) ensure there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted
- (c) review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit
- (d) provide assurance of the adequacy of the Risk Management Framework and associated control environment, including scrutiny of the council's financial and non-financial performance to the extent that it affects the council's exposure to risk and weakens the control environment
- (e) Contribute to the development of, and approve, the annual internal audit plan, ensuring that it appropriately reflects the council's risk profile
- (f) Consider periodic reports on the performance of internal audit
- (g) Consider the Head of Internal Audit's annual report and opinion and the level of assurance given against the Annual Governance Statement published with the Annual Accounts and ensure that it properly reflects the council's risk environment
- (h) Monitor progress towards addressing issues identified in the Annual Governance Statement
- (i) Consider the effectiveness of the council's arrangements for risk management, corporate procurement and corporate governance
- (j) Consider the effectiveness of the council's anti-fraud and corruption strategies and 'whistle-blowing' and anti-money laundering policies
- (k) Consider and approve changes to the council's financial regulations and contract standing orders
- (l) Review the annual Treasury Management Strategy and consider reports on the activities of the treasury management function
- (m) Consider reports on the progress of the property investment fund to monitor progress against the commercial property acquisition strategy, including the total income that has or will be accrued by the council
- (n) Review and approve the council's Annual Accounts, including those of the council's pension fund, and in particular that appropriate accounting policies have been followed, and where there are concerns arising from the accounts that these are appropriately addressed and/or brought to the attention of the Cabinet or Full Council
- (o) Review and monitor actions arising from the committee's review of the accounts or the external auditor's annual governance report
- (p) Commission enquiries into appropriate issues referred to it by the Head of Paid Service, Chief Finance Officer, internal audit or external audit
- (q) Commission and submit reports directly to Cabinet and/or Full Council, as necessary
- (r) Consideration of proposals to revise the Constitution and to make recommendations to the Full Council

The committee comprises seven elected councillors. Additionally, two independent non-voting co-opted members may be appointed on the basis of their skill, knowledge, qualification and experience relevant to the role of the committee.

Councillors nominated by group leaders should wherever possible have a background in accounting or financial control or be able to demonstrate a commitment to and interest in the finances of the council. Audit Committee members should ideally not be Cabinet members or ideally not members of a Scrutiny committee due to potential conflicts of interest. The quorum is three elected councillors – see Part 2 Section 8.

The chairman is appointed on an annual basis by Full Council. In the absence of the chairman at the meeting, a chairman for the meeting shall be elected from the committee membership.

Harbour Committee (7 members)

The Harbour Committee is established to advise the Council, Cabinet, and Senior Harbour Master about issues relating to the Harbours in accordance with the requirements of the Port Marine Safety Code (“PMSC”) and Health & Safety at Work legislation.

Its role is to improve, develop maintain and manage Newport (as defined in the Newport Harbour Revision Order 1988), Ventnor and Ryde Harbours (“the Harbours”) for the benefit of users, including residents, visitors and businesses, and to balance the commercial outlook by conserving and protecting the estuarine and marine environments.

The key objectives of the Harbour Committee are as follows:

- (a) Act as the Duty Holder and manage the Harbours in accordance with the PMSC
- (b) Achieve financial self-sufficiency, as far as reasonably practicable
- (c) Ensure effective maintenance and development of the Harbours’ infrastructure
- (d) Support for the local economies
- (e) Ensure the Harbours contribute to the character and attraction of the surrounding areas, as far as practicable
- (f) Ensure that the Harbours are compliant with legal and regulatory requirements
- (g) Oversee achievement of environmental considerations
- (h) Oversee open and transparent governance
- (i) Ensure the appropriate development of staff
- (j) Consider issues of risk management within the Harbours

The Harbour Committee will conduct operations in accordance with the powers granted to the Council as a Harbour Authority, including:

- (a) Develop strategic business plans for the Harbours for approval by Full Council
- (b) Make operational decisions based on advice from the Senior Harbour Master, the Designated Person, User Groups and other officers with specialist knowledge of the Harbours
- (c) Monitor and analyse performance against the budget and other performance indicators
- (d) Maintain separate accounts to demonstrate the Harbours’ commercial viability, including recommending charges and subsidies for annual approval by Full Council as part of the Medium-Term Budget Strategy
- (e) Monitor and review all matters relating to Harbour land and property in accordance with policies laid down by the Council, including overseeing contracts for harbour related services

The following functions are outside the Harbour Committee's powers and are reserved to Full Council. The Harbour Committee may, however, make recommendations to Council concerning these matters:

- (a) Amendments to governance arrangements (e.g. changes to the Harbour Committee's terms of reference and membership)
- (b) Approving and adopting budgets
- (c) Appointing the chairman of the Harbour Committee
- (d) Adopting or amending policies, plans and strategies (e.g. the Harbour Revision Order, General Directions or the Harbours strategic business plan)
- (e) To borrow money
- (f) To make, amend, revoke or adopt bylaws

The Harbour Committee comprises of up to five elected councillors, including:

- (a) Cabinet member for Resources
- (b) Cabinet member for Infrastructure and Transport
- (c) Cabinet member for Environment and Heritage

Two further elected councillors may be co-opted as and when required.

Meetings are chaired by the Cabinet member for Infrastructure and Transport.

Officers will be requested to attend as required; typically:

- (a) Assistant Director for Neighbourhoods
- (b) Strategic Manager for Commercial Services
- (c) Leisure Facilities Manager
- (d) Senior Harbour Master

In addition, the Designated Person may be invited to attend and advise on marine related issues.

The quorum of the Harbour Committee is 3 councillors and meets at least quarterly. Agendas will be issued a minimum of three working days before the meeting will include as a minimum:

- (a) Review of actions from previous meeting
- (b) Update on operational issues
- (c) Update on health and safety works
- (d) Senior Harbour Master's report on activities
- (e) Update on progress towards full compliance with the PMSC (Get-Well programme)
- (f) Finance report
- (g) Feedback from User Groups

Independent Panel (3 independent persons)

The council appoints the Independent Panel with a membership of three independent members appointed under section 28 (7) of the Localism Act 2011 to perform the following functions:

- (a) To review the recommendation of the Investigating and Disciplinary Committee (IDC) to dismiss any Governance Statutory Officer
- (b) To give any advice, views and recommendations it may have to the Full Council on any proposal to dismiss a Governance Statutory Officer.

Investigatory and Disciplinary Committee (5 members)

The council appoints the Investigatory and Disciplinary Committee to perform functions in relation to any Governance Statutory Chief Officer where an allegation is made relating to their conduct or their capability or there is some other substantial issue that requires investigation.

The membership of the Investigatory and Disciplinary Committee shall be 5 elected councillors of the council (including one cabinet member) who are not members of the Appeals Committee.

The Investigating and Disciplinary Committee has the following specific functions:

- (a) the power to determine whether a full investigation should take place, and if so, the power and obligation to appoint an independent investigator (usually from a list held by the National Joint Secretaries)
- (b) the power to suspend a Governance Statutory Chief Officer for a specific period of time, with the obligation to review the continuance of any such suspension if it has been in place for two months
- (c) the power to hold a hearing and to determine whether there will be a recommendation to the Full Council to dismiss the particular Governance Statutory Chief Officer, whether there is no case to answer or whether there should be action short of dismissal
- (d) to exercise any other power reasonably required to undertake its role (including the power to appoint external advisers as appropriate, and the power to take disciplinary action short of dismissal).

Licensing Committee (11 members)

The council appoints the Licensing Committee to perform the following two discrete statutory functions:

- (a) To deal with applications or appeals relating to the licensing, grant of consent or permission under the Licensing Act 2003 and Gambling Act 2005 (i.e. not under s.101 Local Government Act 1972).
- (b) Under s.101 of the Local Government Act 1972, to deal with applications or appeals relating to the licensing or grant of consent or permission contained within the list set out below, where:
 - (i) the law or council policy requires the decision to be taken by elected councillors; or
 - (ii) an officer with delegated powers declines to exercise those powers; or
 - (iii) it is not otherwise specifically delegated to another part of the council

The Licensing Committee comprises the same elected councillors (and chairman) in respect of each function.

The Licensing Committee determines licensing functions, including the grant, renewal, refusal, revocation, variation, cancellation, imposition of conditions (and appeals against any such action) and determination of reviews in relation to the following regulated activities:

- Acupuncture, Tattooing, Ear piercing and Electrolysis
- Caravan sites
- Dangerous wild animals
- Rag flock and other filling materials
- Guard dogs
- Pet shops
- Breeding of dogs
- Game licenses
- House-to-house collections
- Pleasure boats and boatmen
- Zoos
- Sunday trading

- Regulation of street collections and street trading
- Animal boarding establishments
- Riding establishments
- Sex establishments
- Open air events under the Isle of Wight Act
- Sports grounds
- Scrap metal dealers
- Poisons and explosives
- Performing animals
- Hackney carriages and private hire vehicles
- Movement of animals
- Any other registration or licensing function not specifically delegated elsewhere in this Constitution, or by the law

The Licensing Committee also undertakes the functions set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Order 2000 (generally, those functions which are not to be carried out by the Cabinet save where these functions are carried out by Full Council, another committee or have been delegated to officers).

Licensing Sub-Committee (3 members)

The Licensing Committees appoint a sub-committee (known as the Licensing Sub-Committee) to carry out the above functions, unless the following criteria apply:

- (a) large events where the expected number of attendees, staff and performers will exceed 5,000 persons at any one time
- (b) applications or reviews where the sub-committee decides that the matter requires consideration by the full committee
- (c) applications or reviews which, in the opinion of the Director of Neighbourhoods in consultation with the chairman of the committee, should be considered by the full committee

The sub-committee may also deal with any other functions of the committee that require a decision on a grant, renewal, refusal, revocation, review, variation, cancellation, or imposition of conditions (and appeals against any such action) and any other appeals within the remit of the committee.

The sub-committee comprises three councillors drawn from the main committee and the quorum is three.

Pension Fund Committee (7 members and 1 non-voting employee representative and 1 non-voting employer representative)

The Isle of Wight Council is the Administering Authority of the Isle of Wight Council Pension Fund under the Local Government Pension Scheme (LGPS) Regulations and ss.7, 12 and 24 of the Superannuation Act 1972.

The Isle of Wight Pension Fund Committee carries out the council's statutory functions as Scheme Manager of the Isle of Wight Council Pension Fund under the above regulations. This includes responsibility for setting the strategic direction of the Isle of Wight Pension Fund, its implementation and its delivery, including:

- (a) Maintaining appropriate accounting records, including:
 - (i) collecting and accounting for employer/employee contributions and transfer values
 - (ii) paying and accounting for pension benefits and transfer values.

- (iii) investing monies not required for payment benefits, transfers and administration costs
 - (iv) monitoring budgets for the fund ensuring there is adequate budgetary control
- (b) Maintaining member records, including:
 - (i) setting up, administering and managing individual member records
 - (ii) regularly evaluating the completeness and accuracy of these records
- (c) Managing the fund valuation process, including:
 - (i) reviewing and acting on actuarial valuations
 - (ii) ensuring cash is available to meet the fund's future liabilities
- (d) Managing the investment strategy of the fund, including:
 - (i) agreeing asset allocation strategies following asset liability modelling and a policy for investment in different assets with the investment managers
 - (ii) agreeing a rebalancing strategy between different portfolios when asset allocations change due to different market movements of different sectors
 - (iii) regularly reviewing investment managers' performance and expertise against agreed benchmarks and determining any action required
 - (iv) ensuring that the fund investments are sufficiently diversified and that the fund is investing in suitable investments
 - (v) ensuring all investment activity complies with the requirements of current regulations and best practice
- (e) Preparing and maintaining the statutory statements, including:
 - (i) investment strategy statement
 - (ii) funding strategy statement
 - (iii) communications strategy
 - (iv) governance policy
- (f) Managing communications with employers, members and pensioners, including:
 - (i) ensuring communications are accurate, clear and accessible
 - (ii) ensuring employers understand the information they are required to provide
 - (iii) providing accurate and timely information to members to inform options for retirement planning
 - (iv) providing annual benefit statements within the statutory timetable
 - (v) providing assistance to employers on the pension implications of outsourcing services and on dealing with bulk transfers of pension rights
- (g) Monitoring and managing all aspects of the fund's performance, including:
 - (i) appointing and regularly monitoring the performance of investment managers, a fund actuary, custodian and professional advisors
 - (ii) appointing an additional voluntary contribution provider
 - (iii) agreeing and monitoring key performance indicators for all areas of fund administration, management and governance
- (h) Establishing and operating internal controls to administer and manage the scheme in accordance with the scheme rules, the law and the Pensions Regulator's Code of Practice on Governance and Administration of Public Service Pension Schemes
- (i) Exercising all discretionary functions as Scheme Manager for the local government pension scheme
- (j) Additional functions include:
 - (i) providing the Pensions Regulator with an annual return of the fund's registerable information and keeping that information up to date

- (ii) establishing and operating adequate internal controls to allow risks to be identified, evaluated and managed
 - (iii) ensuring that Pension Board members do not have a conflict of interest
 - (iv) operating arrangements which comply with legal requirements resolving internal disputes with members and others
 - (v) establishing adequate procedures that enable breaches to be considered and reported
- (k) Arranging the necessary training for members of both the Pension Fund Committee and the Local Pension Board to acquire and maintain the appropriate level of expertise, knowledge and skills as set out in the CIPFA Pensions Finance Knowledge and Skills Framework, including:
- (i) pensions legislative and governance framework
 - (ii) pensions accounting and auditing standards
 - (iii) financial services procurement and relationship management
 - (iv) investment performance and risk management
 - (v) financial markets and product knowledge
 - (vi) actuarial methods, standards and practices
- (l) Developing, in conjunction with the Isle of Wight Pension Board, a work programme for both Pension Fund Committee and the Pension Board, to ensure the appropriate standards of governance and administration of the scheme are maintained
- (m) Publishing information about the Pension Board, including:
- (i) who the Board members are, their employment and job title, who they represent and their specific roles and responsibilities
 - (ii) the Board appointment process
 - (iii) the Board's terms of reference
 - (iv) Board papers, agendas and minutes of meetings (redacted to the extent that they contain confidential information and/or data covered by the Data Protection Act 2018)

The above list may be changed at any time should the underlying regulations be amended.

The committee comprises seven elected councillors. In addition, there is one non-voting employee representative nominated by a recognised trades union and one non-voting representative nominated by external employers of the fund.

The committee meets quarterly, but additional formal meetings may be arranged with the approval of the chairman, if required. Informal meetings may be held for training and development purposes, to which members of the Isle of Wight Local Pension Board, and the Chief Finance Officer will be invited.

Committee members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Committee.

Local Pension Board (4-8 members plus an independent chairman)

1. Establishment

- 1.1 The Isle of Wight Council is the Administering Authority and Scheme Manager for the Isle of Wight Council Pension Fund, part of the Local Government Pension Scheme, as defined in s.4 of the Public Service Pensions Act 2013 ('the Act').

- 1.2 It has established the Local Pension Board ('the Board') under s.5 of the Act and regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended), and the Board operates independently of the Pension Fund Committee
- 1.3 The Board is not a committee constituted under s.102 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub- committees or officers under the Constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board unless expressly provided.
- 1.4 The Board is accountable to the Scheme Manager and the Pensions Regulator.

2. ***Responsibility and Role of the Board***

- 2.1 The responsibility of the Board, as defined by sections 5(1) and (2) of the Act, is to assist the Administering Authority as Scheme Manager in ensuring the effective and efficient governance and administration of the Local Government Pension Scheme (LGPS) including:
 - (a) securing compliance with the LGPS regulations and any other legislation relating to the governance and administration of the LGPS;
 - (b) securing compliance with requirements imposed in relation to the LGPS by the Pensions Regulator; and
 - (c) such other matters as the LGPS regulations may specify.
- 2.2 The Administering Authority retains ultimate responsibility for the administration and governance of the scheme.
- 2.3 The role of the Board is to support the Administering Authority to fulfil that responsibility and secure compliance with any requirements imposed by the Pensions Regulator.
- 2.4 In its role, the Board will have oversight of the administration and governance of the Fund including:
 - (a) the direction of the Fund and its overall objectives;
 - (b) the administration of benefits and contributions.
- 2.5 The activity of the Board can also include:
 - (a) reviewing the Fund's governance and policy documents, for adoption by pension committee;
 - (b) reviewing compliance with the Fund's governance and policy documents;
 - (c) reviewing the administrative programme of the Fund as part of the Fund's annual report;
 - (d) reviewing ACCESS pooling as part of the Fund's annual report;
 - (e) reviewing the ongoing arrangements for the training of Board members;
 - (f) reviewing the Fund's Risk Register, for approval by pension committee;
 - (g) reviewing audit and assurance reports; and
 - (h) reviewing the Fund's website and other communication methods.

3. Membership, Eligibility, Nominations, and Appointments

3.1 The Administering Authority shall determine its membership.

Minimum and Maximum Numbers and Types of Board membership

3.2 The Board shall consist of a minimum of four members and a maximum of eight members plus an independent chairman

3.3 No substitute members are permitted.

3.4 It is constituted with an equal number of employer representatives and scheme member representatives as follows:

- (a) Minimum of two, maximum of four, employer representatives
- (b) Minimum of two, maximum of four, scheme member representatives

Employer representatives

3.5 For the minimum membership size of four members (plus an independent chairman), one of the employer representatives shall be an elected member of the council. The other employer representative will be selected for nomination by the other employers of the Fund using the following process:

- (a) the Scheme Manager will seek nominations from all external employers
- (b) candidates will provide short biographies
- (c) employers will be asked to select their preferred candidate
- (d) the Administering Authority shall determine which candidate to appoint.

3.6 Should the total number of members increase, additional employer representatives will initially be sought from the council but may also be sought from the external employers of the Fund.

3.7 The Administering Authority must be satisfied that a person to be appointed to the Local Pension Board as an employer representative has the capacity to represent all employers.

3.8 No officer or elected member of the Administering Authority who is responsible for the discharge of any function of the Administering Authority under the Regulations may serve as a member of the Board. Board representatives must therefore not be members of the Pension Fund Committee.

3.9 Where an employer representative vacancy occurs the Administering Authority shall seek to appoint a replacement as soon as practicable.

Scheme representatives

3.10 One of the scheme member representatives shall be nominated by a recognised trade union, which is responsible for arranging its own nomination of a suitable candidate, representing both active and retired members. If more than one nomination is received from two or more recognised trade unions, all such nominations shall be put forward for the Administering Authority to determine who to appoint to such a vacancy.

3.11 For all other scheme member representatives, the council will undertake a selection process by requesting expressions of interest from all active, deferred and retired members, with nominations put forward for the Administering Authority to determine who to appoint.

- 3.12 The Administering Authority must be satisfied that a person to be appointed to the Local Pension Board as a scheme member representative has the capacity to represent all scheme members.
- 3.13 Where a scheme representative vacancy occurs the Administering Authority shall seek to appoint a replacement as soon as practicable.

Independent chairman

- 3.14 There shall also be an independent chairman, appointed by the Administering Authority.
- 3.15 The chairman must have no pre-existing employment, financial or other material interest in either the Administering Authority or any scheme employer, nor be a member of the Isle of Wight Council Pension Fund. Such a chairman has no right to vote.
- 3.16 Where a vacancy occurs for the independent chairman position, the Administering Authority shall seek to appoint a replacement as soon as practicable.

Vice-chairman

- 3.17 The Board may appoint a vice-chairman on an annual basis from amongst its own number or in-year should a vacancy arise.
- 3.18 In the event that neither the chairman nor the vice-chairman are present, the Board members present may appoint one of their number to preside for the particular meeting.

Conflict of interests

- 3.19 No one may be appointed to the Board who has a conflict of interest that is considered by the Administering Authority to be prejudicial to the exercise of their functions as a Board member.
- 3.20 It is the responsibility of the Board member to provide any information required by the Administering Authority in order to determine whether such a conflict exists (see also 4 below 'Register of Interests and Code of Conduct').
- 3.21 A conflict arises where a financial or other interest is likely to prejudice a person's exercise of functions as a Board member (but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme).

Duty to comply with role profile and to attend arranged training

- 3.22 All Board members, whether scheme member or employer representatives, will be expected to comply with the role profile for Board members, published on the Pension Fund's website.
- 3.23 The Board shall establish and maintain a policy and framework to address the knowledge and skills requirements that apply to Board members under the Act and regulations. That policy and framework shall set out the degree of knowledge and skills required as well as how knowledge and skills are acquired, reviewed and updated.
- 3.24 Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the knowledge and skills policy and framework. Where Board members attend external training, they will be required to provide a report back to the Board in order to share the knowledge gained with other Board members.
- 3.25 Following appointment, each member of the Board should be conversant with the legislation and associated guidance of the LGPS and any other document recording policy

about the administration of the LGPS which is for the time being adopted.

Length of term of office and removal from office

- 3.26 The Chairman, each employer representative and each scheme member representative so appointed shall serve initially for a fixed four-year period from the date their appointment takes effect, which may be extended by decision of the Administering Authority for further four year terms, subject to remaining eligible, re-nomination and re-selection.
- 3.27 Any Board member can be removed by the Administering Authority for good cause. Without prejudice to the generality, it includes removal on the grounds of the employer representative appointed due to being a councillor ceasing to be an elected councillor for the Isle of Wight Council, the nominating body withdrawing their representative, a conflict of interest that cannot be managed, non-attendance, breach of code of conduct and non-participation in training.
- 3.28 Each Board member should endeavour to attend all Board meetings during the year and shall be required to attend at least two of the scheduled meetings each financial year. In the event of any Board member failing to do so, or other persistent non-attendance, (including failure to attend training sessions without reasonable cause) then the tenure of office of that member shall be reviewed by the Administering Authority.
- 3.29 Other than by ceasing to be eligible, a Board member may only be removed from office during their term of office by the Administering Authority.

4. Register of Interests and Code of Conduct

- 4.1 A register of interests is maintained by the Board to record and monitor its members interests and responsibilities.
- 4.2 The register of interests is reviewed annually by the Board and published on the scheme's website.
- 4.3 The principles included in the Isle of Wight Council Members' Code of Conduct shall apply to all members of the Board. Likewise, all other relevant Isle of Wight Council policies shall apply to members of the Board.
- 4.4 All Board members must declare to the Administering Authority on appointment and at any such time as their circumstances change, any potential conflict of interest that might arise as a result of their position on the Board and complete a register of interests.
- 4.5 Where a conflict is identified, the Board and the Scheme Manager shall manage it by applying the principles contained within the Isle of Wight Council Members Code of Conduct (see Part 5 Section 3).
- 4.6 Where it is deemed impossible to manage a conflict, the Board member may be required by the Administering Authority to stand aside in relation to any specific issue being considered or, if necessary, resign their position on the Board or be removed by the Administering Authority.

5. Meetings

Frequency

- 5.1 There will be at least four Board meetings a year. Other meetings may be convened by the chairman with due notice as the Board determines.

Notice

- 5.2 The Administering Authority shall give reasonable advance notice to all Board members of every meeting of the Board which shall normally be at least 5 clear working days.
- 5.3 The agenda and supporting papers shall be distributed to members of the Board normally at least five clear working days prior to the meeting.
- 5.4 Any member of the Board may request that an item be added to the agenda for consideration, subject to that matter being relevant to the remit of the Board as set out in these terms of reference. Any items considered outside of the remit will be discussed with the chairman of the Board and the requestor notified of the outcome and rationale.
- 5.5 Subject to the requested item being valid, the Administering Authority will schedule the item of business for the next appropriate Board meeting, taking into account items already scheduled and the level of preparation. Note – if the next meeting of the Board is to be held within 28 days of receipt of the request, the item of business is unlikely to be scheduled before the following meeting.

Quorum

- 5.6 The Board has a quorum of three, requiring at least one employer representative and at least one scheme member representative to be present..

Holding of meeting

- 5.7 The Board's meetings will be open to the general public, unless there is an exemption under relevant legislation which would preclude part (or all) of the meeting from being open to the general public (see, for example, the Data Protection Act 2018). Meetings may be held either in person or remotely or a hybrid of the two methods at the discretion of the Board.

Voting

- 5.8 No member of the Board shall have a right to vote on any question unless that member is an employer representative or a scheme member representative.
- 5.9 It is expected the Board will as far as possible reach a consensus, but where a deadlock has been reached on any matter under consideration which has been the subject of a tied vote the matter shall be referred to the Pension Fund Committee and/or Administering Authority together with the views of the members on the matter.

Minutes

- 5.10 The Administering Authority shall ensure that a formal record of Board proceedings is maintained, whether in electronic format or in writing.
- 5.11 The draft minutes shall be circulated to all Board members, who will be given 21 days to comment, after which time the draft minutes will be published.
- 5.12 The accuracy of the final minutes shall be agreed at the next suitable meeting of the Board.

Publication

- 5.13 The Board's public papers including agendas and minutes of meetings will be published on the Council's website subject to the rules on access to information and the Data Protection Act 2018.

6 Advisers

- 6.1 The Board may be supported in its role and responsibilities by the appointment of advisers and shall, subject to any applicable regulation and other legislative provision, consult with such advisers to the Board to help perform its duties. Any cost associated with the use of advisers to the Board must first be agreed with the Administering Authority.

7 Powers of the Board

- 7.1 The Board only has those powers granted to it under statutory provision and so only has a very defined and limited jurisdiction.
- 7.2 The Board has the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its statutory functions.
- 7.3 But, for the avoidance of any doubt whatsoever, and subject to 7.4 below, it is for the Administering Authority (and not for the Board) to determine the procedures applicable to the Board, including as to the establishment of sub-committees, formation of joint committees and payment of expenses.
- 7.4 No member of the Board shall have the right to vote on any question unless that member is an employer representative or a scheme member representative (see 5.8 above).

8 Reporting Duty of the Board

- 8.1 The Board shall provide an annual report to the Pension Fund Committee. The report shall include information on the business conducted by the Pension Board with any risks or concerns identified and mitigation steps proposed.
- 8.2 The annual report will also be published on the Pension Fund's website.
- 8.3 Any concerns requiring reporting outside the annual process should be raised with the Pension Fund Committee.

9 Budget and Expenses

- 9.1 The Board is to be provided with adequate resources to fulfil its role. In doing so the budget for the Board will be met from the Fund.
- 9.2 The Board shall seek the prior approval from the Administering Authority's Section 151 Officer for any expenditure to be made.
- 9.3 The expenses of the Board are to be regarded as part of the costs of administration of the fund held by the Administering Authority.
- 9.4 The Pension Fund may meet reasonable expenses of the Board. Such expenses will be met by the Fund and have regard to the Administering Authority's Members' Allowance Scheme.
- 9.5 But for the avoidance of any doubt, other than the independent chairman, Board members

shall not receive an annual allowance of any kind in respect of being a member of the Board.

10 Accountability

10.1 The Board shall be collectively and individually accountable to the Scheme Manager.

11 Review of terms of reference

11.1 These terms of reference shall be reviewed on each material change to those parts of the regulations covering local pension boards and at least every four years

11.2 These terms of reference were adopted on 17 November 2021NB. The following documents/regulations have been referred to in formulating the Board's terms of reference:

- Local Government Pension Scheme (LGPS) – Guidance on the creation and operation of Local Pension Boards in England and Wales (issued by the Shadow Scheme Advisory Board)
- The Public Service Pensions Act 2013
- The Local Government Pension Scheme Regulations as amended
- Code of Practice No. 14 governance and administration of public service pension schemes (issued by the Pensions Regulator)
- The Local Government Pension Scheme (LGPS) – Questions and Answers on Local Pension Boards (issued by the Shadow Scheme Advisory Board)
- Template Terms of Reference for a Local Pension Board (issued by the Shadow Scheme Advisory Board).

Planning Committee (12 members and 1 co-opted non-voting IWALC representative)

Except those matters that are Executive responsibilities, exercises powers and duties within the corporate policies and strategies of the council in relation to:

- (a) its role as Local Planning Authority in its development management and planning function
- (b) the extraction of minerals, the clearance and reclamation of derelict land, subsequent after-use of sites for waste disposal and restoration of site

The committee takes decisions only where:

- (a) the law or council policy requires the decision to be taken by elected councillors; or
- (b) an officer with delegated powers declines to exercise those powers, having considered representations, or for any other reason.

The committee comprises 12 elected councillors and 1 co-opted non-voting representative from the Isle of Wight Association of Local Councils. The quorum is four elected councillors – see Part 2 Section 8.