



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: 20 November 2020

**Committee:
Pensions Board**

Date: Monday, 30 November 2020

Time: 9.30 am

Venue: THIS IS A VIRTUAL MEETING - PLEASE USE THE LINK ON THE AGENDA TO LISTEN TO THE MEETING

Members of the public will be able to listen to this meeting by clicking on this link:

<https://www.shropshire.gov.uk/pensionsboard30november2020/>

Please note that this meeting will be made available through Microsoft Teams Live Events - your device will need to meet the minimum specification as detailed on the Microsoft website at this link: [Device Specification](#)

- You will need to download MS Teams (free) and click on the link to listen to the meeting if you are using a PC
- If using a mobile device, you will need to download the MS Teams app (free) before clicking the link
- Use the link at 9.30 am on the day of the meeting and click on 'Join as Guest'
- You may receive an error message or a request for login details if you try to gain access before 9.30 am

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of Pensions Board

Mike Morris
John Hall
Liz Furey
Philip Ingle

Your Committee Officer is:

Michelle Dulson Committee Officer

Tel: 01743 257719 Email: michelle.dulson@shropshire.gov.uk

AGENDA

1 Election of Chairman

To elect a Chairman

2 Apologies

To receive apologies for absence.

3 Appointment of Vice-Chairman

To appoint a Vice-Chairman.

4 Declarations of Conflicts of Interest

Members are reminded that they should declare any interests which may lead to conflicts of interest in the subject area or any specific agenda item of this meeting. A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Pension Board. It does not include a financial or other interest arising merely by virtue of that person being a member of the LGPS.

5 Minutes of the previous meeting (Pages 1 - 6)

The Minutes of the meeting held on 1 November 2019 are attached for confirmation.

Contact: Michelle Dulson (01743) 257719

6 Public Question Time

To receive any questions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 9.30am on Thursday 26 November 2020.

7 Administration and Regulatory Updates (Pages 7 - 32)

Report attached.

Contact: Debbie Sharp (01743) 252192

8 Date of Next Meeting

The next meeting of the Pensions Board will be held at 9.30am on the 22 January 2021.

9 Exclusion of Press and Public

To RESOLVE that in accordance with the provision of Schedule 12A of the Local Government Act 1972, Section 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations and Paragraphs 2, 3 and 7 of the Council's Access to Information Rules, the public and press be excluded during consideration of the following items.

10 Exempt Minutes (Exempted by Category 3) (Pages 33 - 34)

The Exempt Minutes of the meeting held on the 1 November 2019 are attached for confirmation.

Contact Michelle Dulson (01743) 257719

11 Climate Risk Monitoring Service (Exempted by Category 3) (Pages 35 - 40)

To receive a short presentation followed by a Q&A session.

12 Pensions Board Terms of Reference and Training Requirements (Exempted by Category 3) (Pages 41 - 72)

Report attached

Contact: Rebecca Clough (01743) 254457

13 Pensions Committee Reports and Feedback (Exempted by Category 3)

To highlight any papers/reports arising from the recent Pensions Committee meeting which may of relevance to the Board.

Please click on the link below to access the reports considered by the Pensions Committee at its last meeting on 18 September 2020.

<http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=260&MId=4156>

14 Update on Equity Protection (Exempted by Category 3)

To receive a verbal update from Justin Bridges.

15 Overview of recorded breaches and governance update (Exempted by Category 3) (Pages 73 - 98)

Report attached.

Contact: Rebecca Clough (01743) 254457

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Committee and Date

Pensions Board

1 May 2020

PENSIONS BOARD

Minutes of the meeting held on 1 November 2019

**In the Bridgnorth Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND
9.30 - 11.45 am**

Responsible Officer: Michelle Dulson

Email: michelle.dulson@shropshire.gov.uk Tel: 01743 257719

Present

Liz Furey – Employer Rep

Philip Ingle – Employer Rep

Mike Morris – Pensioner Rep (Chairman)

62 Apologies

62.1 Apologies were received from John Hall, Pensioner Representative and Justin Bridges, the Head of Treasury and Pensions.

63 Declarations of Conflicts of Interest

63.1 No conflicts of interest were declared.

64 Minutes of the previous meeting

64.1 RESOLVED:

That the Minutes of the meeting held on 3 May 2019 be approved and signed by the Chairman as a correct record.

64.2 Matters Arising

Paragraph 50.3 – LGPS Central

It was confirmed that an update would be provided later in the meeting.

Paragraph 51.1 – Pensions Board Chairs Meeting

The Chairman confirmed that he had attended a further meeting that week and would update the Board later in the meeting.

Paragraph 52 – Specific Risk Register matrix for the Shropshire Pension Board

The Communications and Governance Team Leader confirmed that the Risk Register had now been adopted and uploaded onto the website.

Paragraph 58 – Pensions Dashboard

The Communications and Governance Team Leader informed the Board that the Pensions Bill had been included in the Queen's Speech supporting the national pension dashboard project. She confirmed that the software provider was currently working on this project.

65 Public Question Time

65.1 No public questions were received.

66 Administration and Regulatory Updates

66.1 The Board received the report of the Pensions Manager – copy attached to the signed Minutes – which provided Members with the latest administration and regulatory updates affecting the Local Government Pension Scheme.

66.2 The Pensions Manager drew attention to the update on the exit payments cap consultation (paragraph 5.1 of the report) and explained how this would affect the inclusion of pension strain if an employer were to leave within three months and wished to draw down cash from the scheme. She also drew attention to the updates on the new Fair Deal and changes to the local valuation cycle and the management of employer risk, set out at paragraphs 5.2 and 5.4 of the report respectively.

66.3 In relation to the McCloud and Sergeant Case, the Pensions Manager reported that this had been covered at both the Employers meeting and the Annual meeting when it was explained what was required and what it would mean for employers. She confirmed that as transitional protections had been found to be unlawful, something would need to be done to correct this, which may affect the valuation. She further explained that the cost cap could not be fully enacted until the McCloud cost was known but that one would slightly counteract the other.

66.4 The Pensions Manager explained why it had been suggested that funds contact scheme employers to check whether individual member hours history from 1 April 2014 was available in relation to the underpin (the definition of which was 'within 10 years of normal retirement, employee would be no worse off than previous final salary scheme'). So the final salary data of leavers was still required in order to calculate core benefits. In the absence of these records, a best guess of benefit would have to be done.

66.5 A brief discussion ensued in relation to the results of The Pensions Regulator (TPR) deep dive. It was felt that two meetings per year may not be sufficient and the option of holding three per year was considered by the Board. Discussion also took place around whether more than the current four Members were required and the necessity for a work plan setting out the items to be considered at each meeting. It was

requested that the Chairman of the Central Fund be invited to at least one meeting per year.

66.6 The Pensions Manager drew attention to the 2019 Scheme return data quality scores and data improvement plan set out in paragraph 8 of the report. She reported that there had been some improvement in both the common and scheme specific data scores reported to The Pensions Regulator. The Fund's Data Improvement Plan was being updated in light of these results and Members of the Board agreed with the suggested priority areas for improvement.

66.7 The Pensions Communications Officer informed Members that the Communications Policy was being updated and she requested that Members feed in their comments and thoughts on what Members/Employers required in terms of communication. She agreed to work with the Chairman on pulling together a Work Programme for the Board which would then be circulated to the other Board Members.

66.8 **RESOLVED:**

A. That the contents of the report be noted.

B. That the Fund's approach to updating the data improvement plan (set out in paragraph 8.3 of the report) be agreed.

67 **Pensions Committee Reports and Feedback - Exempt reports to be discussed in exempt session of the meeting.**

67.1 The reports considered by the Pensions Committee at its meeting on 4 October 2019 had been received by the Board. It was suggested that a report be presented to the Pensions Committee setting out the areas of concern etc considered by the Board. A brief discussion ensued in related to cyber-attacks and data breaches.

68 **Update on the Triennial Actuarial evaluation**

68.1 The Director of Finance, Governance and Assurance (Section 151 Officer) gave a verbal update on the Triennial Actuarial evaluation which was in the final throes of the process. He reported that across the fund as a whole, investment levels suggested that the repayment deficit would be closer in relation to the level of funding. Although employer rates were increasing whilst deficit rates were decreasing, the position was relatively positive across the fund as a whole but certain sections were worse off whilst others were better off.

68.2 The Director of Finance, Governance and Assurance (Section 151 Officer) explained that from 1 March 2019 to 1 April 2020 there would be an overall net benefit however the implications of McCloud had yet to be fully realised. Although returns may be in excess, the assets would be slightly lower due to the discount rate. His view was to remove some downside risk in order to protect the fund.

69 Date of Next Meeting

69.1 It was subsequently agreed that the next meeting would be held at 9.30am on Friday 1 May 2020.

70 Exclusion of Press and Public

70.1 RESOLVED:

That in accordance with the provisions of Schedule 12A of the Local Government Act 1972 and paragraph 10.2 of the Council's Access to Information Procedure Rules, the public and press be excluded during consideration of the following items as defined by the categories specified against them.

71 LGPS Central (Exempted by Category 3)

71.1 The Director of Finance, Governance and Assurance (Section 151 Officer) gave a verbal update on LGPS Central.

71.2 RESOLVED:

That the update be noted.

72 Overview of recorded breaches and governance update (Exempted by Category 3)

72.1 The Board received the report of the Communications and Governance Team Leader – copy attached to the signed Exempt Minutes – which provided an update on the Breaches of LGPS regulations recorded for 2018/19 affecting the Shropshire County Pension Fund. The latest updates on other governance issues were also included in the report.

72.2 RESOLVED:

That the contents of the report be noted.

73 Training update (Exempted by Category 3)

73.1 The Board received the report of the Communications and Governance Team Leader – copy attached to the signed Exempt Minutes – which provided Board Members with the results of the recent knowledge and skills self-assessment.

73.2 RESOLVED:

That the contents of the report be noted.

Signed (Chairman)

Date:

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<u>Committee and date</u> Pensions Board 30 November 2020 9.30am	<u>Item</u> <u>Public</u>
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Administration and regulatory updates

Responsible Officer Debbie Sharp

Email: debbie.sharp@shropshire.gov.uk

Tel: 01743 252192

1. **Summary**
The report provides Pension Board members with the latest administration and regulatory updates affecting the Local Government Pension Scheme (LGPS).
2. **Recommendations**
 - 2.1 Pension Board members are asked to note the contents of this report

REPORT

3. **Risk Assessment and Opportunities Appraisal**
 - 3.1 **Risk Management**
By ensuring the guidance and legislation mentioned in this report is followed and adhered to, risks to the fund are minimised. A risk register is kept and updated in line with council corporate policy.
 - 3.2 **Human Rights Act Appraisal**
The recommendations contained in this report are compatible with the Human Rights Act 1998.
 - 3.3 **Environmental Appraisal**
There is no direct environmental, equalities or climate change consequence of this report.
 - 3.4 **Financial Implications**
Currently there are no direct financial implications arising from this report.
 - 3.5 **Climate change appraisal**
 1. Energy and fuel consumption: No effect
 2. Renewable energy generation: No effect
 3. Carbon offsetting or mitigation: No effect
 4. Climate Change adaptation: No effect
4. **Administration topics covered at Pensions Committee since the last Pensions Board meeting**

- 4.1** In addition to this report, the Pensions Board are advised to note the pensions administration reports submitted to the Pension Committee on 24 July 2020 and the 18 September 2020.

5. Administration and regulatory update

- 5.1 Members are asked to note that due to the timing of this Pension Board meeting so close to the next Pensions Committee meeting on the 4th December, similar regulatory updates have been provided in administration reports to both Pensions Committee and Pension Board members.

5.2 MHCLG – Consultation - McCloud – statutory underpin.

On 16 July 2020 MHCLG published its consultation introducing amendments to the statutory underpin for the Local Government Pension Scheme (LGPS) in England and Wales. The proposals, reported to Committee in September 2020, were designed to remedy the unlawful discrimination caused by the protection of older members when the scheme was reformed in April 2014. The consultation closed on 8th October 2020. An Officer response was sent and approved by the Chair on behalf of the Pension Committee and is attached at **Appendix A**. The Fund's employers have had training on what this could mean to them if they have not continued to send the Fund data on hours changes and membership breaks.

6. Revised GAD Guidance

- 6.1 The Government Actuary Department (GAD) have revised their guidance and factors on the following;
- Application of a pension debit for divorced members – Transfer date from 1 April 2014
 - Application of a pension debit for divorced members – Transfer date before 1 April 2014
 - Pension sharing following divorce
 - Individual incoming & outgoing transfers
 - Trivial commutation.
- 6.2 To accompany the revised guidance, MHCLG issued a new version of the factor spreadsheet. The revised guidance and spreadsheet came into force on 1 November 2020. There were transitional arrangements which affected how the Fund communicated the changes to members transferring benefits in or out of the Scheme.

7. Public Sector Exit Payment Cap

- 7.1 The Restriction of Public Sector Exit Payments Regulations 2020 ('the exit cap regulations') were signed on 14 October 2020, a correction slip was published on 27 October 2020 and the regulations came into force on 4 November 2020.

- 7.2 There is a conflict between the exit cap regulations and the LGPS regulations when a scheme member aged 55 or over is made redundant and the total exit payment exceeds £95,000. The LGPS regulations require the member to take payment of an unreduced pension, but the exit cap regulations prevent the employer from paying the full strain cost.
- 7.3 In respect of exits that occur between 4 November 2020 and the date the LGPS regulations are amended:
- only exits from employers in scope of the cap will be affected. You can find a full list of employers in scope of the cap in the Schedule to the Restriction of Public Sector Exit Payment Regulations 2020
 - only exits where the cost exceeds £95,000 will be affected
 - the proposed standard strain cost calculation will not apply. Local methods of calculating strain costs should continue
 - proposals in the MHCLG consultation (point 14 below) to limit discretionary compensation payments and reduce strain cost by the value of statutory redundancy pay will not apply
- 7.4 On 28 October 2020 Luke Hall MP wrote to Chief Executives of Councils and LGPS administering authorities concerning the implementation of the exit payment cap. Attached at **Appendix B**. The Minister's recommended course of action in cases where the cost of an exit including pension strain cost would exceed the £95,000 cap is that: *"LGPS members in that position should be able to elect to receive an immediate but fully reduced pension or, if they do not so elect, a deferred pension plus a lump sum equal to the capped strain cost."*
- 7.5 The SAB obtained legal advice on the conflict between the LGPS regulations and the exit cap regulations. A commentary of that legal advice was published on 30 October 2020 on the Public Sector Exit Payments page of www.lgpsboard.org. The commentary sets out the SAB's opinion on the course of action that presents the lowest risk when the cap is breached in respect of an LGPS member aged 55 or over. In SAB's view, the risks are lowest if:
- the LGPS administering authority offers the member a choice between deferred benefits or a fully reduced pension
 - the LGPS employer delays payment of a cash alternative under regulation 8 of The Restriction of Public Sector Exit Payments Regulations 2020.
- 7.6 This approach would allow the maximum flexibility for the administering authority and employer to minimise the financial risks associated with a legal challenge from the scheme member. The Fund proposes to follow this guidance should any cases arise.
- 8. Consultation on the Reform of exit Payments in local Government**
- 8.1 On 7 September 2020, MHCLG launched a consultation on changes to the LGPS and compensation regulations to introduce the £95k cap and bring the exit compensation terms for local government workers in line

with the framework set out by the Government in September 2016. The consultation closed on 9 November 2020.

- 8.2 On 29 September 2020, MHCLG issued draft strain cost guidance and an impact assessment to provide further clarity about the effects of the proposals. As part of the proposals, certain members aged 55 and over receiving statutory redundancy payments will lose the right to receive unreduced pensions where a pension strain is payable.
- 8.3 An Officer response was sent and approved by the Chair and is attached at **Appendix C**.

9. SF3 Data Published

- 9.1 On 4 November 2020, MHCLG published Local government pension scheme statistics (SF3 statistics) for England and Wales: 2019 to 2020. Highlights include:
- total expenditure of £13.4 billion, an increase of 5.6% on 2018/19
 - total income of £16.0 billion, an increase of 2.6% on 2018/19
 - employer contributions increased by 7.7% on 2018/19 to £7.7 billion
 - employee contributions of £2.3 billion
 - the market value of LGPS funds in England and Wales on 31 March 2020 was £272.4 billion, a decrease of 5.1%
 - there were 6.1 million scheme members on 31 March 2020, 2.0 million active members, 1.8 million pensioners and 2.2 million deferred members
 - there were 88,232 retirements in 2019/20, an increase of 5.7% compared with 2018/19.

10. Public service pensions GMP indexation consultation

- 10.1 On 7 October 2020, HM Treasury (HMT) published Public Service Pensions: Guaranteed Minimum Pension Indexation consultation. The consultation closes on 30th December 2020.
- 10.2 Prior to 6 April 2016, the payment of public service pensions and the earnings-related State Additional Pension (AP) worked together to provide a mechanism that fully indexed most public service pensions.
- 10.3 The introduction of the new State Pension on 6 April 2016 removed the payment of AP. This meant that members who reached State Pension age (SPA) on and after that date would not have their pension payments fully indexed. To compensate for the removal of AP, the Government introduced an interim solution on 1 March 2016, which ends on 5 April 2021. This ensured that public service pensioners who reach SPA after 5 April 2016 continued to receive a fully indexed pension from their public service pension scheme. This introduced an additional cost to the Fund.

- 10.4 The consultation sets out how the Government proposes to ensure it continues to meet its commitments to the full indexation of public service pensions, including any Guaranteed Minimum Pension (GMP) element. This is by transferring the cost permanently to the public service pension scheme in one of the following ways;
- The extension of full indexation to cover those reaching SPA up to and including 5 April 2024
 - The extension of the interim solution to cover those reaching SPA beyond 5 April 2024 (to, for example March 2030)
 - Discount conversion as a long-term policy solution and make full GMP indexation the permanent solution for public service pension schemes
- 10.5 The underlying view is that full indexation would be required at least up to April of 2024 with conversion to be brought in as a longer-term option, though there is concern that that the more this is delayed, the less valuable the benefit becomes.

11. 2019/20 TPR Scheme Return

- 11.1 TPR had hoped to send out their warm up email for the scheme return in the first half of September 2020, informing administering authorities that the Scheme return would be issued in September 2020. TPR has confirmed that there has been a slight delay. All public service pension scheme returns notices have now been issued early November 2020.
- 11.2 The return will be completed by Officers by the deadline of 15th December.

12. September 2020 - CPI rate

- 12.1 On 21 October 2020, the Office for National Statistics announced the Consumer Prices Index (CPI) rate of inflation for September 2020 as 0.5%.
- 12.2 Government policy in recent years has been to base increases under the Pensions (Increase) Act 1971 and revaluation of pension accounts under section 9 of the Public Service Pensions Act 2013 on the rate of CPI in September of the previous year.
- 12.3 Confirmation from Government is awaited but it is expected that the revaluation and pensions increase that will apply to LGPS active pension accounts, deferred pensions and pensions in payment in April 2021 will be 0.5%.

13. Communications with members and employers

- 13.1 The Fund monitors member take-up of its online area member self-service (MSS), known by members as 'My Pension Online'. The annual benefit statements for both active and deferred members are available to view on 'My Pension Online' unless a member has requested a paper copy. As at October 2020 a total of 45% active

members, 30% of pensioner members and 37% of deferred members were registered to view their records on 'My Pension Online'.

- 13.2 The employers' meeting took place on 21/10/2020, it was held virtually, using Microsoft Teams. 46 employers registered to attend. Presentations on the day covered the McCloud age equality court ruling, the Exit Payment Cap, the Exit Payment reform consultation and an overview of the 2019/20 year-end exercise.
- 13.3 During the last quarter, both scheme members and employers have been kept up to date on the latest news, around the Exit Payment Cap and the consultation on further Exit Payment Reforms in both website news posts and bulletin emails. In total, 12 email bulletins have been issued.
- 13.4 A pensions tax information webinar was held on Friday 9 October 2020 organised with the fund's Actuary Mercer. Feedback provided by scheme members during, and following the webinar, was positive. Attendees reported that since the webinar they are more aware of the issues relating to pensions and tax and reporting requirements to HMRC. 14 scheme members then attended a one to one guidance session with a representative from Mercers.
- 13.5 The biannual newsletter to retired members was issued in November. The Autumn 2020 edition provided an update on the GMP reconciliation project, kept members informed on the fund's working arrangements due to covid-19, responsible investment and the move to electronic P60's from April 2021.
- 13.6 In advance of the potential move to online P60s, in April 2020, the fund asked retired members for feedback on the removal of automatic paper P60s being issued and how this would affect them. Feedback largely suggested that members agreed with the reduction in the fund's environmental footprint by reducing the amount of printing and postage and that members are used to accessing information in this way via My Pension Online. Some members expressed a preference to continue to receive a paper copy of the P60 document. In total only 106 members out of nearly 12,000 asked for a paper copy to continue to be sent. The fund will still issue paper P60s to these members and understands the importance of sending information occasionally by post and the value it has in keeping in touch with our members.
- 13.7 Unfortunately, the annual meeting for 2020 will not be taking place this year. The situation around the Covid-19 pandemic has meant large face-to-face gatherings are against current government guidance. This is the first time in the 27-year history of the annual meeting, that the meeting has had to be cancelled. Information normally provided at the annual meeting will be shared on the Fund's website.

14. Covid-19 and effect on administration service

14.1 Since 23 March 2020, all Fund staff have been working from home. The Fund had already adopted the Council's flexible and mobile working principles with all staff members having access to a laptop and able to access the IT systems they need from home. This was a key requirement in the event of an emergency, as set out in the Fund's Service Recovery Plan. Despite the ongoing issues brought by the pandemic, the Fund is continuing with business as usual with minimal changes to working practices. In April 2020, The Pension Regulator's and the Local Government Association's advice suggested that the focus of service delivery for pension administrators be on the following areas:

- payment of benefits
- collecting employer contributions
- minimising the risk of scams for members
- supporting good decision making
- processing new pensions benefit cases
- dealing with bereavement cases

14.2 The team focused on these areas during the early stages of the initial lockdown but can report that all processes are now being dealt with as part of business as usual.

14.3 The team have not experienced any issues running the monthly payroll to pay pension benefits from home. Changes to processes were quickly put in place to ensure the same level of checks continued. Additional payment runs have also been introduced to facilitate more frequent payments of retirement lump sums, transfers out, refunds etc.

15. Member engagement

15.1 At the start of the pandemic, the Fund reassured members that their pension, whether in payment or still building up, will be unaffected by stock market changes.

15.2 The Pensions Regulator suggested that members might increasingly look to transfer their pension, prompted by (misguided in relation to the LGPS) concerns about the instability in financial markets. This means members could be increasingly targeted by scammers. To protect members from pension scams, the Fund already had robust procedures in place, but additional communication steps were added for specific transfer requests to Defined Contribution schemes.

15.3 The Fund's website has been updated to include FAQ's about Covid-19 and the LGPS and the changes to working practices that the Fund has had to employ. Links to guidance issued by LGA has also been added to the website so that employers and members can easily access up to date information.

15.4 The Fund has continued to run a fully operational helpdesk service with incoming phone calls and emails via the pension email inbox processed as normal. To assist members, the team now accepts returned forms electronically and to minimise the number of original certificates the team are handling, electronic signatures and good quality photocopies of certificates from members are accepted. This change has been approved by the Council’s Audit team and the Information Governance team.

16. Engaging with our employers

16.1 Employer email bulletins kept the Fund’s registered contacts updated. In the first few months of working from home, employers were asked to prioritise retirements, payment of contributions, and only submit urgent requests for benefit quotations, whilst the team were adjusting to working from home. No employers reported any severe issues with undertaking the duties set out in the regulations and there has not been a significant increase in the number of breaches recorded. Employers were reassured that the LGPS is a long-term investor and is securely managed to address any longer-term impacts such as effects of the coronavirus on financial markets.

17. Changes to working practices

17.1 Although staff members have access to all IT applications when working from home there are some functions that cannot be completed from home. The Fund has therefore had to introduce interim measures, as set out in the table below:

Area	Change to Working Practice
Post In	The Fund still receives incoming information by post. Blu Print, Shropshire Council’s team who manage the corporate post room, is now providing scanning services to the Fund. Previously the Team scanned the post. The post still needs checking however as original certificates are still being sent in by some members so these need to be returned. This service is not yet offered by Blu Print.
Post Out	The team are not allowed to print at home, so a skeleton of volunteer staff attend the office twice a week to clear all outgoing printing and check incoming post. An external printing solution is being sourced which can meet the Fund requirements on a permanent basis.

18. Governance

18.1 Regulations have been amended to allow for virtual Committee and Board meetings.

19. Staff support and wellbeing

19.1 An important aspect of the current situation is to ensure that pensions team staff are looked after. We have given staff clear guidance and support throughout. Team meetings continue to take place on a regular basis, albeit virtually, and staff continue to receive one to one's with their line manager. Pension Administration Management catch up calls have continued, initially daily in the first few months of working from home, now back to weekly. Staff members are receiving regular updates from the management team as things progress to keep them up to date with any changes to working practices. Team members are being encouraged to maintain social contact with their colleagues by having virtual coffee breaks where they have a chat with their colleagues and catch up.

20. Future developments

- 20.1 Working from home, unofficially at present, has become business as usual and Shropshire Council are offering less office space in the Shirehall going forward. This has meant that the pensions team permanent office space is to be used to allow for hot desking for all Council staff in the future.
- 20.2 The office had to be cleared by the team. This has been an huge task, undertaken during what has been a very busy time. It has helped that the team were already largely paperless. However, a future project will need to be undertaken to digitise and archive the remaining information the Fund still holds in paper format. The pensions team still has access to a small office in the Shirehall which staff can access to deal with the incoming and outgoing post. The Council are hoping to offer hot desks that staff can book by the end of the year.
- 20.3 Officers are now investigating how information can be securely issued digitally to scheme members via My Pension Online to save money on printing and postage costs. Member one to one's are currently being held virtually with the hope for 'local hubs' for face to face in the future.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Pensions Committee Meeting 18 September 2020 Pensions Administration Report

Cabinet Member (Portfolio Holder)

NA

Local Member

NA

Appendices

Appendix A – Officer response – McCloud Consultation

Appendix B – MP Luke Hall Letter

Appendix C – Officer response – Exit pay reform Consultation



**SHROPSHIRE COUNTY
PENSION FUND**
Administered by Shropshire Council

By Email;
LGpensions@communities.gov.uk

Date:

e-mail: pensions@shropshire.gov.uk

My ref
DS

Tel (01743)
252192

Please ask for
Mrs D Sharp

Dear Sirs,

Local Government Pension Scheme (England and Wales) Amendments to the statutory underpin

I am pleased to provide a response to the Department's consultation on proposals to amend the rules governing 'transitional protection' in the LGPS. I am responding in a capacity of Pension Administration Manager for Shropshire County Pension Fund. This response has not been able to be agreed by the Pension Committee because of timing.

Addressing the discrimination

Question 1 – Do you agree with our proposal to remove the discrimination found in the McCloud and Sargeant cases by extending the underpin to younger scheme members?

Yes

Question 2 – Do you agree that the underpin period should end in March 2022?

Yes

Question 3 – Do you agree that the revised regulations should apply retrospectively to 1st April 2014?

Yes

Detailed proposals

Question 4 – Do the draft regulations implement the revised underpin which we describe in this paper?

Not qualified to give a legal comment on draft regulations.

Question 5 – Do the draft regulations provide for a framework of protection which would work effectively for members, employers and administrators?

The regulatory framework should work effectively so long as administrators have the data to apply it properly. Timescales however need to be adequate given the complexity of the



changes proposed. Consideration also needs to be taken of other legislative changes that will require resource from Administration teams to implement at the same time. If data is missing and employers cannot provide it then the underpin framework fails. Additional guidance is therefore needed alongside the underpin legislation to support cases where assumptions are required by administrators to be fair and consistent across Funds especially if it is a Policy intention of no member being worse off by the changes.

Question 6 – Do you have other comments on technical matters related to the draft regulations?

Not qualified to give a legal comment on draft.

The revised underpin – basic elements

Qualification criteria

Question 7 – Do you agree that members should not need to have an immediate entitlement to a pension at the date they leave the scheme for underpin protection to apply?

Yes

Question 8 – Are there any other comments regarding the proposed underpin qualifying criteria you would like to make?

There is a worry that new joiners to the final salary scheme between 01.04.2012-31.03.2014 will claim the same underpin protection as those members already in the scheme prior to 01.04.2012.

Aggregation

Question 9 – Do you agree that members should meet the underpin qualifying criteria in a single scheme membership for underpin protection to apply?

Yes

Question 10 – Do you agree with our proposal that certain active and deferred members should have an additional 12 month period to decide to aggregate previous LGPS benefits as a consequence of the proposed changes?

An additional period should be given but 12 months will not be adequate for administrators to identify issue guidance and process cases. Suggest at least 24 months if the period must be defined at all. Alternatively, introduce a discretion for administering authorities to extend the 12-month aggregation window in cases that are not completed within that timescale with no fault of the member.



Question 11 – Do you consider that the proposals outlined in paragraphs 50 to 52 would have ‘significant adverse effects’ in relation to the pension payable to or in respect of affected members, as described in section 23 of the Public Service Pensions Act 2013?

A very small number of members could be adversely affected by these proposals but the option to allow members to make a late election to aggregate should mitigate this fact.

Achieving a fair and consistent underpin

Question 12 – Do you have any comments on the proposed amendments described in paragraphs 56 to 59?

Amendments to the protections will result in additional work for administrators. Clear guidance needed for all from MHCLG.

A two-stage process

Question 13 – Do you agree with the two-stage underpin process proposed?

Yes. Additional administration not to be underestimated but fair to member.

Underpin period and final salary link

Question 14 – Do you have any comments regarding the proposed approaches outlined above?

The proposed process for Club Transfers means the member must decide as to how their benefits will be treated in the receiving scheme when they will be uncertain of whether it will be right for them. They will require an element of guesswork. A consistent approach across funds and clear communication to members will be important and add to the Administration burden.

Question 15 – Do you consider there to be any notable omissions in our proposals on the changes to the underpin?

Yes. Final pay – best of last 3 or protections of average of 3 in 13. Transitional protections will have to be carried forward. Will Divorce Pension Share also be affected? If not, what happens if Funds are challenged in this area – central guidance would be required. The recalculations would need to be automated by software providers. If not the Administration burden on team resource would be unmanageable.

Supplementary matters

Annual benefit statements

Question 16 – Do you agree that annual benefit statements should include information about a qualifying member’s underpin protection?

No – It will be meaningless to the member and may cause more issues and challenges as its accuracy would be questionable as pensionable pay can vary between date of ABS and actual retirement/leaving date. Current underpin is not included in ABS’s.



If insisted by MHCLG then a settling in period must be including, to say 2024. This will allow Administrators to collect data where gaps exist and software companies to produce the calculations. Already having to recalculate benefits for retirements and aggregations deaths etc having to provide data on underpin to active members seems an unnecessary burden.

Question 17 – Do you have any comments regarding how the underpin should be presented on annual benefit statements?

It should be consistent across all Funds. Guidance on this matter should be provided by SAB as proposed.

Annual allowance

Question 18 – Do you have any comments on the potential issue identified in paragraph 110?

On balance it is probably appropriate to apply the annual allowance test at the underpin crystallisation date, when the actual value of the underpin is known. This is consistent with what is already in place for the existing underpin. This approach will potentially cause a spike in the closing value of a member's benefits in the pension input period in which the underpin crystallisation date occurs.

The consultation document acknowledges that the proposed solution might not work for those members with relatively low career average pensions in respect of the underpin period, but relatively high final salary benefits as a consequence of career progression.

Next steps

Question 19 – Do the proposals contained in this consultation adequately address the discrimination found in the 'McCloud' and 'Sargeant' cases?

It appears to. Please ensure no scope for future challenge.

Question 20 – Do you agree with our equalities impact assessment?

No comment.

Question 21 - Are you aware of additional data sets that would help assess the potential impacts of the proposed changes on the LGPS membership, in particular for the protected characteristics not covered by the GAD analysis (age and sex)?

Not in a position to comment.

Question 22 – Are there other comments or observations on equalities impacts you would wish to make?

Not in a position to comment.



Implementation and impacts

Question 23 – What principles should be adopted to help members and employers understand the implications of the proposals outlined in this paper?

Members will need to receive reassurance that the underpin process is fair and is being applied accurately. It will be important for members to understand that the process is an automatic one and does not require them to lodge a claim. Some members may have misconceptions about the value of the underpin and should be made aware that the number of cases in which the underpin will give a better benefit are likely to be small. Communications with employers should focus on the practical requirements of providing the data required to operate the underpin and any assumptions being made where member data is missing. National communications from MHCLG or SAB are needed for a consistent country wide message. Will tolerances be used regarding rectification cases or will ever single case have to be rectified?

Administration impacts

Question 24 – Do you have any comments to make on the administrative impacts of the proposals outlined in this paper?

The scale and complexity of this exercise will create a significant resourcing and communication challenge for administering authorities.

The underpin will not actually take effect for most members, however a huge proportion of members are potentially affected and will require some form of ongoing record maintenance.

Where there are employers who cannot provide the required data, for a variety of reasons; employers no longer existing or historic payroll data not being retained, what is the fall-back situation. Consistent clear guidance is required rather than local determinations having to be made.

Applying the underpin test retrospectively to members who have already retired or left will only actually be realistically doable if administration software can undertake these automatically. Who will the cost fall to for these software improvements – the local tax payer? Systems no doubt will not be able to calculate arrears so manual calculations will be inevitable anyway. Additional complications would arise if the backdated payment was in respect of a survivor's pension. Thankfully these cases will be extremely rare. All of this whilst trying to ensure business as usual is kept on top of and having to have introduced the exit payment cap and exit payment reform as well as GMP equalisation and the cost cap outcome.

Question 25 – What principles should be adopted in determining how to prioritise cases?

Priority should be given to ensuring new calculations are correct going forward then members who have already retired or died. To reassess the member's (or survivor's) current retirement income. Then aggregation. But systems need to be changed quickly to ensure new backlogs are not created – so this supports that regs are laid early with a later



implementation date to allow software providers the time they need to make the changes required.

Question 26 – Are there material ways in which the proposals could be simplified to ease the impacts on employers, software systems and scheme administrators?

None come to mind other than National tolerances mentioned earlier.

Question 27 – What issues should be covered in administrative guidance issued by the Scheme Advisory Board, in particular regarding the potential additional data requirements that would apply to employers?

Additional guidance would be welcomed as mentioned earlier around what to do when an employer is incapable of providing historic member data. Ideally, SAB should publish a set of guidelines that provide a framework for employers and administering authorities when making assumptions about service and salary history in the absence of complete information, so this is done consistently across all Funds.

Question 28 – On what matters should there be a consistent approach to implementation of the changes proposed?

There should be a consistent centralised communication, approach issued by the SAB. A centralised approach to dealing with employers who cannot provide the necessary data is also necessary.

All areas should be consistent - including Auditors

Costs

Question 29 – Do you have any comments regarding the potential costs of McCloud remedy, and steps that should be taken to prevent increased costs being passed to local taxpayers?

National guidance. Admin cost will have to be passed on to employers (rectification and BAU increase) – software costs are being stated as running into millions of pounds – valuations. Is it fair that local tax payers ultimately pay for a Central Government failing to take account of advice that the regulations they put in place in 2013 were not in line with age equality legislation?

I hope you find this response useful.

Yours faithfully

Debbie Sharp
Pensions Administration Manager



Ministry of Housing,
Communities &
Local Government

Chief Executives
Councils and LGPS Administering Authorities

Luke Hall MP
Minister for Regional Growth and Local Government

**Ministry of Housing, Communities and Local
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28 October 2020

Dear Chief Executive,

The Restriction of Public Sector Exit Payments Regulations 2020 make it clear that public sector bodies must not make payments in relation to individual exits in excess of £95k. That includes local government employers and Local Government Pension Scheme administering authorities.

Previously, the Local Government Pension Scheme Regulations 2013 and to a lesser extent the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 allowed for some individuals to receive benefits which would be in excess of the cap now set in the 2020 Regulations.

In considering the 2020 Regulations with existing provisions of the LGPS or Early Termination Regulations, public sector bodies should be mindful that the 2020 Regulations reflect Parliament's intention in section 153A of the Small Business, Enterprise and Employment Act 2015. Parliament was clear that it wished to limit total public sector exit payments to no more than £95,000, and the legislation provides a power to cap exit payments at that level.

This Department has published a policy consultation and issued draft regulations that will remove any remaining ambiguity in the legal position once they come into effect. Subject to consideration of views received through consultation, effect will be given to those proposals as soon as parliamentary time allows.

In the meantime, the recommended course of action for an administering authority to act consistently with its legal duties is that the provisions of Regulation 30(7) are subject to the cap and so the provisions of Regulation 8 of the 2020 Regulations and Regulation 30(5) of the LGPS 2013 Regulations should be engaged. The Government's view is that LGPS members in that position should be able to elect to receive an immediate but fully reduced pension or, if they do not so elect, a deferred pension plus a lump sum equal to the capped strain cost.

The 2020 Regulations also identify circumstances where the application of the cap may be waived. I will issue more detailed guidance on this, but this also provides a route by which these transitional issues may be mitigated.

LUKE HALL MP
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Email to;
LGExitPay@communities.gov.uk

Date: 6 November 2020

email: Debbie.Sharp@
shropshire.gov.uk

My ref
PEN/DS

Your ref

Tel (01743)
252192

Please ask for
Mrs D Sharp
Pensions Services

Dear Sirs,

Consultation on the reform of exit payments in local government

I am pleased to provide a response to MHCLG's consultation on reforming local government exit pay. My response focuses on the Administration of the Local Government Pension Scheme as I am responding in the capacity of Pension Administration Manager for Shropshire Council.

The Shropshire County Pension Fund has 150+ scheme employers and approximately 50,000 members. Not all employers in our Fund will be covered by the changes. This adds further complexity to an already complex area.

Question 1

Are there any groups of local government employees that would be more adversely affected than others by our proposed action on employer funded early access to pension?

More female members are will be affected by the proposed reforms because they make up a greater proportion of the workforce affected by the changes. This proposal will impact those aged 55 or over, it will therefore adversely affect older workers.

LG employees transferred to private companies working on LG service contracts would not be affected and be entitled to unreduced benefits on termination even though the costs of the service would still be chargeable back to a LA.

The proposal around statutory redundancy pay being deducted from the pension strain cost resulting in a lower pension for life, for affected members of the scheme has a greater impact on lower paid workers, who are at the greatest risk of needing income support from the government in this situation. It is accepted by the Government that a greater proportion of these will be women and/or part-time workers. The average annual pension paid from the Shropshire Fund is only £4,869.

- If so, please provide data/evidence to back up your views?

The Government Actuary's Department has already provided some illustrations of the likely effects.

- How would you mitigate the impact on these employees?

To mitigate the full effects of the proposals would be to not dismiss people. I do not feel this will be realistic for LG employers.

This policy will impact on all LG workers aged over 55 in the pension scheme, including those who are lower paid and with a comparatively small pension, a greater proportion of whom are likely to be women and/or part-time workers.

One way to mitigate the impact would be to allow the relaxation of the proposed restriction to enable the employer to pay statutory redundancy pay in addition to the full strain on fund costs, where that would not breach the £95,000 cap.

The proposal introduces a layer of unnecessary administrative bureaucracy disproportionate to the situation with which local authorities and administering authorities will have to deal. It will also be confusing for members of the LGPS.

Question 2

What is the most appropriate mechanism or index when considering how the maximum salary might be reviewed on an annual basis?

The most appropriate mechanism may be to link it to the local government collectively agreed pay awards under the National Joint Council (NJC) for Local Government Services. Using average earnings may also be reasonable to use.

Question 3

Are there any groups of local government employees that would be more adversely affected than others by our proposed ceiling of 15 months or 66 weeks as the maximum number of months' or weeks' salary that can be paid as a redundancy payment?

Shropshire County Pension Fund have no comment.

- If so, please provide data/evidence to back up your views?

Shropshire County Pension Fund have no comment

- How would you mitigate the impact on these employees?

Shropshire County Pension Fund have no comment.

Question 4

Are there any groups of local government employees that would be more adversely affected than others by our proposal to put in place a maximum salary of £80,000 on which an exit payment can be based?

This is a question to be commented on by LG Employers. However, I note that no other part of the public sector has yet implemented reforms in addition to the proposed £95,000 cap. Particularly it has been pointed out that in the Civil Service Compensation Scheme there is a salary cap of £149,820 and the reform proposals put forward by the government

do not seek to alter this. We do not see why a salary limit so much lower is appropriate for local government. The Public sector should be treated equally.

- If so, please provide data/evidence to back up your views?

Shropshire County Pension Fund have no comment

- How would you mitigate the impact on these employees?

Shropshire County Pension Fund have no comment.

Question 5

Do you agree with these proposals? If not, how else can the Government's policy objectives on exit pay be delivered for local government workers?

The original policy objective was to curb excessive exit payments in the public sector. The additional reform was about fairness and consistency across the public sector workforce. Local Government is the only public sector employer to be changed however at this time. These new proposals will impact on all local government employees in two ways, before there has been any wider public sector reform and regardless of salary level:

- by reducing the strain on fund payment by the statutory redundancy payment regardless of the amount of the strain on fund payment; and,
- 2. by removing any entitlement that an employee will have to an employer's discretionary compensation payment (which unlike other parts of the public sector are modest).

They result in a reduced pension going forward for life and only a statutory redundancy payment to support members during a time in which older workers will find it increasingly difficult to find alternative employment.

As previously stated the suggested changes introduce additional administrative burden at a time when other Government changes, because of previous legislative errors, are also increasing Administering Funds workloads. The exit cost cap proposals are complex in themselves before they are combined with the LGPS complex benefit structure.

The proposals are far from simple. It will be difficult for many members to understand each of the options available. Section 4.1 on the draft GAD guidance clearly demonstrate the difficulties that will be faced when implementing the proposals.

The proposals will lengthen the process from an initial quotation to the payment of benefits to the member. The member has more options in addition to the usual conversion of part of the pension to increase the lump sum. Additional cost will also be incurred as all pension administration systems will need to be amended to cope with these complexities plus the issue that they only affect part of the membership. The team at SCPF is not resourced to have to manually calculate these changes.

The second stated objective relates to fairness and consistency across the public sector. As already mentioned, local government has lower severance calculations than the rest of the public sector. However, MHCLG's proposal restricts these further. The proposals for the civil service contain both higher calculation limits and a higher salary cap of £149,820. In this light MHCLG's proposals seem out of line with the consistency objective and seem grossly unfair on LG workers.

Question 6

Do you agree that the further option identified at paragraph 4.8 should be offered?

I agree that the option of deferring pension benefits and receiving a discretionary redundancy payment under the employer's discretionary severance scheme, rather than taking a reduced pension with statutory redundancy pay only, should be offered.

Question 7

Are there any groups of local government employees that would be more adversely affected than others by our proposals?

As in Q 1, all employees over the age of 55 in the LGPS will be affected. Those with long service will be particularly affected because of the interrelationship between strain on pension fund payments and other discretionary and statutory redundancy payments.

Question 8

From a local government perspective, are there any impacts not covered at Section 5 (Impact Analysis), which you would highlight in relation to the proposals and/or process above?

A full impact assessment was not available at the commencement of this consultation. It has since been published but only in draft. That assessment does not identify the real impact that statutory redundancy pay being deducted from the pension strain cost, resulting in a lower pension for life, will have on lower paid and part-time workers – mostly woman.

Question 9

Are these transparency arrangements suitably robust? If not, how could the current arrangements be improved?

The transparency requirements in local government would seem adequate however there seems to be inconsistency with other parts of the public sector or across all workforces covered by these proposals.

Question 10

Would any transitional arrangements be useful in helping to smooth the introduction of these arrangements?

Yes, there should be provision for dealing with those employees already in redundancy/reorganisation situations. This is more a point to be answered by Employers rather than a Pension Fund but restructuring requires statutory periods of consultation with staff and recognised trade unions, this includes providing details of severance packages which of course include information on Pensions to the over 55s. Many employees, including those with long service, will then require 12 weeks' notice of dismissal. Employers will be more aware of the time they require for this process and therefore what transitional arrangements would work best for them.

As the £95,000 cap will come into force before the MHCLG further reforms then, subject to any HMT Directions which provide suitable transitional provisions and waivers, guidance will be required for the interim period between the £95,000 cap implementation and the MHCLG/LGPS further

reform changes as it causes conflict between two sets of regulations and has put Administering authorities in the position that we will be subject to appeal from members when only a reduced pension or deferred pension is offered when under the LGPS regulations currently they have an entitlement to an unreduced pension. Authorities should not have been put in this position.

Question 11

Is there any other information specific to the proposals set out in this consultation, which is not covered above which may be relevant to these reforms?

The stated aims include consistency and fairness across the public sector and so, a comparison with other public sector severance schemes should be undertaken. In local government a balance is achieved between the rules of the Local Government Pension Scheme and local authorities' redundancy policies which provide, in most cases, only a moderate sum to cushion the immediate blow of losing a job. These proposals mean that employees will sadly have to now choose between one or the other.

Question 12

Would you recommend anything else to be addressed as part of this consultation?

As with the £95,000 cap, there should be scope for relaxation of the restrictions, Suggestions include where:

- a. not exercising the power would cause undue hardship;
- b. not exercising the power would significantly inhibit workforce reform;
- c. commitments have legitimately been made by an authority in redundancy/re-organisation processes before the changes come into force;
- d. there is a value for money case.

The draft LGPS Exit Payments Regulations

Regulation 1(4) includes a definition for the Local Government Pension Scheme Regulations 2013. The examples in the GAD guidance however include members' benefits which accrued before 1 April 2014. Regulation 1(4) does not contain a reference to the Local Government Pension Scheme Regulations (Transitional Provisions, Savings and Amendments) 2014 ("the 2014 Transitional Provisions").

If the restrictions on LGPS exit payments, following an exit, are to include benefits which accrued before 1 April 2014, there should be a reference to either the earlier regulations or the 2014 Transitional Provisions.

Regulation 5(4c) replaces the reference to an actuary appointed by the administering authority with guidance which is issued by the Secretary of State – i.e. GAD guidance. There will not be many instances, but guidance will be used to calculate the strain on the fund for a member's benefits where the member is within the scope of the Schedule to the Public Sector Exit Payments Regulations but are outside of the scope of the Schedule to the draft LGPS Exit Payments Regulations. Regulation 68(2) does not allow for this

possibility after the amendment in regulation 5(4)(c) of the draft LGPS Exit Payment Regulations 2020.

The Retirement Process

The restriction on exit payments will elongate the retirement process for early retirements and redundancies. The members will have more options available. Even though the pension strain calculations are based on pre-conversion benefits, the maximum tax-free cash lump sum the member can receive will be affected by whichever option the member eventually elects to receive. This will put a premium on clear and concise communications between all stakeholders.

It would be useful if there was guidance that explained the different options, which are available to a member, according to the type of employer. There are four possibilities and it would assist members if there was national clear and concise guidance regarding options.

I hope you find this response useful.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Debbie Sharp', with a stylized flourish at the end.

Mrs Debbie Sharp
Pensions Administration Manager

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of the Local Government Act 1972.

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