

**NORTH YORKSHIRE COUNTY COUNCIL****PENSION FUND COMMITTEE****20 FEBRUARY 2014****GOVERNANCE OF THE FUND****Report of the Treasurer****1.0 PURPOSE OF REPORT**

- 1.1 To ask Members to support an amendment to the Council's Constitution.

**2.0 BACKGROUND**

- 2.1 An issue has arisen in relation to one of the functions delegated to the Treasurer as described by the Council's Constitution.
- 2.2 As set out in the Constitution, North Yorkshire County Council has delegated to the Pension Fund Committee powers including "to exercise all the County Council's powers as administering authority for the North Yorkshire Pension Fund, subject to any specific instructions that might be given from time to time by the Council."
- 2.3 In the same document the Officers' Delegation Scheme includes the delegated function to the Corporate Director – Strategic Resources, who is the Treasurer of the Pension Fund, "to manage from day to day the Pension Fund, including the exercise of the Council's functions as administering authority, where such exercise does not involve use of discretion".
- 2.4 Use of the word "discretion" implies that no decisions can be made by the Corporate Director – Strategic Resources but clearly there are circumstances in which decisions need to be made for the operational effectiveness of the Pension Fund without the need for Member involvement. For example, where an employer wishes to make an additional payment of contributions and treat it as a payment in advance, rather than in relation to the year in which the payment is made, the Fund must formally agree to it.
- 2.5 The Officers' Delegation Scheme also includes the delegated function to the Corporate Director – Strategic Resources, who is also the Section 151 officer for the Council "to exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988" without prohibiting discretion.

**3.0 PROPOSED AMENDMENT**

- 3.1 Members are therefore asked to support an amendment to the wording in the Constitution to the Officers' Delegation Scheme to "to manage from day to day the Pension Fund, including the exercise of the Council's functions as administering

authority, subject to any specific instructions that might be given from time to time by the Pension Fund Committee”. Should Members support the amendment this will be communicated to the Members Working Group on the Constitution, the body responsible for approving changes to that document.

4.0 **RECOMMENDATION**

4.1 Members to support the proposed amendment described in **paragraph 3.1**.

GARY FIELDING  
Treasurer  
Central Services  
County Hall  
Northallerton

7 February 2014