



# **Procedural Standing Orders for the Pensions Committee and Associated Meetings**

(November 2019)

## **PENSIONS COMMITTEE STANDING ORDERS**

### **Introduction**

At its meeting on 27 June 2019 the City of Edinburgh Council agreed that the Lothian Pension Fund Pensions Committee should have separate procedural standing orders to reflect the separate legal and statutory obligations that apply to the Lothian Pension Fund (acting through its administering authority the City of Edinburgh Council) (**LPF**).

The LPF Pension Committee standing orders ("**Standing Orders**") therefore apply with effect from their approval by the Pensions Committee and will regulate the conduct of business at meetings of the Pension Committee and any associated sub-committees ("**Committees**") from that date. The Standing Orders will be reviewed annually by one of the Committees.

#### **1. Membership Pensions Committee**

- 1.1 The membership of the Pension Committee consists of
- a. five elected members; and
  - b. two non-elected members.

Elected members will be appointed by the City of Edinburgh Council.

Non-elected Committee members will be appointed in accordance with LPF's Nominations and Appointments policy. Appointments will be ratified by Full Council.

#### **Pensions Audit Sub Committee**

- 1.2 The membership of the Audit Sub Committee consists of three members of the Pension Committee with at least two members being elected members.

#### **Frequency and Notice of meetings**

2. The Pensions Committee meetings are held four times a year and the Audit Sub Committee meetings are held three times a year (with additional meetings being scheduled where required).
- 2.1 During any recess no meetings of the Committees will be held unless in exceptional circumstances where proposed by the Convener, the quorum is met and at least one Employee Member and one Employer Member of the Pension Board are present.<sup>1</sup>
- 2.2 At least 3 clear days before a meeting of a Committee:

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<sup>1</sup> Pension Board Constitution will be updated to reflect this.

- (a) the clerk, Committee secretary or other senior governance manager responsible for supporting the administration of the relevant Committee (**Clerk**) will publish a notice of the time and place of the intended meeting. If the meeting is called by Members of the Committee, the signed request will accompany the notice;
  - (b) a calendar request and agenda of business will be sent to every Committee Member by email or to an alternative address nominated by them; and
  - (c) an invitation to attend the meeting containing the agenda of business will be issued to the LPF Pension Board and Independent Professional Observer (**IPO**).
- 2.3 Additional meetings of a Committee can be requested at any time on being required to do so by the Committee concerned, or at the request of the Convener. At least six days' notice will be given before any such meeting date in accordance with the statutory requirements.
- 2.4 A special meeting will be held within eight days of receiving a written request specifying the business to be transacted and signed by at least one quarter of the Members of the Committee concerned.
- 2.5 No business other than that set out in the notice of meeting may be dealt with unless it is brought before LPF or Committee as a matter of urgency. The Convener must rule that it is a matter of urgency and give the reasons for the ruling to be noted in the minutes. The item must be made known at the start of the meeting when the order of business is decided. If the Convener rules that the matter is not urgent, it will be included as an item for the next Committee meeting, unless dealt with earlier.
3. **Quorum**
- 3.1 The quorum for the Pensions Committee is three. No business may be transacted at any meeting unless a quorum is present. If fewer than three Members are present for the start of the meeting the meeting will be adjourned until such date and time as the Convener decides.
- 3.2 If at any time during a Committee meeting a question arises on whether there is a quorum, the Convener will instruct a count of the Members who are present. If a quorum is not present, the meeting will be adjourned until such date and time as the Convener decides.
- 3.3 The Convener will exercise reasonable discretion as to how much time to allow at the start of, or during, any meeting before making any formal adjournment. The Convener will also exercise reasonable discretion around the date and time which any such adjourned meeting is to be held.
- 3.4 A Member who has declared an interest in an item of business and has left the meeting due to the nature of the conflict may not be counted in the quorum for that item of business. If less than a quorum of the Committee is entitled to vote on an item due to declaration of interests that item cannot be dealt with at the meeting.

4. **Convener of the Committee**

4.1 The Convener will chair any meeting of a Committee when he or she is present. When the Convener is absent from a Committee meeting the Vice-Convener, if appointed, will chair the meeting. When the Convener and Vice-Convener are absent, another Member chosen by the Members present will chair the meeting.

5. **Convener- Duties**

5.1 The duties of the Convener of the meeting, in accordance with these Standing Orders, will include:

- (a) deciding on all matters of protocol, decorum, order, competency and relevancy (including when to allow a motion to adjourn);
- (b) determining all matters of procedure for which no provision is made within these Standing Orders. In reaching this determination he/she may be advised by the Clerk;
- (c) deciding priority between two or more Members wishing to speak;
- (d) ensuring that a fair opportunity is given to all members of the Committee and Pension Board in attendance to express their views on any item of business;
- (e) inviting the support and input of the IPO, where appropriate, and acknowledging any prior commentary provided by the IPO;
- (f) preserving order within the meeting;
- (g) ordering the exclusion of any member of the public, in order to prevent or suppress disorderly conduct or any other behaviour which impedes or is, in the Chair's opinion, impeding the business of the meeting;
- (h) in the event of disorder arising, adjourning the meeting to a time and date the Convener will fix then or later. In leaving the meeting, the Convener in such circumstances, will without further procedure, have formally adjourned the meeting; and
- (i) signing the minutes of the previous meeting.

5.2 The decision of the Convener in relation to all questions regarding Standing Orders is final, but in reaching these decisions advice may be sought from the Clerk.

6. **Order of Business**

6.1 The business of the Committee at ordinary meetings will take place in the following order:

- (a) Order of Business
- (b) Declaration of Interests and Quorum Check
- (c) Deputations
- (d) Approval of Minutes of Prior Meeting
- (e) Reports
- (f) Motions and any other approved urgent business

6.2 The Convener will ensure that Pension Board members are given an opportunity to speak directly on the business of the Committee.

6.3 The Committee may at any meeting vary the order of business to give precedence to any item on the agenda:

- (a) at the discretion of the Convener; or
- (b) on a motion duly moved and approved by a majority of members present, whether by a show of hands or other form of voting.

## 7. **Declaration of Interests**

7.1 Where a member declares an interest in accordance with the Councillors' Code of Conduct and/or the LPF Code of Conduct and the nature of that interest requires the member to leave the meeting, the fact will be recorded in the minutes of the meeting.

## 8. **Variation and revocation of Standing Orders**

8.1 Any motion to vary or revoke these Standing Orders will, when voted on, be approved by a majority of members of the Committee present and voting. Any such motion must be by formal notice.

## 9. **Minutes**

9.1 The Clerk will minute all Committee meetings. The minutes will record the names of the members who attended the meeting and record, in the event of a vote, how each individual member voted. They will be circulated among members of the Committee at least three clear working days before its next meeting for approval at that meeting. If they are approved as a correct record of proceedings of the meeting, the Convener of the meeting will sign them.

## 10. **Deputations**

- 10.1 The Committee can hear deputations on any matter that is included in its power, duties or delegation.
- 10.2 Every application for a deputation must be from an office bearer of an organisation or group. It must be submitted by email or in writing, setting out the subject of the deputation and be delivered to the Clerk no later than 3 clear working days before the meeting concerned. Convener has discretion to waive both these requirements.
- 10.3 The Clerk will submit the application to the Committee. An application for a deputation to Committee will only be submitted if it relates to an item of business on the agenda for that meeting or if the Convener decides that there is sufficient reason for the meeting to consider it.
- 10.4 When the Committee considers whether to hear a deputation, it must not discuss the merits of the case itself. If necessary, a vote will be taken without discussion on whether to hear the deputation.
- 10.5 Each deputation will not usually exceed four persons and will have ten minutes to present its case, unless the Convener allows further time and the circumstances warrant that. If the meeting decides to hear more than one deputation on the same subject, they will be heard together. The Convener will decide how much time to allow.
- 10.6 Unless the Convener decides otherwise, the total maximum time allowed for all deputations (if more than one) to present their cases at a meeting, excluding questions, will be limited to 60 minutes.
- 10.7 Any member can put a question to the deputation that is relevant to the subject. The total time allowed for such questions will not be more than ten minutes for each deputation, unless the Convener allows further time and the circumstances warrant that. The merits of the case must not be discussed by members until the deputation has withdrawn.

## 11. **Motions**

- 11.1 A motion is a matter or proposal brought to the Committee by a member of that Committee for approval, as distinct from an item of business brought to the Committee for approval by LPF officers.
- 11.2 Every formal notice of motion will be in writing and signed off by the member giving the notice. The notice must be delivered to the Clerk by noon on the seventh working day before the meeting. Those not received within this timescale, will not be included in the summons calling the meeting.
- 11.3 Late formal notices of motion may be submitted to the Committee at the appropriate time in the meeting if:

- (a) they have been delivered to the Clerk before the start of the meeting;
  - (b) they are considered by the Convener to be competent, relevant and urgent; and
  - (c) they have been circulated to members before the meeting commences or read by the Clerk to the meeting at the appropriate time in the meeting.
- 11.4 Late motions which are not accepted as urgent by the Convener, will be considered at the next Committee meeting. Late motions may be brought during the course of any meeting if they are required to take into account matters subsequently arising at that meeting, even if they do not satisfy the criteria set out in 11.3 above, provided that the Convener deems that appropriate in the circumstances.
- 11.5 The Convener will ensure that Pension Board members are given an opportunity to speak directly on the motion that is being proposed or discussed.
- 11.6 The Committee may be adjourned at any time by a motion put forward by a majority of the members.
- 11.7 Only members of the Committee are able to vote on motions that are presented to the Committee.
- 11.8 The Convener will Chair the discussion and once satisfied that all points have been considered will direct that a vote be taken.

## 12. **Voting**

- 12.1 A vote may be taken by members either on an item of business or a motion either by electronic voting or by a show of hands and a simple majority in favour of an item of business or motion will be required to carry that matter as having been approved as a decision of that Committee. If the number of votes for and against a proposal are equal the Convener shall have the casting vote, unless the Convener is otherwise excluded from participating from the vote (e.g. should they have a conflict of interest etc.).
- 12.2 Where any item of business or motion is not approved or carried, and the matter is of a nature that does require action, the Convener and that Committee shall use all reasonable endeavours to ensure that the matter is re-considered or that a suitably amended proposal or motion is brought before the Committee to ensure a timeous resolution to the matter.

## 13. **Changing a Committee decision**

- 13.1 Subject to law, a decision of the Committee cannot be changed by the Committee within six months unless notice has been given of the proposed item in the summons for the meeting and:
- (a) the Convener rules there has been a material change of circumstances; or

- (b) the Committee agrees the decision was based on erroneous, incorrect or incomplete information.

14. **Admission of media, members of the public and private items**

- 14.1 Pension Committee meetings are open to the public but the Local Government (Scotland) Act 1973 does allow the Council Committees to hear matters in private if they meet the description of confidential information as defined in the Act or by resolution if the Committee agrees that if the meeting was held in public, then exempt information as defined in Schedule 7(A) of the Act would be disclosed.
- 14.2 Subject to law and in particular to the provisions of the Local Government (Access to Information) Act 1985, meetings will be open to the public and representatives of the media. The public should be able to attend and observe meetings and should have access to all agendas and reports that are not ruled private under the Local Government (Scotland) Act 1973. Attendance is subject to powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at the meeting.

Any video or sound recordings or broadcasting of meetings or the taking of any photographs will be at the Convener's discretion.