

Establishment Committee

TUESDAY, 29 OCTOBER 2019 Date:

Time: 11.00 am

Venue: **COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL**

Members: Deputy Edward Lord (Chair) Jeremy Mayhew

Sylvia Moys Deputy Kevin Everett (Deputy

Chairman)

Randall Anderson Deputy Keith Bottomley

Alderman Sir Charles Bowman

Tracey Graham

Deputy the Revd Stephen Haines

Sheriff Christopher Hayward Deputy Jamie Ingham Clark

Deputy Joyce Nash

Barbara Newman Deputy Richard Regan Deputy Elizabeth Rogula

Ruby Sayed

Deputy Philip Woodhouse

Enquiries: John Cater

tel. no.: 020 7332 1407

john.cater@cityoflondon.gov.uk

Lunch will be served in Guildhall Club at 1pm N.B. Part of this meeting could be the subject of audio video recording

> John Barradell **Town Clerk and Chief Executive**

AGENDA

Part 1 - Public Agenda

1. APOLOGIES

2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA

3. MINUTES

To agree the public minutes of the meeting held on 5th September.

For Decision (Pages 1 - 6)

4. OUTSTANDING ACTIONS REPORT

Report of the Town Clerk.

For Information (Pages 7 - 10)

5. MINUTES OF THE SENIOR REMUNERATION SUB-COMMITTEE

To note the minutes of the meeting held on 19th September 2019.

For Information (Pages 11 - 12)

Strategic Business

6. **BREXIT UPDATE**

The Director of Human Resources to be heard.

For Information

For Formal Decision

7. TRANSFER OF EQUITABLE LIFE TO UTMOST LIFE AND PENSIONS

Report of the Chamberlain.

For Decision (Pages 13 - 26)

8. INSURANCE AND INDEMNITIES FOR INDEPENDENT PERSONS

Joint Report of the Chamberlain and the Comptroller & City Solicitor.

For Decision (Pages 27 - 30)

For Information

9. OPERATION OF THE SCHEME OF DELEGATIONS - APRIL 2019 – SEPTEMBER 2019

Report of the Director of HR.

For Information

(Pages 31 - 32)

10. RESOLUTION FROM THE BARBICAN RESIDENTIAL COMMITTEE TO THE ESTABLISHMENT COMMITTEE - 29 OCTOBER 2019

For Information

(Pages 33 - 34)

11. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

12. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

13. **EXCLUSION OF THE PUBLIC**

MOTION - That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

For Decision

Part 2 - Non-Public Agenda

14. NON-PUBLIC MINUTES

To agree the non-public minutes of the meeting held on 5th September 2019.

For Decision

(Pages 35 - 36)

Strategic Business

15. FUNDAMENTAL REVIEW HR ROADMAP

Report of the HR Director.

For Information

(Pages 37 - 38)

For Formal Decision

16. REVISED REDUNDANCY POLICY

Report of the Director of HR.

For Information

17. LONDON BOROUGHS' LEGAL ALLIANCE (LBLA) BARRISTERS FRAMEWORK PROCUREMENT - STAGE 2 AWARD REPORT

Report of the Chamberlain.

For Information (Pages 63 - 78)

- 18. NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE
- 19. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED

Part 3 - Confidential Agenda

20. **CONFIDENTIAL MINUTES**

To agree the Confidential minutes of the last meeting held on 5th September 2019.

For Decision

21. CONFIDENTIAL MINUTES OF THE SENIOR REMUNERATION SUB COMMITTEE

For Decision

For Formal Decision

22. GOVERNMENT PAY AWARD FOR JUDGES FOR 2019/20, AND ITS APPLICABILITY TO THE RECORDER AND COMMON SERJEANT

Report of the Director of HR.

For Decision

For Information

23. IT MANAGED SERVICES - PROCUREMENT STAGE 2 AWARD REPORT

Report of the Chamberlain.

For Information

24. EMPLOYMENT CASES AND SETTLEMENTS

Report of the Comptroller and City Solicitor.

For Information

25. CITY OF LONDON SCHOOL - APPEAL

Report of the Director of HR.

For Information

26. OPEN SPACES - APPEAL

Report of the Director of HR.

For Information

27. APPENDIX - OPERATION OF THE SCHEME OF DELEGATIONS - APRIL 2019 - SEPTEMBER 2019

Appendix to item 10.

For Information

28. TOWN CLERK'S UPDATE

The Town Clerk to be heard.

For Information

29. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC AND OFFICERS ARE EXCLUDED



ESTABLISHMENT COMMITTEE Thursday, 5 September 2019

Minutes of the meeting of the Establishment Committee held at Guildhall on Thursday, 5 September 2019 at 11.00 am

Present

Members:

Deputy Edward Lord (Chair)
Deputy Kevin Everett (Deputy Chairman)
Deputy Keith Bottomley
Alderman Sir Charles Bowman
Tracey Graham
Christopher Hayward
Jeremy Mayhew
Sylvia Moys
Deputy Joyce Nash
Barbara Newman
Deputy Elizabeth Rogula
Ruby Sayed
Deputy Philip Woodhouse

Officers:

John Barradell
Chrissie Morgan
Michael Cogher
Angela Roach
Jon Averns

Kristina Drake
Janet Fortune
Marion Afoakwa
Philip Gregory
Kate Smith
Peter Young
Carol Simpson
Fiona Rawes
Gavin Stedman
Colette Hawkins

John Cater

- Town Clerk and Chief Executive
 - Director of Human Resources
- Comptroller and City Solicitor
- Assistant Town Clerk
- Director of Markets & Consumer Protection
- Media Officer
- HR Department
- HR Department
- Chamberlain's Department
- Town Clerk's Department
- City Surveyor's Department
- HR Department
- Head of Philanthropy Strategy
- Port Health & Public Protection Director
- Strategic HR Projects Manager, Town Clerk's
- Committee Clerk

1. APOLOGIES

Apologies for absence were received from Randall Anderson, Deputy Stephen Haines, Deputy Jamie Ingham Clark, Deputy Richard Regan and Ruby Sayed.

The Chair welcomed Natasha Lloyd-Owen who was attending the meeting as a guest of the Committee and was invited to speak on ITEM 7: Ban the Box.

2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA

There were no declarations of interest.

3. MINUTES

RESOLVED – That the public minutes of the meeting held on 10th July 2019 be approved as an accurate record.

4. OUTSTANDING ACTIONS REPORT

The Committee received a report of the Town Clerk which provided details of outstanding actions from previous meetings.

AOB – Chair's appraisal process

Members agreed to issue a resolution to the Policy and Resources Committee asking P&R to encourage the Members of other Grand and Sub-Committee's to carry out an annual performance appraisal of their respective Chairman/Chair.

RESOLVED – That the Committee notes the report and a resolution be issued to Policy and Resources Committee.

5. PUBLIC DRAFT MINUTES OF THE MEETING OF THE SENIOR REMUNERATION SUB-COMMITTEE

The Committee received the draft public minutes of the Senior Remuneration Sub-Committee meeting on 29th July 2019.

A Member highlighted several typographical errors, the Chairman asked the Town Clerk to correct these before the next meeting of the Sub-Committee.

RESOLVED – that the Committee noted the minutes.

6. **BREXIT UPDATE**

The Committee received a verbal update regarding Brexit from the Director of HR.

The Director reiterated the Corporation's commitment to supporting staff who were EU nationals, adding that after a recent visit by the Home Office, the Corporation was described as an exemplar to other authorities in terms of preparedness. Whilst clearly the situation was fluid, HR were encouraging all effected staff to complete their settled status applications before 31st October.

Members asked the Director and her senior team to continue to be proactive, they welcomed the Home Office's offer to return to run workshops for employees. In addition, HR would be offering insight lunches, providing up-to-date communication and guidance to all employees effected, and would be writing to Chief Officers to ensure that individual departments were also taking a proactive approach to ensuring all staff were supported.

RESOLVED – that the Committee noted the verbal update.

7. BAN THE BOX

The Committee considered a Report of the Director of HR concerning the 'Ban the Box' campaign.

Members expressed their robust support for the campaign; it was critical to recognize the link between joblessness and recidivism, and initiatives like removing the criminal convictions tick box at the application stage was a very useful tool in giving ex-offenders an opportunity to secure gainful employment. A Member asked officers to reach out to Bristol City Council which had introduced a 'Ban the Box' policy last year.

RESOLVED – that the Committee noted the Report and endorsed the development of a policy in support of the 'Ban the Box' campaign.

8. **JOB FAMILIES**

The Committee considered a Report of the Director of HR concerning Job Families.

Members were of the view that the Report did not provide sufficient detail about the potential advantages of introducing Jobs Families and suggested that drawing comparisons with local authorities that operated a jobs families policy would be a helpful next step.

The Director of HR stressed that jobs families should not be seen in isolation, but it was an important component of HR's upcoming overarching review of pay scales and grading, issues which had not been examined in several years. The first part of the Report would be submitted to Members later in 2019.

It was important, expressed one Member, to start with identifying the problems; for instance, some chief officers, he added, particularly those that managed departments with a more commercial focus, had expressed frustration with the inflexibility of current Corporation wide policies. Once the problems had been determined, potential solutions, including jobs families, could be explored.

The Chair added that a separate strategic session of the Committee focussed on Pay and Grading would be beneficial. The Director of HR would liaise with the Town Clerk in identifying an appropriate time for a session over the coming months.

RESOLVED – that the Committed noted the Report.

9. PREMATURE BABY LEAVE SCHEME

The Committee considered a Report of the Director of HR concerning the introduction of a Premature Baby Paid Leave Scheme where babies are born before 37 weeks.

RESOLVED – that the Committee:

- Approved the implementation of a Premature Baby Paid Leave Scheme for inclusion in the maternity and paternity policies
- Approved Option 2: Employees will be entitled to receive an extra day of Premature Baby Paid Leave for every day between the date their baby is born and the expected date of birth. The leave entitlement will be added to the end of the employee's Maternity Leave period after this leave entitlement has been exhausted.
- Approved the signing of the Employer with Heart Charter

10. SPECIAL LEAVE ENTITLEMENT FOR EMPLOYEE VOLUNTEERING

The Committee received a Report of the Chief Grants Officer and Director of City Bridge Trust.

Although content to approve the Report, it was apparent that many of those volunteering had failed to record this on the corporate system; Members requested that officers return to the Committee with a further analysis of staff volunteering rates.

RESOLVED – that the Committee:

- Approved the expanded scope of the Employee Volunteering Programme which provides 14 hours paid leave per employee per year to enable staff to find their own volunteering opportunities within appropriate parameters.
- Delegated authority to the Town Clerk (Chief Grants Officer and Director of Human Resources) to define and agree the revised parameters on the expanded offer for inclusion in the Special Leave and Time Off Policy, which will be communicated to staff to increase awareness take up of volunteering.

11. HR DASHBOARD - JUNE 2019

The Committee received a Report of the Director of HR concerning the Corporate HR Dashboard.

Members noted that there appeared to have a relatively high number of disciplinary and grievances cases. Officers responded that whilst this was a high rate it reflected line managers taking a pro-active approach to behaviour which fell below the Corporations standards.

Members asked officers to return with more analysis concerning the following:

- Why do 36% of new starters leave within their first year.
- How effective were the City's Mental Well-Being policies in helping to reduce absence?
- How do the City's absences for stress compare with other similar organisations?

A Member asked the Town Clerk to forward details of the Corporation's Employee Assistance Programme; the Town Clerk confirmed that, in addition to employees, this service was available to Members to use.

A Member encouraged the Committee to support the Lord Mayor's Appeal and the Samaritan's programme, Wellbeing in the Workplace.

RESOLVED – that the Committee noted the Report

12. ESTABLISHMENT OUTTURN REPORT 2018/19

The Committee received a Joint Report of the Town Clerk, the Chamberlain and the Comptroller and City Solicitor.

RESOLVED – that the Committee noted the Report.

13. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

14. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There were no urgent items.

15. EXCLUSION OF THE PUBLIC

RESOLVED – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

16. NON-PUBLIC MINUTES

The non-public minutes of the meeting held on 10th July were approved.

17. GUILDHALL WORKPLACE UTILISATION PROGRAMME - SMART WORKING UPDATE REPORT

The Committee considered a Report of the City Surveyor concerning Smart Working.

18. NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

19. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED

There were no items of urgent business.

20. **CONFIDENTIAL MINUTES**

The confidential minutes of the meeting held on 10th July were approved.

21. MARKET FORCES SUPPLEMENT FOR HEAD OF POLICE AUTHORITY FINANCE

The Committee considered a Report of the Chamberlain concerning the Head of Police Authority Finance.

22. PORT HEALTH - SERVICE BASED REVIEW - STAFFING UPDATE

The Committee considered a Report of the Director of Consumer Protection and Markets Operations.

23. **CONSULTATION TIMETABLE**

The Committee received a Report of the Director of HR concerning a draft timetable for consultation with the trade unions and staff representatives on the pay award for 2020.

24. TOWN CLERK'S UPDATE

The Town Clerk provided a brief verbal update to the Committee.

25. CONFIDENTIAL DRAFT MINUTES OF THE MEETING OF THE SENIOR REMUNERATION SUB-COMMITTEE

The Committee noted the Confidential Minutes of the Senior Remuneration Sub-Committee meeting on 29th July.

| ine meeting e | ended at 12.50 pm |
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| | |
| Chairman | |

Contact Officer: John Cater tel. no.: 020 7332 1407

john.cater@cityoflondon.gov.uk

Establishment Committee – Outstanding Actions

| Ite | m | Date | Action | Officer responsible | To be completed/ progressed to next stage | Progress Update |
|-----|----|------------------|--|-------------------------------|--|---|
| | 1. | 10 July 2019 | Race Charter Members noted the development of the race charter, they requested that more thought needed to be put into how the Corporation tracked and measured progress in this area. Officers responded that they would return in September 2019 with further details | Town Clerk | December 2019 | Due to resources being geared towards making the Stonewall submission, and ensuring departments have their Action Plans up and running, this Report will be submitted to Establishment Committee members in December. |
| | 2. | 10 July 2019 | Annual Employee Profile Report 2018 – 2019 Members asked officers to carry a deep dive on two or three areas in the Report and present their findings to a future meeting of the Establishment Committee. Areas could include, for example, the gender pay gap and/or bonuses data. | Director of HR | December 2019 | A Report will be submitted to the December meeting as part of the ER & I update. |
| | 3. | 10 July 2019 | AOB - Chair's appraisal process The Chair proposed carrying out an appraisal for their performance – this would be conducted by Establishment Committee Members with the assistance of officers. | Town Clerk and Director of HR | November 2019 | The Town Clerk and the Director of HR would review options and come back to Members in the autumn. |
| | | 5 September 2019 | Members agreed to issue a resolution to the Policy and Resources Committee asking P&R to encourage the Members of other Grand and Sub-Committee's to carry out an annual performance appraisal of their respective Chairman/Chair. | Town Clerk | October 2019 | Resolution submitted to P&R's meeting of 17th October 2019 |

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| Item | Date | Action | Officer responsible | To be completed/ progressed to next stage | Progress Update |
|------|------------------|--|-----------------------------------|---|-----------------|
| 4. | 5 September 2019 | Job Families The Director of HR stressed that jobs families should not be seen in isolation, but it was an important component of HR's upcoming overarching review of pay scales and grading - issues which had not been examined in several years. The first part of the Report would be submitted to Members later in 2019/early 2020. The Chair added that a separate strategic session of the Committee focussed on Pay and Grading would be beneficial. The Director of HR would liaise with the Town Clerk in identifying an appropriate time for a session over the coming months. | Director of HR and the Town Clerk | December 2019/January 2020 | |
| 5. | 5 September | Special Leave Entitlement for Employee Volunteering Although content to approve the Report, it was apparent that many of those volunteering had failed to record this on the corporate system; Members requested that future iterations of this Report should seek to drill down and capture a more accurate picture of staff volunteering rates. | Director of HR | September 2020 | |

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| Item | Date | Action | Officer responsible | To be completed/ progressed to next stage | Progress Update |
|------|-------------|--|------------------------|---|--|
| 6. | 5 September | HR Dashboard – June 2019 Members asked officers to return with more analysis concerning the following: • Why do 36% of new starters leave within their first year. • How effective were the City's Mental Well-Being policies in helping to reduce absence? • How do the City's absences for stress compare with other similar organisations? | Director of HR | December 2019 | To be picked up in the next iteration of the HR dashboard. |

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SENIOR REMUNERATION SUB-COMMITTEE

Thursday, 5 September 2019

Minutes of the meeting of the Senior Remuneration Sub-Committee held at the Guildhall EC2 at 10.00 am.

Present

Members:

Deputy Edward Lord (Chair)
Deputy Keith Bottomley
Simon Duckworth
Deputy Kevin Everett
Christopher Hayward
Tracey Graham
Jeremy Mayhew

Officers:

John Barradell - Town Clerk and Chief Executive

Angela Roach - Town Clerk's Department - Pay and Grading Manager

1. APOLOGIES

Apologies were received from Catherine McGuinness, Jamie Ingham Clark, Ruby Sayed and Sir David Wootton.

2. MEMBERS DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF THE ITEMS ON THE AGENDA

There were no declarations.

3. MINUTES

The public minutes of the meeting held on 29 July 2019 were approved.

4. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-COMMITTEE

There were no questions.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There were no urgent items.

6. EXCLUSION OF THE PUBLIC

MOTION – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of the Schedule 12 A of the Local Government Act:-

Item Nos.

Paragraph(s) in Schedule 12A

7 and 8 1 and 4

Part 2 - Non-Public Confidential Agenda

7. MINUTES

The non-public confidential minutes of the meeting held on 29 July 2019 were approved.

8. SENIOR MANAGEMENT GROUP REMUNERATION

The Sub-Committee considered a revised report of the Town Clerk concerning the salary scale for two officers in the Senior Management Group (SMG).

Members noted the revisions made to the report and were informed of the reasons why the proposals had been brought back for further consideration. Detailed discussion ensued, during which, the majority of Members reiterated the view that it would be more appropriate to review the salary scales at the conclusion the Fundamental Review exercise.

RESOLVED - That:-

- the report be noted and that consideration of the salary scale for two officers in the SMG be deferred pending the outcome the Fundamental Review; and
- the Director of HR be requested to submit a report on the appropriateness of the use of the median benchmark in relation to pay, together with a review of the Pay Policy Statement to the next meeting of the Sub-Committee.

| The meeting closed at 10.50am | |
|-------------------------------|--|
| | |
| Chair | |

Contact Officer: Angela Roach Angela.roach@cityoflondon.gov.uk

Agenda Item 7

| Committee: | Date: |
|--|-----------------|
| Establishment | 29 October 2019 |
| | |
| Subject: | Public |
| Transfer of Equitable Life to Utmost Life and Pensions | |
| Report of: | For Decision |
| The Chamberlain | |
| Report author: | |
| Matt Mott | |

Summary

The City of London Corporation in its capacity as an administrating authority for the Local Government Pension Scheme (LGPS) offers scheme members the option to invest in further pension savings by way of an additional voluntary contribution (AVC) arrangement.

Originally this was provided solely by Equitable Life and more recently by Prudential Assurance Company and Standard Life. There remains 24 Corporation pension scheme members who have an AVC with Equitable Life, of which 16 invest in the With Profits Fund.

Recommendation

The recommendation is for the Establishment Committee consider the proposal and a) agree the Corporation is to vote,

b) vote for the transfer of Equitable Life business to Utmost Life and Pensions.

The vote must be completed no later than 10am on 30 October 2019.

Main Report

Background

- Equitable Life have since 1999 struggled to meet investment guarantees for scheme members in the With Profits Fund. They have not accepted new business since December 2000 and have been seeking a solution to these issues.
- 2. City of London Corporation in its capacity as an administering authority of the LGPS is also the sole Policyholder and the Eligible Member of the Equitable Life AVC arrangement.

Current Position

- 3. Equitable Life are proposing a transfer of their business to Utmost Life and Pensions. Policyholders and Eligible Members have been asked to vote on this proposal in their capacity as the administering authority.
- 4. It is not mandatory to vote, indeed it is possible to object to the proposal if the Corporation's pension scheme would be adversely affected. The City of London Pension Fund (LGPS) would not be adversely affected by the transfer of Equitable Life business to Utmost Life and Pensions. Two votes are required for Page 13

the proposal to go ahead:

Vote 1 - The Scheme

- increasing with-profits investments with an immediate one-off 'Uplift'
- removing any investment guarantees, and
- converting with-profits policies to unit-linked investments

Vote 2 - The Transfer

- To transfer to Utmost Life and Pensions the business of Equitable Life
- 5. The vote on the transfer must be completed by 30 October 2019 and a hearing is scheduled at the High Court for the 22 November 2019. If the proposal is successful it is intended for the transfer to take full effect on 1 January 2020.

Challenges For Equitable Life

- 6. Since 1999 Equitable life have been trying to find a solution and applied to the High Court to reduce the amount of bonuses they were required to pay to their With Profits AVC policyholders. Initially this was agreed only for them to be denied by the Court of Appeal and then the House of Lords. In July 2000 Equitable Life decided it was in the interest of members to find a purchaser for the society and when this failed they announced in December 2000 they would not write any new business. They have been operating as a run-off since then. This means that without new investment into the With Profits Fund, the value of the assets within the fund reduces over time. This makes it increasingly challenging for Equitable Life to meet its obligation of investment guarantees in the future.
- 7. At this time administering authorities took action to either retain Equitable Life, appoint another provider in substitute for Equitable Life or appoint another provider in addition to Equitable Life.

The Proposal and Corporation AVC members

- 8. The information provided by Equitable life indicates that by applying the proposed uplift immediately upon transfer to Utmost Life and Pensions all AVC members would have potential unit linked fund values in excess of the With Profits fund values currently held with Equitable Life.
- 9. Under the proposal each member is estimated to receive an uplift upon transfer of the business to Utmost Life and Pensions of at least 68% of their with-profits policy value. This represents their share of the with-profits assets distribution to be made by Equitable Life.
- 10. If the proposal is agreed then the uplifted policy values will be invested in unit linked investments with Utmost Life and Pensions. This unit linked investment will not have any investment guarantees and the values could fall as well as rise.
- 11. If the proposal is rejected, then Equitable Life would continue to operate their business as a runoff and the ability for them to pay the With Profits investment guarantees in the future will decline over time. It is very likely, therefore, that Equitable Life's proposal to transfer the business to Utmost Life and Pensions could be the most beneficial option for the Corporation's AVC scheme members.
- 12. As part of the proposal Utmost Life and Pensions have provided details of their investment funds and they have a wide range of investments across all types of risk. There has yet to be any communication between the Corporation and Utmost Life and Pensions with regards to fund selection, although this would be Page 14

anticipated following the High Court hearing and confirmation the transfer is to proceed.

Appendices

Appendix A Equitable Life summary of the proposed transfer

Appendix B Letter to scheme members

Appendix C Local Government Association background document

Contact: Matt Mott

Telephone: 020 7332 1133

Email: matt.mott@cityoflondon.gov.uk

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READ CAREFULLY - THESE CHANGES MIGHT IMPACT THE VALUE OF YOUR PENSION SCHEME INVESTMENTS

Definitions of terms in bold italics can be found in the glossary in the enclosed Explanatory Booklet Part B.

Private & Confidential

C / O Mr M Mott

The Administering Authority For The Corporation Of

London

PO Box 270

Guildhall

LONDON

EC2P 2EJ

0000348



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Equitable Life

August 2019

CRN: G1-0000009080

This letter and the enclosed documents contain important information about a Proposal that affects your pension schame. We strongly recommend you read them.

You are a Scheme Policyholder and a Member, so are able to:

- Vote on the Scheme and the Change to the Articles
- Object if you feel your pension scheme may be adversely affected by the Scheme or Transfer.

if you have any quantions call us on 0330 159 1531. Opening hours are between 9am and 5pm on UK working days.

Dear Mr Mott

Limited time to vote - these changes would affect your pension scheme

The time has come for us to ask you to vote. This pack provides full details about the *Proposal* we first told you about last year, so you can have your say on the future of the *Equitable*.

What the Proposal is

Part one, which is referred to as the Scheme:

- Increases your members' with-profits investments with an immediate one-off Uplift.
- Removes Investment Guarantees (including any guaranteed annual increases) and any With-Profits Switching Rights, and
- Converts with-profits investments to unit-linked investments.

Part two, known as the Transfer.

Transfers the *Equitable's* business to Utmost Life and Pensions. The *Transfer* does not require a vote, but it does need approval by the *High Court*. Trustees and pension scheme members are able to object if they feel their pension scheme will be adversely affected by the *Transfer*.

Information contained later in this letter explains how exactly the *Proposal* affects your pension scheme investments.

Why this pack is important to you

The *Proposal* can only go ahead if *Scheme Policyholders* and *Eligible Members* vote for it and the *High Court* approves it. There are two votes, and both need to be in favour and the *High Court* needs to approve the *Scheme* and the *Transfer* for the *Scheme* to become effective.

Vote 1: To approve the Scheme

Vote 2: To Change the Articles to make Utmost Life and Pensions the sole Member of the Equitable

Details about the Scheme and the Change to the Articles can be found later in this letter.

In this pack we have included the *Voting Forms* relevant to you. Details about the voting process can be found in Section D of Explanatory Booklet Part B.

If approved, these changes affect your pension scheme even if you voted against them or did not vote. This is why it is important that you read the information contained in this pack.





Information included in this pack to help you make a decision

The *Equitable Board* considered a number of alternative options for the future of the *Equitable* before deciding on the *Proposal* (details of the alternative strategies considered can be found on pages 23 to 25 of the enclosed Explanatory Booklet Part B). The *Board's* conclusion is that the *Proposal* is in the best interests of *Policyholders*. If approved, the *Proposal* achieves our aim of getting capital back to *Policyholders* as quickly and as fairly as possible. However, it is important you make your own decision based on your own scheme's circumstances, and the information in this pack is designed to help you do that

Member Specific Data

If we hold a confirmed email address for your pension scheme, we will have sent a link to a secure portal where you can find member specific data. If we were unable to confirm with you an email address for your pension scheme, we have included the member specific data in this pack. We are providing you with the data in this way to enable you to pass this on to your members, to allow them to have their say.

This data shows how your members' with-profits investments may increase, and what *Investment Guarantee* would be removed, together with a projection showing how this might look at a particular point in the future, if the *Proposal* is approved. It also provides a comparable set of values should the *Proposal* not go ahead. We have also included the return required on the uplifted investments, to match the with-profits *Guaranteed Values* that would have been available at the member's retirement date we have on record, if the *Proposal* did not go ahead.

Explanatory Booklet Part A



This booklet provides you with key information about the *Proposal* and how it would impact your pension scheme and other *Policyholders*. It highlights the individual investor considerations that may be relevant to your members, which may help you decide whether this *Proposal* is right for them.

Explanatory Booklet Part B



This booklet provides details of the *Proposal* and describes the impact on your pension scheme. It covers the rationale for the *Proposal*, other options that have been considered and details of what support is available.

Summary reports from the *Policyholder Independent Expert* and the *Transfer Independent Expert* can be found in *Explanatory Booklet Part B*appendices VI and VIII. They consider the *Scheme*and the *Transfer* respectively.

How it works The *Proposal* Part one:

The Scheme - Vote 1

In order to make the changes to your members' with-profits investments as outlined under Part one on the front page of this letter, we are following a legal process called a Scheme of Arrangement. The **Scheme** can only go ahead if it is approved by **Policyholders** that are affected by the **Scheme** and the **High Court** approves the **Scheme** and the **Transfer**.

If the required majority of *Policyholders* vote in favour at the *Policyholders' Meeting* and the *Extraordinary General Meeting* currently scheduled for 1 November 2019 at 10am, and we receive *High Court* approval, your pension scheme will be affected, even if you voted against the *Scheme*.

We have appointed a *Policyholder Independent Expert* who has considered the *Scheme* from the perspective of all *Policyholders*. His report will be reviewed by the *High Court* and a summary of this report is included in Appendix VI of Explanatory Booklet Part B.

More details about the **Scheme**, including the risks of the **Proposal** and the challenges the **Equitable** faces if we continue as we are, can be found in **Section B** of **Explanatory Booklet Part B**.

Scheme Policyholders have the legal right to object to the Scheme if they wish. Paragraphs 66.1 to 66.4 of Explanatory Booklet Part B set out how Policyholders can object to the Scheme and the Transfer if they believe they will be adversely affected.

The Change to the Articles - Vote 2

As the *Equitable* will not cease to exist immediately after the *Scheme*, a *Change to the Articles* is required to make Utmost Life and Pensions, as the new intended owner of the *Equitable*, the sole *Member*. This change will be voted on at an *Extraordinary General Meeting* of *Members*, which will take place on the same date as the vote on the *Scheme*.

More details about the *Change to the Articles* are included in Section C of Explanatory Booklet Part B.

Both the votes need to be in favour by the required majorities, and *High Court* approval must also be obtained for the *Scheme* and the *Transfer* in order for the *Scheme* to become effective.

If the *Scheme* does not go ahead, your members would not receive the potential increase in their with-profits investments, they would retain their *Investment Guarantees* (including any guaranteed annual increases) and any *With-Profits Switching Rights*, their with-profits investments would not be converted to unit-linked investments and the *Equitable's* business would not be transferred to Utmost Life and Pensions. We would continue to run the *Equitable* as we do now and service your pension scheme investments as normal.

What information is relevant to you

You are:

- A Scheme Policyholder affected by the Scheme and are entitled to vote on it
- A Member entitled to vote on the Change to the Articles
- A Trustee affected by the *Transfer* of your Equitable pension scheme investments to Utmost Life and Pensions

All parts of Explanatory Booklets Part A and B are relevant to you and should be read in conjunction with your member specific data.

What we are asking you to do

You should consider the information in this pack and then decide:

- How you want to communicate the Proposal to your pension scheme members
- How you want to vote in respect of the *Scheme* and the *Change to the Articles*. Trustees are able to split their votes on the *Scheme* and the *Change of the Articles*, to take into account the possibility of different preferences of your pension scheme members. This is explained in more detail on the *Voting Forms*.
- Whether you want to object to the Scheme and/or the Transfer

How you can vote

Voting Forms are included in this pack, including details of how you can vote online. Alternatively, you can vote in person at the **Policyholders' Meeting** and **Extraordinary General Meeting**, which are scheduled to take place on i November 2019 at 10am.

You have until 10am on 30 October 2019 to vote online or for us to receive your forms by post. If you are planning to attend the meetings in person, we still recommend that you complete and return your **Voting Forms**, just in case circumstances change and you are unable to attend.

More details about the votes are included in Section D of Explanatory Booklet Part B.

What will happen next

- The voting window is open! Before voting, we encourage you to read the information contained in this pack to ensure you have a good understanding of what is happening. Information is also available online at www.equitable.co.uk and there is support over the phone.
- The deadline for receiving postal and online votes is 10am on 30 October 2019.
- Your last chance to vote will be in person at the *Policyholders' Meeting* and *Extraordinary General Meeting* on 1 November 2019 at 10am. After the meetings, the result will be published on our website.
- If the two votes are in favour, and if the *Scheme* and the *Transfer* are approved by the *High Court* at the hearing scheduled for 22 November 2019, the *Proposal* is expected to take full effect on 1 January 2020. We will let *Policyholders* know the outcome of this hearing.
- Shortly we will also be sending you an *Investment Choice Pack* which explains the investment options that will be available from Utmost Life and Pensions if the *Proposal* goes ahead. This pack will also include details of what additional help and support is available when making your investment choices.



Chamberlain's Department

Dr Peter Kane MA, MSc, CPFA Chamberlain (Finance Director)



Telephone 020 7332 31133 Fax 020 7710 8539 Email matt.mott@cityoflondon.gov.uk

Date

Dear

Local Government Pension Scheme (LGPS) Changes to Equitable Life Additional Voluntary Contribution (AVC) scheme

I am writing to inform you of the potential changes that will affect your AVC contract with Equitable Life.

Equitable life is proposing to transfer their AVC provision to Utmost Life and Pensions and change the way in which your AVC is invested. It is not yet confirmed that this will happen, it is currently a proposal and below are the relevant points of that proposal.

The proposal

Part one

- Increase With-Profits Policy Values with an immediate one-off uplift
- Remove investment guarantees (including any guaranteed increases and any with profits switching rights)
- Convert With-Profits Policies to Unit Linked Policies.

Part two

- Policy holders (such as the City of London Corporation) and Pension Trustees have been asked to vote on a decision to transfer or they can object if their pension scheme would be affected by the transfer. This is not legally required
- Approval by the High Court is legally required
- Transfer of Equitable Life business to Utmost Life and Pensions

The vote on the transfer must be completed by 1 November 2019 and a hearing is scheduled at the High Court for the 22 November 2019. If the proposal is successful it is intended for the transfer to take full effect on 1 January 2020.



Page 2 of 2

We will contact you again following the High Court hearing and share further information when we receive it. In the meantime should you have any questions please contact me on the details provided at the top of this letter.

Yours sincerely

Matt Mott Pensions Manager

Equitable Life transfer to Utmost Life and Pensions

Requirement to provide an AVC arrangement

LGPS administering authorities are legally obliged to provide access to an in-house Additional Voluntary Contribution (AVC) arrangement for their members. This was an overriding requirement between 6 April 1988 and 5 April 2006 but is now only a requirement under the LGPS regulations themselves.

The overriding requirement was provided for by:

- section 12 of the Social Security Act 1986 from 6 April 1988 until 6 February 1994
- section 111 of the Pension Schemes Act 1993 from 7 February 1994 until 5 April 2006.

The Scheme requirement is currently provided for by regulation 17 of the LGPS Regulations 2013:

- 17. -(1) An active member may enter into arrangements to pay additional voluntary contributions ("AVCs") or to contribute to shared cost additional voluntary contribution arrangements ("SCAVCs") in respect of an employment.
- (2) The arrangements mentioned in paragraph (1) must be a scheme established under an agreement between the appropriate administering authority and a body approved for the purposes under the Finance Act 2004

("the AVC provider"), registered in accordance with that Act and administered in accordance with the Pensions Act 2004

In predecessor regulations the requirement has been provided for by:

- Regulation 60 of the LGPS Regulations 1997
- Regulation 25 of the LGPS (Administration) Regulations 2008

Equitable Life

Because of the legal requirement mentioned above, all LGPS administering authorities have entered into arrangements with one or more AVC providers. When the requirement was first introduced Equitable Life were a big player in the market and many funds appointed Equitable Life as their sole or joint AVC provider.

In 1999, Equitable Life launched court proceedings to enable it to force policyholders to accept bonus cuts. It won the first stage of its battle only to lose in the Court of Appeal and then the House of Lords.

Following the House of Lords ruling in July 2000 Equitable Life decided it was in the interest of members to find a purchaser for the Society. This failed and on 8

December 2000 it announced that it would not write any new business – it has been operating in run-off since then.

At this time LGPS administering authorities took action regarding:

- whether to retain Equitable Life as an AVC provider, and
- whether to appoint another AVC provider either in substitution for, or as an addition to, Equitable Life.

As a result, most LGPS administering authorities only hold AVC policies with Equitable Life in respect of historical AVCs but we think the amount invested across the whole of the LGPS is still significant.

The Proposal

On 15 June 2018, Equitable Life announced that it has entered into an agreement to transfer its business to Utmost Life and Pensions (previously Reliance Mutual).

Equitable Life's Proposal is made up of two main parts:

- 1. The Scheme
 - increasing with-profits investments with an immediate one-off 'Uplift'
 - removing any investment guarantees, and
 - converting with-profits policies to unit-linked investments

2. The Transfer -

To transfer to Utmost all of the business of Equitable Life except for certain excluded policies.

The Proposal involves three legal processes:

- (i) the 'Scheme', which is the legal process which would make the changes to the with-profits policies
- (ii) the Change to Articles, which would make Utmost the Equitable Life's only Member
- (iii) the Transfer, which is the legal process which would transfer the transferring business to Utmost.

In August 2019, Equitable Life wrote to all the LGPS administering authorities affected by the transfer (about 45) to advise them that as both 'Scheme Policy Holders' and 'Eligible Members' they are able to vote:

- 1. to approve the 'Scheme'
- 2. to 'Change the Articles'

Administering authorities are also able to object to the transfer of Equitable Life's business to Utmost Life and Pensions (which does not require a vote but does need the approval of the High Court).

The deadline for the receipt of postal and online votes is 10am on 30 October 2019.

Key points

- 1. Scheme Policyholders cannot choose to opt out of the Scheme. The Scheme will only go ahead if the statutory majorities are obtained in the vote on the Scheme. These are:
 - a majority of more than 50% of the Scheme Policyholders vote in favour of the Scheme, and
 - the Scheme Policyholders who vote in favour of the Scheme hold 75% or more of the total Voting Value of all the Scheme Policyholders who vote.
- 2. The Change to the Articles requires approval of at least 75% of the votes cast. If the Change to the Articles is not passed the Scheme will not be implemented.
- 3. LGPS administering authorities are able to split their vote in a way that represents the preferences of their members.
- 4. The Scheme will also not become effective unless Utmost obtains a Changes in Control Approval from the Regulators (the Prudential Regulation Authority (PRA) and the Financial Conduct Authority (FCA)), as a result of them becoming the sole member of Equitable.
- If enough Scheme Policyholders vote for the Scheme and the Change to Articles is passed, Equitable Life intends to return to the High Court to ask it to approve (or "sanction") the Scheme and the Transfer. This hearing is likely to take place on 22 November 2019.
- 6. Although there is no policyholder vote on the Transfer, all policyholders of the Equitable are able to raise concerns or object if they believe they will be adversely affected by the Transfer.
- 7. If the Proposal does not become effective, no Scheme Policyholder would receive any uplift and Equitable would continue to run as it does currently. They would try to find a different solution to the challenges they currently face, which they state include:
 - policyholders choosing to retire or take their benefits later than Equitable expect
 - regulatory requirements to set aside assets to provide for risks, rather than distribute them to their With-Profits Policyholders
 - o Equitable becoming too small to function efficiently or cost effectively, and
 - other risks that materialise which mean that future policy payments have to decrease.

Full details about the Proposal is available at WWW.Equitable Life/ website.co.uk.proposalaug2019/indexnews

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| Committee(s): | Date: |
|--|-----------------|
| Standards Committee | 4 October 2019 |
| Finance Committee | 15 October 2019 |
| Establishment Committee | 29 October 2019 |
| Court of Common Council | 5 December 2019 |
| Subject: Insurance and Indemnities for Independent | Public |
| Persons | |
| | |
| Report of: The Comptroller and City Solicitor and the Chamberlain | For Decision |
| Report authors: Michael Cogher and Kate Limna | |

Summary

This report sets out the position in relation to the potential personal liability of the Corporation's Independent Persons appointed under the Localism Act 2011 when carrying out their duties and the recommendations of the Committee on Standards in Public Life that local authorities provide indemnities to their Independent Persons in relation to their comments during the discharge of their duties. The report proposes that the Court of Common Council should indemnify Independent Persons in respect of any personal liability arising in the circumstances defined in the report.

Recommendation

Members are asked to approve the proposal in this report for onward approval by the Court of Common Council to indemnify and/or insure Independent persons (through the extension of the Corporation's Defamation Cover) against awards of damages or expenses incurred arising out of the disclosure of any comments made in good faith during the exercise of their statutory functions as Independent Persons.

Main Report

Background

- 1. The Localism Act 2011 requires a local authority to appoint at least one "Independent Person" to participate in the arrangements a local authority must put in place to consider and determine complaints made against a member in relation to its Code of Conduct.
- 2. An Independent Person must be consulted i.e. their views must be sought and taken into account, by the authority before it takes a decision on an allegation that a member has breached the Code of Conduct that it has decided to investigate. Their views may also be sought in other circumstances including by a member subject to an allegation, and in relation to disciplinary proceedings against the three statutory officers (head of paid service, chief finance officer and monitoring officer).

- 3. The Corporation currently has three Independent Persons and the Corporation's arrangements for dealing with complaints against members require an Independent Person's views to be sought at the assessment, hearing and appeal stages of a complaint. Independent Persons are not members of the Corporation or any of its committees. They are not therefore protected by the veil of incorporation or current insurance/indemnity arrangements for members and officers. They are therefore at risk of personal liability for the opinions they express should those opinions be found to be defamatory. Whilst the law of defamation itself may provide protection e.g. by the application of qualified privilege, Independent Persons are at risk of being pursued individually with all the implications that entails such as legal costs.
- 4. When Charles Bourne QC reviewed the Corporation's standards framework in December 2016, one of his recommendations was that the Independent Person should answer questions and express views in the presence of all those attending the hearing. This recommendation was subsequently supported by the Court of Common Council and is reflected in the current arrangements.
- 5. The Committee on Standards in Public Life ("CSPL") has recently carried out a substantial review of the arrangements for dealing with ethical standards in local government. Its report, published in January 2019, was entitled "Local Government Ethical Standards A Review by the Committee on Standards in Public Life".
- 6. Two of the recommendations made by the CSPL in relation to the Independent Persons were as follows:

Recommendation 9: The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.

Recommendation 11: Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.

7. The CSPL provided some additional commentary in chapter 3 of their report as follows:

We have noted the recent First Tier Tribunal cases which have found that it will often be, on balance, in the public interest to disclose the view or advice of the Independent Person under the Freedom of Information Act 2000. As above we support the Independent Person's advice being made public, which could enhance openness and accountability. However, we are concerned that Independent Persons would not automatically enjoy indemnity if a councillor or member of the public were to take legal action against them, in a same way that a member or officer of an authority would. Local authorities should take steps to provide legal indemnity to Independent Persons if their views are disclosed, and the government should confirm this through secondary legislation if needed.

8. An initial report on all of the recommendations of the CSPL was received by the Standards Committee in May 2019. Members agreed in principle with the provision of a legal indemnity to the Independent Persons and requested that a further report on this issue should be brought back to all of the relevant decision-making committees for onward approval by the Court of Common Council.

Current Position – Immunity and Indemnity

- 9. Local authority members and officers' benefit from certain immunities. Section 265 of the Public Health Act 1875 (extended by s. 39 of the Local Government (Miscellaneous Provisions) Act 1976) provides that "no matter or thing done bona fide for the purpose of executing a public general act or local act by any member or officer of a local authority or any other person acting under direction of the authority shall subject them personally to any action liability claim or demand whatsoever". This immunity would not apply to Independent Persons.
- 10. The Local Authorities (Indemnities for Members and Officers) Order 2004 permits indemnities and/or insurance to be provided in relation to any action or failure to act by a Member or officer providing the member or officer is carrying out a function at the request of, with the approval of, or for the purposes of, the authority. The power extends to cases where the member or officer exercises the function in a capacity other than that of a member or officer of the authority, for example, as a member of an outside body. The Order applies to the City Corporation in its capacities as local authority and police authority. As currently drafted the Order would not apply to Independent Persons.
- 11. However, the general power of competence under section 1 of the Localism Act 2011 would allow the granting of an indemnity and/or insurance to protect Independent Persons against loss, damage and expenses arising out of the disclosure of any comments made in the course of their statutory duties in good faith.

Insurance

12. The Corporation's public liability insurance policy includes cover for the legal costs and liability for damages for civil claims of defamation. Indemnity under the policy extends to employees unless the Corporation wishes to withhold the indemnity. The policy definition of employee encompasses "any person co-opted, seconded or appointed to assist the [Corporation] in their business". Application of cover will follow on approval of this report's recommendation.

Corporate & Strategic Implications

13. Members and Officers already have protection in place dating from 2011 and the Pensions Board have recently been granted an indemnity in relation to GDPR.

Conclusion

14. It is recommended that the Corporation follow the recommendations of the Committee on Standards in Public Life and grant an indemnity and/or provide insurance to protect Independent Persons in the circumstances set out above.

Michael Cogher Comptroller and City Solicitor 020 7332 3699 michael.cogher@cityoflondon.gov.uk

Kate Limna
Corporate Treasurer
Chamberlain's Department
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| Committee(s): | Date(s): |
|---|-------------------------------|
| Establishment Committee | 29 th October 2019 |
| Subject: | Public |
| Operation of the Scheme of Delegations April 2019 – September 2019 | |
| Report of: | For Information |
| Chrissie Morgan - Director of Human Resources | |
| Report author: | |
| Marion Afoakwa – Human Resources, Town Clerks | |

Summary

In line with the Scheme of Delegations the report provides information on any redundancies, early retirements (including those made under the '85-year rule'), ill health retirements and Market Forces Supplements (MFS) approved in the reporting period 1 April 2019 to 30 September 2019.

Recommendation(s)

Members are asked to:

Note the actions taken under delegated authority.

Main Report

Background

- 1. In line with the Scheme of Delegations, the report provides information on redundancies, early retirements (including those made under the '85-year rule'), ill health retirements and MFS payments this reporting period.
- 2. There have been 6 redundancies in this reporting period.
- 3. There has been 1 ill health retirement.
- 4. There have been no early retirements including those made under the '85-year rule'.
- 5. 17 Market Forces Supplements were agreed during this period.
- 6. In the last 12 months (August 2018 September 2019) there have been 13 redundancies and 1 ill health retirement.
- 7. Appendix 1 (within the confidential section of the agenda) provides a table summarising the information.

Conclusion

8. The Establishment Committee is asked to note the actions taken under delegated authority.

Appendices

Appendix 1 (within the confidential section of the agenda) - table summarising information for the period April 2019 to September 2019

Marion Afoakwa Assistant Director of HR & Corporate Change

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TO: **ESTABLISHMENT COMMITTEE**

29th October 2019

FROM: BARBICAN RESIDENTIAL COMMITTEE

16th September 2019

6. **218/19 REVENUE OUTTURN FOR THE DWELLINGS SERVICE CHARGE ACCOUNT**Members received a joint report of the Chamberlain and the Director of Community and Children's Services in respect of the 2018/19 Revenue Outturn for the Dwellings Service Charge Account.

Given that Barbican Estate Office resources were essential to delivering high quality service chargeable works, Members were very concerned that there was still a high number of temporary posts in place and there had been very little progress in respect of job evaluations and implementation of the restructure. Furthermore, if the costs were recoverable from service charges then the budget should not be an issue. The Chairman of the Community and Children's Services Committee had raised this matter with the Town Clerk and understood that a way forward had been agreed.

It was proposed by Jeremy Mayhew, seconded by Mark Wheatley and RESOLVED, that:- the Establishment Committee be asked for assurance that, insofar as the costs are recoverable from service charges, the necessary resources required to complete the restructure of the Barbican Estate Office be approved and/or in place by the time the BRC meets again on 13th December 2019;

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.



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