



## GOVERNANCE COMMITTEE

26 September 2023

**Subject Heading:**

**PENSIONS COMMITTEE – TRADE  
UNION VOTING RIGHTS**

**SLT Lead:**

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**Policy context:**

A well run Council that delivers for People and Place.

**Financial summary:**

There are no financial implications arising from this report.

### The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place. X

### SUMMARY

1. The Council's Pensions Committee does not currently allow any Trade Union representative to vote.
2. UNISON have approached the Council's Monitoring Officer to see if a change can be made to the constitution so as to allow a vote for Trade Union representatives.

3. Governance Committee is asked to decide whether or not to recommend the proposal to Full Council for approval.

**RECOMMENDATIONS**

4. Governance Committee is asked to decide either that:
  - (a) No change be made to the constitution; OR
  - (b) That the Monitoring Officer be asked to make the necessary amendments to the Constitution so as to allow voting rights for Trade Unions.
5. In the event that Governance Committee adopts the recommendation at 4(b) above, the revised Constitution shall be submitted to Full Council for approval.

**REPORT DETAIL**

6. The Pensions Committee is comprised of: 7 Councillors, one co-opted Member and two non-voting observers.
7. Although not strictly Members of the Committee, in accordance with the Constitution, two representatives of staff are appointed by the unions to attend and contribute to meetings of the Committee. These appointees have no voting rights but are present during all discussions including those concerning any exempt business. The trade union attendees undertake the same level of training as Members and have a good level of attendance at committee.
8. As indicated above, UNISON has made the following request:

*“Havering UNISON would like to propose for the terms of reference to the Havering’s Pensions Committee Constitution are reviewed.*

*“For many years UNISON and GMB have held observer status across the Havering Councils Pensions Committee however we are aware that some other London Boroughs have reviewed and amended the constitutions to include the unions to have voting rights at these committee meetings.*

*“Union activists are employees of the local authority and have a real importance in the collective decision making.”*
9. The Monitoring Officer commissioned a review of the arrangements of a number of other London Boroughs to see how their pension committee arrangements compared with those of the Council.

10. The review looked at 10 other London Boroughs and found that 2 of those do explicitly allow Trade Union voting rights, whilst 8 do not. Please see attached schedule. However, in the course of the review it became clear that some councils who do not allow for explicit trade union voting / membership do allow for the appointment of scheme / employee representatives, which may well be nominated via the trade union.
11. Governance Committee will note that the picture is mixed and confirms that there is no definitive approach. The Council is therefore free to form its own view as to what is appropriate.
12. The views of Governance Committee are therefore invited.

## **IMPLICATIONS AND RISKS**

### **Equalities implications and Risks**

13. None.

### **Legal implications and Risks**

14. There are no legal implications arising directly from recommendations in this report.
15. The Pensions Committee is responsible for the management of the Council's Pension Fund investment portfolio and may take decisions on those matters that are not the responsibility of the Executive under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to matters concerning the Local Government Pension Scheme.

### **Financial implications and risks:**

16. There are no financial implication arising from the contents of this report.

### **Human Resources implications and risks:**

17. The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.
18. Committee should note that, if it decides to recommend the change at 4(b), the decision is not intended to indicate a wider role in future for the trade unions in other areas of HR practice and procedure.

### **Environmental and climate change implications and risks**

19. None.

**BACKGROUND PAPERS**

None

**Schedule**

| <b><u>Borough</u></b> | <b><u>Comprising</u></b>  | <b><u>Trade Union vote?</u></b> |
|-----------------------|---|---------------------------------|
| Brent                 | The sub-committee comprises 7 councillors and 2 non-voting co-opted members from the College of North West London and Brent Care at Home.   | NO.                             |
| Croydon               | One non-voting Trade Union Representative nominated by the three Trade Unions.  | NO                              |
| Hammersmith & Fulham  | Members 6 voting Councillors Political proportionality 5 Administration members 1 Opposition member   | NO.                             |
| Hillingdon            | Councillor membership of the Committee will be 5, will be politically balanced and have voting rights. In addition, the Independent Adviser and Investment Consultant would normally attend meetings along with relevant officers in an advisory, non-voting capacity.  | NO.                             |
| Lambeth               | The Committee will comprise the following voting members:<br>a. five elected members as employer representatives (plus two substitutes); and,<br>b. representatives from the following groups will be co-opted onto the Committee with full voting rights as follows:<br>i. one representative from members of Staff of the London Borough of Lambeth, elected by a ballot of members of the Fund;<br>ii. one representative of Pensioners of the Fund elected by a ballot of Pensioners of the Fund; and,<br>iii. one Trades Union Representative (plus one substitute), nominated by the trade union. | YES                             |
| Merton                | Membership: 3 Councillors who shall be voting members plus two non-voting members comprising one staff representative and one pensioner representative to be appointed at the discretion of the Council   | NO.                             |
| Newham                | A representative from each of the Unison, Unite and GMB trade unions, shall be invited to meetings of the Pensions Committee and given observer status. The trade union representatives shall not have voting rights but, at the Chair's discretion, will be entitled to participate in the Committee's discussions.  | NO.                             |
| Southwark             | The Board shall consist of six voting members, as follows: Three Scheme Member Representatives; and Three Employer Representatives<br>A total of three scheme member representatives shall be appointed by the Administering Authority, on the nomination of the recognised trade unions, with two representing employees who are Scheme members of the Fund and one representing pensioner or deferred employees, who is a Scheme member of the Fund.  | YES                             |
| Tower Hamlets         | 7 Councillors, 1 representative of the Admitted Bodies and 1 Trade Union representative. The Admitted Body and Trade Union representatives will be non-voting members of the Committee.   | NO                              |
| Wandsworth & Richmond | 9 Members – 6 appointed by Wandsworth Council and 3 by Richmond Council.  | NO                              |