

Agenda Item

Subject	Changes to the Arrangements for the Clerk to the Authority	Status	For Publication
Report to	Authority	Date	13 th December 2024
Report of	Assistant Director - Resources		
Equality Impact Assessment	Not Required	Attached	No
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1 Purpose of the Report

- 1.1 To consider the change of Clerk of South Yorkshire Pensions Authority
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2 Recommendations

- 2.1 Members are recommended to:
- a. **Approve the changes to the arrangements for the position of Clerk to South Yorkshire Pensions Authority set out in the body of this report.**
 - b. **To absorb the role of Clerk within the duties of the Director with effect from 1st April 2025**
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3 Link to Corporate Objectives

- 3.1 This report links to the delivery of the following corporate objectives:
Effective and Transparent Governance

To uphold effective governance showing prudence and propriety at all times.

Reviewing the arrangements for the provision of any service on a periodic basis is good practice and this report addresses an area which has not been addressed for some considerable time.

4 Implications for the Corporate Risk Register

- 4.1 The actions outlined in this report do not directly impact any matters contained in the Corporate Risk Register.

5 **Background and Options**

Clerk to South Yorkshire Pension Authority

- 5.1 South Yorkshire Pensions Authority currently appoints the Chief Executive of Barnsley Metropolitan Borough Council (BMBC) as the Clerk to the Authority due to the provisions set down in **s.34(8) Local Government Act 1985**, which sets out that:
Each joint authority shall appoint a person to be the clerk to the authority and in making the appointment the authority shall have regard to the desirability of that person being the chief officer of a constituent council of the authority.
- 5.2 Members will note that the legislation sets out a *desirability* criterion and further note that the legislation was introduced in 1985, which, following the introduction of the South Yorkshire Pensions Authority, would have been in its infancy. South Yorkshire Pensions Authority pays for the services of a clerk from BMBC. The role of the Clerk is also not further defined but is taken to be largely concerned with aspects of the democratic process such as the formal calling of meetings and proper officer functions in relation to the appointment and resignation of members.
- 5.3 South Yorkshire Pensions Authority is now well established as a functioning authority with oversight from members from each of the constituent authorities as members of the Authority. Whilst there is a desirability for the person appointed as Clerk being the Chief Officer of a constituent council, there is not a requirement in law that it **must** be.
- 5.4 Therefore, following a suggestion from BMBC and discussion with the current Clerk and the Authority's Director it is proposed that South Yorkshire Pensions Authority terminates the existing Clerk arrangement with BMBC to enable the role to be brought in-house with the associated cost saving achieved, with effect from 1st April 2025. BMBC are agreeable and accept the proposal considering the established nature of South Yorkshire Pensions Authority, therefore Members are asked to approve the removal of the Chief Executive of BMBC as Clerk to the Authority and approve the addition of the formal responsibilities of Clerk to the Director's role as Head of Paid Service. This is in line with the arrangements that exist in most local authorities where the Chief Executive is formally the "Clerk to the Council". There would be no impact on pay and grading.
- 5.5 It will be necessary to bring forward a number of changes to the Scheme of Delegation within the Constitution in order to facilitate this change and these will be brought to the March meeting of the Authority. These will principally involve the transfer of certain functions either to the Director or to the Head of Governance and Corporate Services as the Monitoring Officer.
- 5.6 With the transfer of the Clerk role "in house" it will be necessary to make appropriate arrangements for handling HR issues related to the role of Director, and particularly the facilitation of the annual appraisal. This can either be handled through a small amendment to the Service Level Agreement with BMBC for HR advice or through accessing services from an external provider such as Yorkshire and Humber Employers. The cost of such services is currently unknown but is unlikely to be significant given the saving identified in relation to the Clerk role.

- 5.7 The Clerk also has a formal role in facilitating liaison for the Authority with the constituent authorities which will be lost if these changes are introduced. It is increasingly important that the Authority remains connected to the “local government family” in South Yorkshire, so if the Clerk role is brought in-house, it is vital that arrangements are put in place to address this gap. It is proposed that this be achieved through a significant formalisation and strengthening of the current position, elements of which have fallen into abeyance following the pandemic. This would include:
- Annual Attendance by the Director and the Chair at the South Yorkshire Leaders Meeting to present on the work of the Authority (in essence an annual report).
 - Twice yearly attendance by officers at meetings of South Yorkshire Finance Directors.
 - Continued circulation of the twice-yearly *Pensions Perspectives* Newsletter to political and managerial leaders across the constituent councils.
- 5.8 In addition, a review of the information on investment performance sent to Leaders and Chief Executives on a quarterly basis will be undertaken to determine whether it remains relevant.
- 5.9 These proposals represent the logical culmination of a process that has been going on since the abolition of the Joint Secretariat in 2014 of the Authority becoming gradually more and more self-sufficient in relation to its corporate and governance functions.

6 **Implications**

- 6.1 The proposals outlined in this report have the following implications:

Financial	The proposed changes will generate a gross saving of around £11,550 per annum, although there may be some small additional costs in relation to arrangements for the appraisal of the Director which are currently not known.
Human Resources	The proposal will require a change to the arrangements for provision of HR in relation to the Director, including facilitation of annual appraisal. This will be possible through an amendment to the existing HR Service Level Agreement with BMBC or through commissioning from an external provider.
ICT	None
Legal	It is within the powers of the Authority to move this function “in house” and a number of other Joint Authorities have done so.
Procurement	None

Gillian Taberner

Assistant Director - Resources

Background Papers	
Document	Place of Inspection
Local Government Act 1985 s 34	Local Government Act 1985