

REPORT OF CORPORATE DIRECTOR RESOURCES

AGENDA ITEM: 5

ANNUAL REPORT FOR 2018-19

Reason for this Report

1. The Pension Committee Terms of Reference set out the Committee's responsibility for the strategic governance of the Cardiff & Vale of Glamorgan Pension Fund.
2. The Terms of Reference include considering the Fund's financial statements and agreeing the Annual Report.

Background

3. Draft accounts for the Cardiff & Vale of Glamorgan Pension Fund for the financial year ending 31 March 2019 were submitted to the Wales Audit Office in June 2019 and presented to the Audit Committee on 25 June.
4. The audited accounts were approved by Full Council at the meeting on 12 September 2019.

Annual Report

5. The Statement of Accounts form the core of the Fund's Annual Report which is published annually following the completion of the audit. The draft Annual Report is attached as Appendix 1.
6. In addition to the financial statements the report includes:
 - The names of the members of the Pensions Committee, the Investment Advisory Panel and the Local Pension Board
 - Details of the Fund's Investment Managers and Professional Advisers
 - A summary of the administration arrangements for the Fund
 - An Investment Management and Performance Report
 - A statement from the Fund Actuaries
 - An Appendix containing statistical data, a glossary and contact details for further information
 - The Fund's key governance statements which were in force during the financial year.

7. The Annual Report will be published in English and Welsh on the Council's website by the statutory deadline of 1 December.

Legal Implications

8. The Statement of Accounts and Annual Report are technical documents, the contents of which Legal Services are unable to comment upon. It is understood by Legal Services that these documents are drafted with assistance from external advisors and on the basis of the information contained in the report there are no concerns raised by the Wales Audit Office. It is noted that the Annual Report is still in draft format and any changes that are made prior to publication should receive the benefit of advice from the Councils specialised advisors in this regard.

The recommendation does not appear to raise any specific legal implications however the general legal advice set out below should be considered.

General Legal Advice

Any decision must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its tax payers; and (h) be reasonable and proper in all the circumstances and comply with any equalities legislation.

The Council also has to satisfy its public sector duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties, Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The Protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief.

The Well-Being of Future Generations (Wales) Act 2015 ("the Act") places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales – a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.

In discharging its duties under the Act, the Council has set and published well-being objectives designed to maximise its contribution to achieving the national well-being goals. The well-being objectives are set out in Cardiff's Corporate Plan 2019-22:

<http://cmsprd.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Corporate-Plan/Documents/Corporate%20Plan%202018-21.pdf>

The well-being duty also requires the Council to act in accordance with 'sustainable development principle'. This principle requires the Council to act in a way, which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:

- Look to the long term

- Focus on prevention by understanding the root causes of problems
- Deliver an integrates approach to achieving the 7 national well-being goals
- Work in collaboration with others to find shared sustainable solutions
- Involve people from all sections of the community in the decisions which affect them

The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below: <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

The Council has to be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards when making any policy decisions and consider the impact upon the Welsh language, the report and Equality Impact Assessment deals with all these obligations. The Council has to consider the Well-being of Future Guidance (Wales) Act 2015 and how this strategy may improve the social, economic, environmental and cultural well-being of Wales.

Financial Implications

9. There are no direct financial implications arising from this report.

Recommendations

10. That the Committee approves the Annual Report for the Fund for 2018-19 subject to any minor amendments required by the Wales Audit Office.

CHRISTOPHER LEE
CORPORATE DIRECTOR RESOURCES

The following Appendices are attached:

Appendix 1 – Draft Annual Report for 2018-19