

# Cinque Port Town of New Romney



Mrs C. Newcombe  
Town Clerk

Town Clerk's Office  
Town Hall  
New Romney  
Kent TN28 8BT

Tel: New Romney 01797 362348

Ref: CN/3005

8<sup>th</sup> September 2025

Dear Councillor,

## Meeting of the Personnel Committee

A Meeting of the Personnel Committee will be held in the Assembly Rooms, Church Approach, New Romney on **Wednesday 24<sup>th</sup> September 2025** commencing at **10.00am**. The favour of your attendance is requested.

Yours sincerely,

*C. Newcombe*

**Mrs. Catherine Newcombe - Town Clerk and Responsible Financial Officer**  
Email: [town.clerk@newromney-tc.gov.uk](mailto:town.clerk@newromney-tc.gov.uk)

***The afore-mentioned meeting will commence at 10.00am.***

***Members of Public are welcome to join this meeting. However, a number of matters discussed by the Personnel Committee are likely to be discussed in private and confidential session due to their sensitive nature and relevance to individual members of staff. Members of Public and Press and Council Members who are not Members of the Personnel Committee will be required to leave the meeting at that time.***

***PLEASE NOTE: New Romney Assembly Rooms and New Romney Town Hall have restricted access for people with limited mobility; please enquire for details.***

## **PUBLIC PARTICIPATION AT TOWN COUNCIL MEETINGS**

### **1. Who can participate in this New Romney Town Council meeting?**

All Members of the Public may attend this meeting, except at such times as certain sensitive personal, legal or contractual matters may be considered in private and confidential session, when Members of the Public will be required to leave the meeting.

Agendas and reports for meetings will be available at least 3 working days and usually 7 weekdays before the date of the meeting on the Town Council website. Any supplementary sheets will be available the day before the meeting and can be viewed at [www.newromney-tc.gov.uk](http://www.newromney-tc.gov.uk)

## **THE LAWS OF LIBEL AND SLANDER**

- These laws are very strict.
- If, in public, you say something about a person that is not true, even if you believe it to be true, you may be sued and have to pay compensation. Therefore, you need to be very careful about any criticism you wish to make of people in any written submission to the Council.
- Councillors are able to speak more freely and bluntly while in Council or Committee meetings than members of the public.
- You, as a member of the public, do not have the same protection.

**PERSONNEL COMMITTEE MEETING**  
**WEDNESDAY 24<sup>th</sup> SEPTEMBER 2025 AT 10.00AM**

**AGENDA**

1. **APOLOGIES:**  
To receive and note the apologies of Councillors unable to attend.
2. **DISPENSATION TO PARTICIPATE:**  
To receive and note any applications granted by the Town Clerk, on behalf of the Town Council, for dispensation to participate in Meetings of New Romney Town Council.
3. **DECLARATIONS OF INTEREST:**  
Councillors to declare any Disclosable Pecuniary Interests or Other Significant or Personal Interests they may have in items on the agenda for this meeting.
4. **MINUTES (Encs\*):**  
To approve the minutes of the **Personnel Committee Meeting** held on **25<sup>th</sup> June 2025** (Attached hereto\*).
5. **CLERK'S REPORT (Encs\*):**  
To receive and note the Clerk's Report\* on Personnel Matters, if available.
6. **FINANCIAL MATTERS:**  
**Personnel Budget Comparison Report 2025-26**  
To receive and note the updated Personnel Budget Comparison Report for 2025-26, if available.
7. **EXCLUSION OF PUBLIC AND PRESS:**  
To consider exclusion of public and press in accordance with Standing Order No.34 (a), which states that *'in view of the special and confidential nature of the business about to be transacted, it is advisable in the public interest that the public and press be temporarily excluded [from the meeting] and they are instructed to withdraw'* due to the fact that the following agenda items may relate to matters of a sensitive nature regarding individual Town Council Staff and / or Members.

**8. STAFF MATTERS (Encs\*):**

**(i) Councillor/Staff Protocols**

To receive and note the Clerk's confidential report, if relevant and / or available, and take any such action as may be deemed necessary thereon.

**(ii) Staff Succession Planning (Confidential report to follow\*)**

To receive and note the Clerk's confidential report regarding succession planning and take any such action thereon as may be deemed appropriate.

**9. CONCLUSION OF PRIVATE SESSION:**

To consider concluding private session, if applicable.

**Mrs. Catherine Newcombe - Town Clerk and Responsible Financial Officer**

Copied to Personnel Committee Members: Councillors: P Thomas, J Rivers, P Coe, J Davies and P Peacock

**MINUTES  
Of  
A Meeting of New Romney Town Council's Personnel Committee  
Held in the Assembly Rooms, New Romney  
on Wednesday 25<sup>th</sup> June 2025  
Commencing at 10.00am**

**PRESENT:** Councillors P Coe, P Thomas, J Davies and  
P Peacock

**In the Chair:** Councillor P Thomas

**In Attendance:** Town Clerk - Mrs C Newcombe

The Business of the meeting commenced at 10.01am.

105/2025-26 **ELECTION OF COMMITTEE CHAIRMAN**

Having duly considered the previously approved membership of the Personnel Committee for 2025-26 and having also considered the requisite skills, knowledge and understanding for relevant Committee leadership, nominations for the position of Chairman of the Personnel Committee were called for.

It was:

**PROPOSED BY:** Councillor Coe  
**SECONDED BY:** Councillor Davies

That Councillor Thomas be elected as Chairman of the Personnel Committee for the 2025-26 Civic year.

There were no further nominations.  
A vote ensued and it was:

**RESOLVED UNANIMOUSLY – that Councillor Thomas be hereby elected as Chairman of the Personnel Committee for the 2025-26 Civic year.**

106/2025-26 **APOLOGIES FOR ABSENCE**

Apologies for absence were received and noted, as follows:

Councillor Rivers – for personal reasons

107/2025-26 **DISPENSATION TO PARTICIPATE**

No new requests for Dispensation to Participate had been processed by the Town Clerk.

108/2025-26 **DECLARATIONS OF INTEREST**

None.

109/2025-26 **MINUTES**

Having duly considered the minutes of the Personnel Committee meeting held on 26<sup>th</sup> March 2025, copies of which had been previously circulated to Members of the Personnel Committee, it was:

**PROPOSED BY:** Councillor Coe

**SECONDED BY:** Councillor Thomas

**RESOLVED – that the minutes of the Personnel Committee meeting held on 26<sup>th</sup> March 2025 be signed as a true and correct record.**

Councillors Davies and Peacock abstained from voting as they had not been present at the afore-mentioned meeting.

The afore-mentioned minutes were subsequently signed by the Chairman.

110/2025-26 **CLERK'S REPORT**

The Clerk's report was duly received and noted.

111/2025-26 **FINANCIAL MATTERS**

The updated Personnel Budget Comparison Report 2025-26 was not available on this occasion due to the close proximity to the start of the current financial year.

112/2025-26 **EXCLUSION OF PUBLIC AND PRESS**

**@10.05AM**, having considered the nature of matters to be discussed under Agenda Item 9 and, in view of the fact that personal information that may identify one or more individuals was to be discussed, it was, in accordance with the Public Bodies (Admission to Meetings) Act 1960:

**PROPOSED BY:** Councillor Coe

**SECONDED BY:** Councillor Davies

**RESOLVED UNANIMOUSLY – that 'in view of the special and confidential nature of the business about to be transacted, it is advisable in the public interest that the Public and Press be temporarily excluded and they are now instructed to withdraw.'**

NB: There were no members of press or public present at that time.

113/2025-26 **STAFF MATTERS**

**(i) Councillor / Staff Protocols**

It was confirmed that there were no relevant matters of report on this occasion.

**(ii) Maude Community Centre Caretaker / Cleaner**

Having duly considered the Town Clerk's confidential report regarding appointment of two temporary part-time caretaker / cleaners to be based primarily at the new Maude Community Centre, it was:

**PROPOSED BY:** Councillor Peacock

**SECONDED BY:** Councillor Coe

**RESOLVED UNANIMOUSLY – that (i) two candidates, as identified to those present, be appointed as temporary, part-time Cleaner Caretakers, to be based primarily at the Maude Community Centre; both to be appointed on the basis of a minimum 18 paid hours over 3.5 days per week, with contractual overtime payable at basic rate, as required and directed by the employee's Line Manager, under a fixed-term 12 month contract, initially, with potential for permanent employment thereafter, noting that the salary scale for the position has been set at SP11 – SP14 on the nationally agreed salary scale, and the starting salary shall be set at SP11; (ii) the Clerk be authorised to take all such actions as are required to facilitate the afore-mentioned appointments as expediently as possible and (iii) it be hereby confirmed that salaries in respect of the afore-mentioned appointments are to be funded from the Staffing Provision Reserve Fund in the first instance, and then to be fully accounted for in the setting of the Personnel Budget for 2026-27 that is to be presented to the Finance and General Purposes Committee and, subsequently, Full Council for final approval.**

114/2025-26 **CONCLUSION OF PRIVATE SESSION**

**@10.20AM**, it was:

**PROPOSED BY:** Councillor Peacock

**SECONDED BY:** Councillor Davies

**RESOLVED UNANIMOUSLY – that the private and confidential session be hereby concluded.**

The Chairman thanked those present for their attendance and participation and the meeting then concluded **@10.20AM**.

NB: All documents referred to herein are available for perusal on request, except for those documents of a sensitive / legal nature discussed in private session, including documents relating to staff matters which remain Private and Confidential in accordance with Data Protection legislation.

Minutes prepared by the Town Clerk



### Personnel Report

- 1) One **temporary Maude Community Centre Caretaker / Cleaner** has now been appointed and commenced work on 27<sup>th</sup> August 2025. The second appointee subsequently withdrew acceptance of the job offer and a further recruitment process was, therefore, undertaken. Interviews have been scheduled to take place on Wednesday 1<sup>st</sup> October. An especial meeting of the Personnel Committee will be scheduled for Monday 6<sup>th</sup> October at 10.00am in order to consider the output recommendations of the interview panel.
- 2) In light of formal notification that the **2025 national pay claim** has now been settled, backdated pay now owing has been duly awarded to all staff members.
- 3) The **vacancy for a Town Sergeant** has been advertised. One application was received and interview for this casual appointment has been scheduled to take place on 1<sup>st</sup> October 2025. The output recommendations of the interview Panel will also be considered at the especial meeting of the Personnel Committee, which is to be scheduled to take place on Monday 6<sup>th</sup> October.

Town Clerk  
18/06/25

## AGENDA ITEM 6

### PERSONNEL COMMITTEE - BUDGET VS. ACTUAL 30.9.25

	2025/26 Budget	2025/26 Actual to 30.9.25	Pro-rata 6/12
	£	£	£
Admin Salaries - Budget	142,500.00	73,800.93	71,250.00
Eye Tests - Budget	200.00	29.95	100.00
Emergency Staffing & Services - Budget (Deputising for Town Clerk + other)	1,100.00	0.00	550.00
Civic Attendance Budget (Mayors Sergeant only)	3,000.00	715.20	1,500.00
Parish Caretaker / Assistant Caretaker Salaries - Budget	74,300.00	36,759.64	37,150.00
Capital Project Staffing	1,000.00	0.00	500.00
Contribution to Staff Gratuity / Pension Fund Cessation Reserve Fund	3,000.00	3,000.00	N/A
Contribution to Staff Recruitment & Training Reserve Fund	2,000.00	2,000.00	N/A
Contribution to Staffing Provision Reserve Fund	1,000.00	1,000.00	N/A
<b>Total Expenditure</b>	<b>228,100.00</b>	<b>117,305.72</b>	<b>111,050.00</b>
<b>Total Income (Capital Deposit Interest)</b>	<b>1,000.00</b>	<b>0.00</b>	<b>500.00</b>
<b>Net Expenditure</b>	<b>227,100.00</b>	<b>117,305.72</b>	<b>110,550.00</b>

**NB:**

September overtime not included.

Adjustments for Capital Project Staffing and Emergency Cover will be made at year end.

Prepared by: Mrs C T Morris BSc (Hons) 10th September 2025

## **AGENDA ITEM 8**

### **SUCCESSION PLANNING**

CONFIDENTIAL REPORT TO FOLLOW

## **APPOINTMENT OF ADMIN & BOOKINGS CLERK - INFORMATION TO SUPPORT EVIDENCE OF NEED**

The following tasks are either being shared amongst clerical team members to enable completion within a continually heavy / full workload or are actually failing to be completed currently due to workload pressures on all clerical staff:

- Maintaining Register of Councillor Disclosures (currently in arrears)
- Indexation of Council Minutes (currently in arrears) and arrangements for binding
- Preparation and supply of all documents required for new / incoming councillors
- Organisation and overseeing of implementation of ad hoc Town Council (not Mayoral) events, including EventApp, TENS licencing, booking and liaising with third party participants, advertising etc
- Annual review and management of all Town Council keys
- Regular review of hard copy filing system and shredding of hard copy documents no longer required (GDPR)
- Regular review of electronic filing system and deletion of electronic documents no longer required

The following tasks are low level admin tasks that are currently being undertaken by the highest paid officer as there is no spare capacity to offload these tasks to other members of the clerical team:

- Annual preparation of schedule of meeting dates for approval
- Annual preparation of reviewed and approved Standing Orders, Financial Regulations and appended Policy Documents for publication and circulation
- Communicating annual appointments of representatives on outside bodies to relevant organisations
- Responding to general email enquiries and / or diverting same to other team members as appropriate
- Circulation and publication of prepared agendas for Full Council and Health & Wellbeing Committee
- Clerking of Health & Wellbeing Committee – including clerking of meetings, preparation of agendas and minutes, implementation of approved actions

The following tasks need to be offloaded from other members of the clerical team to free up man hours for more job-specific tasks:

- Annual arrangements for festive lighting and Town Christmas Tree, including MPAN, KCC permit, ordering etc
- Routine management of access to Civic Regalia (preparing and checking signing in / out forms)

The following tasks have recently created new additional workload that will overburden existing clerical team members:

- Administration of all hire of public buildings (including Maude Community Centre and Assembly Rooms), including:
  - Communication with hirers and contractors

- Liaison with caretakers regarding hire, stock and maintenance arrangements
- Preparation of weekly caretaker hire schedules
- Arrangements for appointments and access to building for annual fire and safety checks
- Processing hire applications

All of the afore-mentioned tasks need to be re-assigned to an additional staff member now to reduce the workload burden on existing clerical staff that continues to increase steadily.

In due course, with the implementation of local government reorganisation, the workload will increase even further and it will be even more important to have prepared for that time with the appointment of an additional team member.

Town Clerk



## **APPENDIX .....**

### **NEW ROMNEY TOWN COUNCIL EMPLOYER PENSIONS DISCRETIONS POLICY AND POLICY ON FLEXIBLE RETIREMENT**



**The LGPS Regulations 2013 and The LGPS Regulations 2014 (Transitional Provisions and Savings) and The LGPS Regulations 2008 (Benefits, Membership and Contributions) (as at 14 May 2018)**

**Employer name: NEW ROMNEY TOWN COUNCIL**

This Policy will be subject to review from time to time. Affected employees will be notified of any subsequent change to this Policy.

### **Mandatory LGPS 2013 and 2014 discretions**

#### **Power of employing authority to grant additional pension Regulation R31**

An employer can choose to grant extra annual pension\* (at full cost to themselves) to:

- an active member; or
- to a member, within 6 months of leaving, whose employment was terminated on the grounds of redundancy or business efficiency

\*(Current maximum additional pension allowed is £6,822 (figure at 1 April 2018))

#### **NEW ROMNEY TOWN COUNCIL DECISION:**

New Romney Town Council will not normally exercise the discretion to grant additional pension.

#### **Shared Cost Additional Pension Scheme Regulation R16 (2) (e) and R16 (4) (d)**

Where an active member wishes to purchase extra annual pension by making additional pension contributions (APCs)\*, an employer can choose to voluntarily contribute towards the cost of purchasing that extra pension via a shared cost additional pension contribution (SCAPC)

\*(Current maximum additional pension allowed is £6,822 (figure at 1 April 2018))

**NOTE: this discretion does not relate to cases where a member has a period of authorised unpaid leave of absence and elects within 30 days of return to work (or such a longer period as the Scheme employer may allow) to pay a SCAPC to cover the amount of pension 'lost' during that period of absence. That is because, in those cases, the Scheme employer must contribute 2/3rds of the cost to a SCAPC; there is no discretion [regulation 15(5) of the LGPS Regulations 2013].**

#### **NEW ROMNEY TOWN COUNCIL DECISION:**

New Romney Town Council will not enter into a Shared Cost Additional Pension Contribution contract to count towards a member's APC purchase.

#### **Flexible Retirement Regulation R30 (6) and TP11 (2)**

Under the regulations, once an employee reaches age 55, they may remain in employment and draw their retirement benefits.

However, there are certain conditions that must be met:

- a) The employer must agree to the release of the pension.
- b) The employee must reduce either their hours, and/or their grade. (The specific reduction required is not set out in the regulations, but instead must be determined by the employer, whom must specify the requirements within their flexible retirement policy).

In such cases, pension benefits will be reduced in accordance with actuarial tables unless the employer waives reduction on compassionate grounds or a member has protected rights.

**If flexible retirement is permitted, the employer will need to publish a Flexible Retirement Policy.**

### **NEW ROMNEY TOWN COUNCIL DECISION:**

New Romney Town Council will take all reasonable steps to accommodate an employee's request for Flexible Retirement where an employee is aged between 60 and NPA (Normal Pension Age).

The Council will consider waiving a reduction to pension benefits only where flexibility will enable the Council to retain key skills within a critical service area (subject also to the agreement of Kent Pension Fund)

The Council will not consider requests where an employee is aged between 55 and 60.

### **Waiving of actuarial reduction**

#### **Regulation R30 (8) , TP3 (1), TPSch2, Para 2(1), B30 (5) and B30 (A) (5)**

Employers have the power to waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to members' benefits paid on the grounds of flexible retirement. Employers may also waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to members' benefits for deferred members and suspended tier 3 ill health pensioners who elect to draw benefits on or after age 60 and before normal pension age. Employers also have the power to waive, in whole or in part, the actuarial reduction applied to active members' benefits when a member chooses to voluntarily draw benefits on or after age 55 before age 60 and on or after age 60 and before Normal Pension Age (NPA).

### **NEW ROMNEY TOWN COUNCIL DECISION:**

New Romney Town Council will only consider waiving a reduction to pension benefits in the event of Flexible Retirement where flexibility will enable the Council to retain key skills within a critical service area (subject also to the agreement of Kent Pension Fund).

The Council will not waive the actuarial reduction applied to deferred member's benefit requests, suspended tier 3 ill health pensioners or active members who retire voluntarily and draw benefits from age 55 to Normal Pension Age.

### **Power of employing authority to 'switch on' the 85 year rule (excludes flexible retirement) upon the voluntary early payment of benefits.**

#### **TP1(1)(c) Sch2**

The 85-year rule does not (other than on flexible retirement) automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their benefits on or after age 55 and before age 60.

An employer can therefore choose whether to switch on the 85-year rule for members:

1. who voluntarily draw their benefits on or after age 55 and before age 60 and,

2. former members who ceased active membership between 1 April 2008 and 31 March 2014 and choose to voluntarily draw their suspended tier 3 ill health pension (on or after 14 May 2018) on or after age 55 and before age 60.
3. former members who ceased active membership between 1 April 1998 and 31 March 2014) and elect for voluntary early payment of any deferred benefits

### **NEW ROMNEY TOWN COUNCIL DECISION:**

New Romney Town Council will not 'switch on' the 85 year rule for current or former members who voluntarily draw their pension benefits early.

## **Non-Mandatory/Recommended LGPS 2013 and 2014 discretions**

### **Regulation R17 (1) and TP15 (1) (d) and A25 (3) and definition of SCAVC in RSch 1**

#### **Shared Cost Additional Voluntary Contribution Arrangement**

An employer can choose to pay for or contribute towards a member's Additional Voluntary Contribution via a shared cost arrangement (SCAVC). An employer will also need to decide how much, and in what circumstances to contribute to a SCAVC arrangement.

### **NEW ROMNEY TOWN COUNCIL DECISION:**

New Romney Town Council will not currently contribute to a member's Shared Cost Additional Voluntary Contribution arrangement.

## **Further Non-Mandatory discretions**

**Reg 16(16)** - An employer can extend the 30-day deadline for a member to elect for a SCAPC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve forces service leave).

**Reg 22(7) and (8)** - Whether to extend the 12-month time limit for a member to elect not to aggregate post 31 March 2014 (or combinations of pre-April 2014 and post March 2014) deferred benefits.

**Reg 27 of the LGPS (Amendment) Regs 2018** - Whether to extend the 12-month option period for a member to elect to aggregate pre-1 April 2014 deferred benefits.

**R100 (6)** - Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS

**R9(1) and R9(3)** - Determine rate of employees' contributions and when the contribution rate will be assessed

### **NEW ROMNEY TOWN COUNCIL DECISIONS:**

Reg 16(16) – New Romney Town Council will not extend the 30-day deadline upon return from a period of absence allowing for a member to elect for a SCAPC.

Reg 22(7) and (8) – New Romney Town Council will not extend the 12-month time limit.

Reg 27 of the LGPS (Amendment) Regs 2018 - New Romney Town Council will not extend the 12-month option period except in exceptional circumstances.



R100 (6) – New Romney Town Council will consider member requests for the acceptance of transfer values on an individual basis.

R9(1) and R9(3) – New Romney Town Council will assess and determine an employee's contribution rate on a regular basis (at least annually).

## **Flexible Retirement Additional Policy**

### **Flexible Retirement (Regulation R30 (6) and TP11 (2))**

You will need to consider:

1. The minimum reduction in hours or grade required.
2. Whether the employee should commit to a reduction in hours or grade for a minimum period.
3. Whether the employee should commit to remaining in employment with the employer for a minimum period

You should also state; -

1. Whether, in addition to the benefits the member has accrued prior to 1 April 2008 (which the member must draw) to permit the member to choose to draw;
  - All, part, or none of the benefits they accrued after 31 March 2008 and before 1 April 2014 and/or,
  - All, part, or none of the benefits accrued after 31 March 2014, and,
  - Whether to waive, in whole, or in part, any actuarial reduction which would normally be applied to the benefits for Flexible retirement taken before normal retirement age.

### **NEW ROMNEY TOWN COUNCIL POLICY ON FLEXIBLE RETIREMENT**

1. The minimum recommended reduction in hours is 40%, however, reductions of 20% will also be considered if flexibility will enable the Council to retain key skills within a critical service area OR a 20% reduction in hours is combined with a reduction in grade.  
Alternatively, the minimum reduction in grade is one full grade.
2. The employee must commit to a permanent reduction in hours or grade.
3. The employee must commit to remaining in employment for a minimum period of 1 year, however, the Council can terminate that employment prior to the 1 year deadline.
  - New Romney Town Council will permit Flexible Retiree's to draw all of their benefits accrued after 31 March 2008 and before 1 April 2014, if applicable.
  - The Council will permit members to draw all of their benefits accrued after 31 March 2014.
  - The Council will not waive, in whole, or in part, any actuarial reduction which would normally be applied to benefits taken before NRA except in exceptional circumstances (ie New Romney Town Council will only consider waiving a reduction to pension benefits in the event of Flexible Retirement where flexibility will enable the Council to retain key skills within a critical service area (subject also to the agreement of Kent Pension Fund)).

# **Kent Pension Fund**

## **Statement of Administering Authority Discretions Policy**

Approved: December 2022

## Administering Authority statement of discretions policies

### Introduction

Kent County Council, as Administering Authority to the Kent Pension Fund, has determined its discretionary policies in accordance with the Local Government Pension Scheme Regulations 2013 (as amended), and related legislation, and these are outlined in this statement. The Fund will apply these policies to all members of the Pension Fund, regardless of who their employer is. Where relevant, these policies equally apply to members who left pensionable service prior to 1 April 2014 (albeit only in relation to discretions exercised since the effective date of these policies), to councillor members and to pension credit members.

The Fund updated the content of these policies in December 2022 in line with current legislation. These amended policies were approved at the Kent Pension Fund Committee meeting on 8 December 2022 and are effective from that date unless stated otherwise within this document.

The Fund retains the right to change these policies at any time as long as we republish the amended policy at least within one month of when the change(s) we are introducing come(s) into effect.

These policies do not give, nor shall they be deemed to give, any contractual rights to any member of the Pension Fund, or to any other person whatsoever. Nothing in this document will cause the Administering Authority's capacity to exercise its discretionary powers to be unlawfully fettered or restricted in any way.

The Fund will exercise these discretions in line with the provisions of the various LGPS Regulations and other legislation. Nothing within this statement can overwrite the legal requirements within those provisions.

The Fund will review the policies within this statement as required in the light of future changes to the LGPS legislation or other relevant legislation. It will also be reviewed at least every three years. The next review of this statement will be done no later than December 2025.

## Administering Authority Discretions under the Local Government Pension Scheme

Ref	Regulation Reference (see key at end)	Description of Discretion	Kent Pension Fund Policy
<b>Key Strategies and Policies</b>			
1	R13 - 55	Publish a Governance Policy stating how functions are delegated and whether the Administering Authority complies with guidance given by the Secretary of State	A copy of the current Governance Policy Statement can be found on the Pension Fund's website.
2	R13 - 58	Decide on the Funding Strategy for inclusion in funding strategy statement	Agreed in co-operation with actuary and in consultation with employers. A copy of the current Funding Strategy Statement can be found on the Pension Fund's website.
3	R13 - 61	Develop a Communication Policy setting out how the Administering Authority communicates with members, representatives of members, prospective members and employing authorities and the format, frequency and method of communications	A copy of the current Communications Policy Statement can be found on the Pension Fund's website.
4	R13 – 59(1) and (2)	Decide whether to have a written Pensions Administration Strategy and, if so, the matters it should include	A copy of the current Pensions Administration Strategy can be found on the Pension Fund's website.
5	R13 – 105(2)	Whether to delegate any Administering Authority functions under the Regulations	The Administering Authority does delegate certain functions to senior officers and to the Pension Fund Committee as appropriate. Details of these are set out in the Council's Constitution and in the Governance Policy Statement.
6	R13 – 106(3)	Whether to establish a joint local pensions board (if approval has been granted by the Secretary of State)	The Administering Authority did not establish a joint pension board.
7	R13 – 106(6)	Decide procedures applicable to the local pensions board	Procedures have been decided and are detailed in the Governance Policy Statement and the Board's Terms of Reference.

Ref	Regulation Reference (see key at end)	Description of Discretion	Kent Pension Fund Policy
8	R13 – 107(1)	Decide appointment procedures, terms of appointment, and membership of the local pensions board	The appointment procedures and terms have been decided and are detailed in the Governance Policy Statement and the Appointment and Termination process for Board members on the website. The membership of the local pension board is set out on the County Council's website.
<b>Disputes</b>			
9	R13 – 74(1) A58 R97 - 100	Appoint a person for dealing with applications under Stage One of the dispute resolution procedures (IDRP) in relation to any disputes relating to the role as Administering Authority (includes in relation to councillor members)	The Assistant Director (Finance, Administration and Governance) West Yorkshire Pension Fund will act as the Stage One IDRP adjudicator for Administering Authority disputes.
10	R13 – 76(4) A60(8) R97 - 99	Decide the procedure to be followed by the Administering Authority when exercising its Stage Two IDRP functions (includes in relation to councillor members)	Stage 2 determinations are dealt with by the Head of Pensions and Treasury, after obtaining relevant advice and guidance.
11	R13 – 79(2) A63(2) R97 – 105(1)	Whether Administering Authority should appeal to the Secretary of State against an employer decision (or lack of a decision) (includes in relation to councillor members).	The Fund will appeal to the Secretary of State when there is sufficient evidence that an employer has made a decision or committed an act (or failed to act) that is both wrong in law and material, where we have been unable to persuade the employer to alter its actions (or inactions). Such matters will be decided by the Head of Pensions and Treasury.
<b>Admission Agreements and Employer Management</b>			
12	R13 – 3(5) and Sch 2, Part 3, Para 1	Whether to agree to an admission agreement with an external employer.	Agreement to admission as a scheme employer for an admission body will be decided by the Pension Fund Committee, after obtaining any relevant advice and guidance.
13	R13 – Sch2, Part 3, Para 14	Whether to backdate the effective date of an admission agreement with an external employer.	This will be decided by the Head of Pensions and Treasury, after obtaining any relevant advice and guidance.
14	R13 – 4(2)(b)	Whether to agree to an admission agreement with a Care Trust, NHS Scheme employing authority or Care Quality Commission	This will be decided by the Pension Fund Committee, after obtaining any relevant advice and guidance.



Ref	Regulation Reference (see key at end)	Description of Discretion	Kent Pension Fund Policy
15	R13 – Sch 2, Part 3, para 9(d)	<p>Whether to terminate a transferee admission agreement in the event of</p> <ul style="list-style-type: none"> <li>insolvency, winding up or liquidation of the body</li> <li>breach by that body of its obligations under the admission agreement</li> <li>failure by that body to pay over sums due to the Fund within a reasonable period of being requested to do so</li> </ul>	This will be decided by the Head of Pensions and Treasury, after obtaining any relevant advice and guidance.
16	R13 – Sch 2, Part 3, para 12(a)	Employees of a contractor are only entitled to remain in the LGPS whilst they continue to be "employed in connection with" the original services that were transferred. This expression should be defined by the Administering Authority.	This is defined as meaning an employee will be expected to work at least 75% of their time on the services covered by the contract to remain in the LGPS.
17	R13 - 54(1)	Whether to set up a separate admission agreement fund	The Administering Authority does not operate a separate admission agreement fund.
18	R13 – 64(2A)	Whether to suspend, for up to 3 years, an employer's obligation to pay an exit payment where the employer is again likely to have active members within the specified period of suspension.	This will be decided by the Head of Pensions and Treasury, taking into consideration the advice of the Fund Actuary.
19	R13 – 64 (2ZAB)	To determine the amount of any exit credit that may be payable to an exiting employer, taking into account the factors set out in the regulations	This will be decided by the Head of Pensions and Treasury, taking into consideration the advice of the Fund Actuary – please see the Funding Strategy Statement and Exit Credit policy for more detail.
20	R13 – 64(2ZA)	Whether to agree to pay an exit credit which is payable to an exiting employer, beyond six months of the date on which that employer ceases to be a Scheme employer. This would be an extension of the usual timescale and would only be permitted if agreement is also received from the exiting employer.	This will be decided by the Head of Pensions and Treasury and the exiting employer.

Ref	Regulation Reference (see key at end)	Description of Discretion	Kent Pension Fund Policy
21	R13 – 64(4)	Whether to obtain a revision of the rates and adjustments certificate if there are circumstances that make it likely that a Scheme Employer will become an exiting employer.	This will be decided by the Head of Pensions and Treasury – please see the Funding Strategy Statement for more detail.
22	R13 – 68(2) TP14 – Sch 2, Para 2(3) R97 – 80(5)	Whether to require any strain on Fund costs to be paid “up front” by an employer following redundancy / business efficiency retirement, flexible retirement, or the waiver (in whole or in part) of any actuarial reduction on voluntary or flexible retirement.	Employers are invoiced upfront for all strain costs, upon crystallisation of the benefits, except in certain circumstances as set out in the Funding Strategy Statement where payment over 3 years is permitted.
23	R13 – 80(1)(b) TP14 – 22(1) A64(1)(b)	What information should be supplied by employers to enable Administering Authority to discharge its functions	Details are available in the Pension Administration Strategy, which can be found on the Pension Fund's website.
24	R13 – 69(1)	Decide frequency of payment of contributions to the Fund by employers and whether to make an administration charge for late receipt.	Details are available in the Pension Administration Strategy, which can be found on the Pension Fund's website.
25	R13 – 69(4)	Decide the format and frequency of information from employers to accompany payments of contributions to the Fund	Details are available in the Pension Administration Strategy, which can be found on the Pension Fund's website.
26	R13 – 70 TP14 – 22(2)	Whether to issue an employer with a notice to recover additional costs incurred as a result of the employer's level of performance	Details are available in the Pension Administration Strategy, which can be found on the Pension Fund's website.
27	R13 – 71(1)	Whether to charge interest on overdue payments by employers	Interest may be charged on any amount overdue by more than one month at one percentage point above base rate on a day to day basis from the due date to the date of payment and compounded with three-monthly rests.
28	R13 – 36(3) A56(2) R97 – 97(10)	The Administering Authority is required to approve medical advisors used by employers (for the determination of ill health benefits) (including in relation to councillor members).	Independent Registered Medical Practitioners used by employers will be accepted as long as the appropriate declaration is signed on the ill-health retirement certificate.

Ref	Regulation Reference (see key at end)	Description of Discretion	Kent Pension Fund Policy
<b>Payments relating to Death</b>			
29	R13 – 82(2) A52(2) R97 - 95	A death grant due to a scheme member's estate can be paid to the personal representative(s), or anyone appearing to be, without the need for grant of probate / letters of administration if the death grant is less than the amount specified in any order under Section 6 of the Administration of the Estates (Small Payments) Act 1965 (£5,000 at the time of the making of this policy). This also relates to councillor members.	Having obtained details of relevant documentation, potential beneficiaries and circumstances, the Pensions Administration Manager will determine on behalf of the Fund and at the Fund's absolute discretion, to whom payment of the death grant is to be made.  The Fund will not normally insist on production of grant of probate / letters of administration where the sum due is less than £5,000 and will usually make payment on completion of an indemnity form, subject to circumstances.
30	R13 – 17(12), 40(2), 43(2) & 46(2) TP14 – 17(5) to (8) B23(2), 32(2) & 35(2) T08Sch1 R97 - 38(1) & 155(4) R95 - E8	The Administering Authority may, at its absolute discretion, pay any death grant due (including AVCs, SCAVCs and life assurance relating to AVCs) to or for the benefit of the member's nominee, personal representatives or any person appearing to the authority to have been a relative or dependent of the member. This also relates to councillor members.	Having obtained details of relevant documentation, potential beneficiaries and circumstances, the Pensions Administration Manager will determine on behalf of the fund and at the Fund's absolute discretion, to whom payment of the death grant is to be made.
31	R13 – Sch 1 TP14 – 17(9)(b) B25	The Administering Authority must decide the evidence required to determine financial dependence of a cohabiting partner on a scheme member or financial interdependence between the cohabiting partner and the scheme member.	The appropriate parties will be provided with the details of the evidence required to determine financial dependence or interdependence. Where required, the final decision will be made by the Pensions Administration Manager.
32	TP14 – 3(6), 4(6)(c), 8(4), 10(2)(a), 17(2)(b) B10(2)	Where a member to whom regulation B10 applies (use of average of three years pay for final pay purposes) dies before making an election, whether to make that election on behalf of the deceased member.	The Administering Authority, where it has been made aware that regulation B10 applies, would make the election on behalf of the member to ensure that the highest benefits are paid.



Ref	Regulation Reference (see key at end)	Description of Discretion	Kent Pension Fund Policy
33	TP14 – 3(6), 4(6)(c), 8(4), 10(2)(a) & 17(2)(b) T08 - Sch 1 R97 - 23(9)	Whether to make an election on behalf of a deceased member who had a certificate of protection of pension benefits so their benefits may be calculated using the best pay figure.	The Administering Authority, where it has been made aware that a certificate of protection applies, would make the election on behalf of the member to ensure that the highest benefits are paid.
34	R13 – Sch 1 "Eligible Child" TP17(9)	Whether to treat a child as being in continuous education or vocational training, despite a break (including a child of a councillor member) so that the child's pension resumes after the break.	The Fund will cease the pension upon the child initially ceasing education. Should the child return to education following a break and subsequently take further breaks then the Pensions Administration Manager, having obtained details of the relevant circumstances, will determine on behalf of the Fund, whether to re-instate the child's pension.
35	R97 - 47(1) R95 – G11(1)	How to apportion children's pension amongst eligible children (applies to children of leavers between 1 <sup>st</sup> April 1998 and 31 <sup>st</sup> March 2008 and children of councillor members)	Where there is more than one eligible child, the Fund will normally divide the child's pension equally between the eligible children, with delegated authority given to the Pensions Administration Manager to determine what is appropriate.
36	B27(5) R97 – 47(2) R95 – G11(2)	Whether to pay the whole or part of a child's pension to another person for the benefit of the child (includes children of councillor members). This applies to pre 1 <sup>st</sup> April 2014 leavers only.	Where a child is below the age of 18, the Fund will normally pay his/her pension to the person who has the care of the child, to be applied for the benefit of that child. This will be decided on a case by case basis by the Pensions Administration Manager.
37	R95 - F7	Whether to suspend spouses' pensions during remarriage or cohabitation.	The Fund will not suspend survivors' pensions during any period of remarriage or cohabitation.
<b>Transferring or Linking Benefits</b>			
38	R13 – 98(1)(b)	Whether to agree to the payment of a bulk transfer	Bulk transfer terms will be negotiated and agreed on a case by case basis in consultation with the Fund Actuary and the Scheme employer.

Ref	Regulation Reference (see key at end)	Description of Discretion	Kent Pension Fund Policy
39	R13 – 100(6)	The Administering Authority (with the agreement of the employer) may extend the 12 month time limit for a scheme member to elect to transfer in benefits from a non-local government pension scheme or personal pension plan.	A request to transfer in previous pension rights must be made within of 12 months of joining (or such longer period as the employer and Administering Authority may allow). The Fund will allow such transfers subject to the agreement of the Scheme employer
40	R13 – 100(7)	Whether to allow transfers of pension rights into the Fund	The Fund will allow transfers in as agreed by the employer and Administering Authority, see ref 39 above.
41	TP14 – 15(1)(d) & A28(2)	Whether to charge a scheme member for the provision of an estimate of the additional pension that would be provided in the Fund in return for a transfer in of in house AVC/SCAVC funds (only applies where the arrangement was entered into before 1 <sup>st</sup> April 2014)	Scheme members may request one quote per financial year that is provided free of charge. In the exceptional case that a further quote is requested by the same member, the Fund reserves the right to impose an administration charge on the scheme member. The decision as to whether to impose a charge will be made on a case by case basis by the Pensions Administration Manager.
42	TP14 – 10(9)	Where a deferred member also has ongoing multiple concurrent employments, the member may be able to choose which employment the deferred benefits are aggregated with. The Fund can decide this where the member does not make their own election within 12 months.	Where the member does not make a decision, the Fund will aggregate benefits in the way that appears most beneficial to the member, which is usually aggregating to the highest paid post or main employment.
43	R97 - 118	Whether the Fund will retain the Contributions Equivalent Premium (CEP) where a scheme member transfers out to a contracted in pension scheme (for councillor members and pre 1.4.08. leavers)	The Fund will retain the CEP in these circumstances.
<b>Other Miscellaneous Discretions</b>			
44	R97 – 106A(5)	The date to which benefits shown on deferred Annual Benefit Statements are calculated	All annual benefit statements will be calculated as at 31st March preceding their distribution.

Ref	Regulation Reference (see key at end)	Description of Discretion	Kent Pension Fund Policy
45	TP14 – 3(13) A70(1) & A71(4)(c) T08 – 12 R97 – 109 & 110(4)(b)	Abatement of pensions on re-employment (applies to pre 1 April 2014 retirees only including councillor members)	The Fund will not abate pensions on re-employment.
46	R13 – 22(3)(c)	The pension account may be kept in such form as is considered appropriate	Pension accounts will be kept in the format specified by the Fund's pensions administration software provider.
47	R13 – 83 A52A	An Administering Authority may determine how and to whom benefits may be paid if the recipient is incapable of managing their affairs by reason of mental disorder or otherwise	In these circumstances the Fund may decide to pay some or all of the benefit to someone else to be applied for the benefit of the scheme member. The Pensions Administration Manager will decide these matters on a case by case basis.
48	R13 – 16(1)	Whether to turn down a request to pay an APC/SCAPC by regular contributions over a period of time where it would be impractical to allow such a request, for example, due to the pension being bought resulting in very small payments	The Fund will delegate the decision to agree the request to the employer.
49	R13 – 16(10)	Whether to require a satisfactory medical before agreeing to an application to pay an APC or SCAPC, and whether to turn down the application if not satisfied that the member is in reasonably good health.	Any scheme member wishing to purchase additional pension via an APC/SCAPC by paying regular contributions will be required to provide a medical declaration completed by their GP.
50	R13 – 32(7)	A scheme member wishing to receive benefits other than at normal pension age, or on flexible retirement, must elect to do so within certain time limits. The Administering Authority may extend these time limits.	The Administering Authority will extend these time limits.
51	TP14 – 15(1)(c) T08 - Sch1 & R97 - 83(5)	Whether to extend the time period for a scheme member electing to capitalise remaining contributions to an added years contract in cases of redundancy	The Fund expects any elections to be made within the time limits in the regulations. However, the time limit may be extended by the Pensions Administration Manager depending on the circumstances of the case.

Ref	Regulation Reference (see key at end)	Description of Discretion	Kent Pension Fund Policy
52	R13 – 34(1) B39 T08 - 14(3) R97 – 49 & 156	The Administering Authority may commute small pensions into a lump sum where they are below nationally prescribed limits.	The Administering Authority will only allow commutation on request for crystallised benefits and survivor benefits.
53	R13 – 49(1)(c) B42(1)(c)	Decide, in the absence of an election from the scheme member, which benefit is to be paid where the member would be entitled to a benefit under two or more regulations in respect of the same period of Scheme membership	These will be decided on a case by case basis by the Pensions Administration Manager and the decision will usually be to award the highest benefit.
54	R97 - 147	Whether to permit a Pension Credit to remain in the Fund or require a transfer out	Pension Credit benefits will remain in the Fund unless an election to transfer-out is received from the Pension Credit member.
55	R97 - 50 and 157	Whether to commute benefits due to exceptional ill-health (applies to councillor members and pre 1 <sup>st</sup> April 2008 leavers only)	The Fund will provide a member with the option to commute to a lump sum payment in lieu of a pension where evidence of exceptional ill-health is received, and the Fund has been informed by the employer that the member has been made aware of the exceptional ill- health criteria.
56	R97 - 91(6)	The Administering Authority may determine the timing of pension increase payments by employers to Fund (applies to pre 1 <sup>st</sup> April 2008 leavers only)	Pension increase payments made on behalf of the employers will be recharged on a quarterly basis.
<b>Discretions relating to employers which no longer exist</b>			
57	R13 – 38(3) & 38(6) B31(4) and 31(7)	A former employer must decide whether a deferred member meets the criteria for permanent ill health. This also applies to a scheme member who was formerly in receipt of Tier 3 ill-health benefits. The Administering Authority may decide this if that employer no longer exists.	The Administering Authority will make a decision based on the medical evidence. The decision will be made by the Head of Pensions and Treasury.

Ref	Regulation Reference (see key at end)	Description of Discretion	Kent Pension Fund Policy
58	TP14 – Sch 2, Paras 1(2) and 2(2)	An employer can choose to allow rule of 85 protections to apply to a scheme member's benefits on voluntary retirement. In doing this some or all of the early retirement reduction would not apply. This provision can only apply to scheme members who have reached age 55. The Administering Authority may decide this if that employer no longer exists.	The Fund will not normally allow the rule of 85 protections to apply on voluntary retirement. The Head of Pensions and Treasury will decide these matters on a case by case basis.
59	TP14 – 3(1), Sch 2, Paras 2(1) and 2(2) B30(5) and 30A(5)	An employer can choose whether to waive on compassionate grounds any reduction to benefits that might otherwise apply. This can also apply to former Tier 3 Ill-Health members. The Administering Authority may decide this if that employer no longer exists.	Where the employer no longer exists, the decision whether to waive actuarial reductions on compassionate grounds will be made by the Head of Pensions and Treasury and each case will be considered on its merits.
60	R13 – 30(8)	An employer can choose to waive, in whole or in part, any reduction that might otherwise apply to that scheme member's benefits on flexible retirement. The Administering Authority may decide this if that employer no longer exists.	The Fund will not normally waive any actuarial reductions in flexible retirement cases. The Head of Pensions and Treasury will decide these matters on a case by case basis.
61	R13 – 30(8)	An employer can choose to waive, in whole or in part, any early retirement reduction that might otherwise apply to a scheme member's benefits on voluntary retirement. These provisions only apply to scheme members who have reached age 55. The Administering Authority may decide this if that employer no longer exists.	The Fund will not normally waive any actuarial reductions in retirement cases. The Head of Pensions and Treasury will decide these matters on a case by case basis.

## Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended)

Ref	Regulation Reference	Description of Discretion	Kent Pension Fund Policy
62	31(2)	Where an employer terminates employment early, the Administering Authority may agree to pay compensation on behalf of employer from the Fund and recharge payments to employer	The Administering Authority will pay compensation on behalf of the employer from the Fund and recharge payments to the employer.

### \*Key to Regulation References:

- R13 – The Local Government Pension Scheme Regulations 2013
- TP14 – The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014
- A – The Local Government Pension Scheme (Administration) Regulations 2008
- B – The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007
- T08 – The Local Government Pension Scheme (Transitional Provisions) Regulations 2008
- R97 – The Local Government Pension Scheme Regulations 1997
- R95 – The Local Government Pension Scheme Regulations 1995

\*Note that references to old provisions (e.g. R97) generally apply in relation to scheme members who left under those provisions.

END