

# **THE TILE LAND LIMITED EXECUTIVE PENSION SCHEME**

## **Annual Scheme Report**

**Prepared by**

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# 1. Introduction

Dear Majid, I am pleased to enclose our new look annual trustee report for your scheme.

This report has changed its focus from previous years by being more specific to the day to day requirements of the scheme. We have cut the content of investment and inflation outlook data to look at broad interest and inflationary data.

I also attach with our compliments our most recent newsletter, which contains our latest thinking and articles around both pension and protection planning, plus information on the new GDPR regulations.

At the end of this report, I have set out my proposals for 2018 to help ensure both tax compliance and tax efficiency as an action plan for you to consider.

## 2. Scheme Tax Return and Reporting

Below is a copy of our tax report submission for the period ending 5 April 2017 and our supporting comments.

The scheme reporting is one of the most important aspects of scheme management as the data submitted may be reviewed by an Inspector in connection with scheme fund movements. It is particularly important that where transactions are undertaken which may involve the scheme connected to persons or businesses associated with either the scheme members or the employer that we report that information in the correct format.

During this period, was the aggregate of payments to and from the scheme greater than £100,000?	No
Specify the aggregate of payments to and from the scheme	£83485
At the end of this period, did the scheme have assets with a total value before pension liabilities greater than £400,000?	Yes

### Connected Parties

At any time during the period from 06/04/2016 to 05/04/2017 did the scheme either directly or indirectly own assets that it had acquired from either: a. a sponsoring employer or any person connected with that employer? <i>or</i> b. a person who was a director of or a person connected to a director of a close company that was also a sponsoring employer? <i>or</i> c. a person who was either a sole owner or partner or a person connected with the sole owner or partner of a business which was a sponsoring employer? <i>or</i> d. a member or person connected with a member?	Yes
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### Land or Interest in Land

Total cost or market value of any land or interest in land owned by the scheme at the end of the period	£1976400
Specify whether this amount is	Market value
Total cost of any land, or interest in land, or premium paid to acquire a leasehold interest in land	£0
Total sale proceeds of any land sold, or interest in land sold, or premiums received on disposal of a leasehold interest in land	£0
Total amount of income received from land or interest in land	£95250
Was any part of the land or interest in land residential property as defined in Schedule 29A of Finance Act 2004?	No

### Cash and Bank Information

Total amount of all cash and bank balances at the beginning of the period	£86388
Total amount of all cash and bank balances at the end of the period	£98168
Total amount of interest credited to these accounts	£15

### Connected Party

Connected party covers both the Company sponsoring the scheme and the scheme members. If you are unsure of the connected status of the scheme's holdings please let us know and we will ensure that you are covered. There were two connected holdings:

Property at Hounslow  
Property at Kensington

### Arms Length Transactions

Arms length transactions is any person, body or firm that falls outside of the connected part definition given above. It is possible to change from connected party to arms length and vice versa. If you are unsure of the arms length status of the scheme's holdings please let us know.

The following arms length holding was recorded:

Cash at Bank

The Pensions Regulator has submitted questions in respect of this scheme which were addressed and responded to in May 2017

### Automatic Enrolment

One or more employers using the scheme have passed the staging date above

Has any employer used this scheme on or after 6 April 2015 to meet their automatic enrolment duties in respect of any staff who were automatically enrolled or opted into the scheme.

Has any employer used this scheme on or after 6 April 2015 to meet their employer duties in respect of any staff who did not have to be automatically enrolled or given the opportunity to opt in because they were existing members of the scheme

Is the scheme intended for use by one employer or more than one employer

Is the scheme intended for use only by employers that are part of the same corporate group or structure

Does each employer have a trustee on the trustee board. Are all employers part of a similar industry, profession or affinity organisation (such as trade body, business group etc)

In addition we confirmed exemption from the following administrative requirements for this scheme:

[1] Section 90(4) Pensions Act 2004

[2] Section 90(5) Pensions Act 2004

[3] Regulation 1(2) Occupational Pension Schemes (Scheme Administration) Regulations 1996

[4] Regulation 2(2) Occupational Pension Schemes (Charges and Governance) Regulations 2015

[5] Regulation 2(1) Occupational Pension Schemes (Charges and Governance) Regulations 2015

[6] Regulation 1(2) Occupational Pension Schemes (Investment) Regulations 2005

## 5. Inflation and Interest Rate Outlook

The MPC of the Bank of England is short for the Monetary Policy Committee and set a target for the annual inflation rate of the Consumer Prices Index of 2%. This has been in place for some time. Subject to that, the MPC is also required to support the Government's economic policy, including its objectives for growth and employment

The MPC's central projection in the November Report was for four-quarter GDP growth to pick up from early 2018 and settle around 1¾%.

Consumption growth was projected to remain subdued, while strong global growth, together with the lower level of sterling, was expected to support net trade and business investment. Inflation was projected to rise a little further above the 2% target in the near term before falling back over 2018.

Conditional on the path for Bank Rate implied by market interest rates prevailing at the time, inflation was projected to end the forecast period slightly above the 2% target. That central projection was also conditioned on the Term Funding Scheme, and on the stocks of purchased gilts and corporate bonds remaining at £435 billion and £10 billion respectively.

At its meeting ending on 13 December 2017, the MPC noted that the recent news in the macroeconomic data had been mixed and relatively limited. Global growth had remained strong, while some indicators of domestic activity in Q4 had softened a little.

The impact of November's rise in Bank Rate on the interest rates faced by households and firms had been consistent with previous experience, but it was too early to form a comprehensive view of its effect on the economy.

CPI inflation had risen to 3.1% in November, slightly higher than the MPC had anticipated at the time of the November Report. The MPC continued to judge that inflation was likely to be close to its peak, and would decline towards the 2% target in the medium term.

The MPC was of the view that, were the economy to follow the path expected in the November Report, further modest increases in Bank Rate would be warranted over the next few years, in order to return inflation sustainably to the target.

Any future increases in Bank Rate were expected to be at a gradual pace and to a limited extent. We expect a further increase of 0.25% of interest rates in 2018.

## 6. General Data Protection Regulation

The **General Data Protection Regulation (GDPR)** is a regulation intended to strengthen and unify data protection for all individuals within the European Union.

It will be effective on 25 May 2018 and replaces the data protection act. It is the biggest shake up in generations to data use, privacy and business impact. It covers anyone who is engaged in data use and storage.

Small self administered schemes have a unique relationship in that the employer sponsoring the scheme, the members and trustees are generally connected. Your scheme will be affected by GDPR. To assist, you will shortly receive a resolution from us to be appointed to handle much of the new requirements of GDPR in respect of your scheme.

**If the sponsoring employer is a trading company and holds personal data it will be affected by the regulations** and as such, our GDPR service on the Scheme may, by extension, help your business comply.

*'Personal Data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. It is all encompassing.*

Our newsletter, which is enclosed fully explains how GDPR affects your business. The new GDPR rules come into effect from May this year and like auto-enrolment, non-compliance is not an option and the fines are even higher than those imposed by the Pensions Regulator.

We have recently added new qualified GDPR Practitioners and this is being headed by Merle Oper. You can email Merle at [merle@pensionpractitioner.com](mailto:merle@pensionpractitioner.com) for more information or assistance.



## 7. New Independent Trustee Service

Historically, small self administered schemes had a legal requirement for an independent trustee that acted as an oversight on behalf of HM Revenue and Customs to ensure that there was no improper termination of the trust.

Since 2006, this was no longer a legal requirement but recent changes to the rules surrounding pensions maybe useful for your scheme.

We can offer an independent trustee service via our trustee company and have structured this to give clients full flexibility on the remit needed. It is designed around protection to ensure that in the event of the demise or serious ill-health the distribution of benefits are in accordance with your wishes, impartially and with understanding of the rules that underpin pension schemes.

### **Controlling Investments**

Our independent trustee company signs a delegation letter, whereby the power of investing and decision making remains in the hands of the clients as trustees of their own funds.

This way, we are not party to investment decisions made by clients. However, if you require our independent trustee to be party to investment decision making, this can be facilitated on a case by case basis.

### **Dealing with disputes**

Members of small self administered schemes are usually related through bloodline or business association. Disputes do arise where one person wants to go their separate way or there is a disagreement over investment choice.

The independent trustee can through our appointment have the final say as arbitrator. This is because our trustee company is independent of all the members, has no beneficial interest in the scheme and are required under appointment to act independently, fairly and judiciously.

### **Ill-health benefits**

This is perhaps where most of the need arises. Small self administered schemes have benefited significantly from the increased flexibility of distribution of funds either on death or serious ill-health.

The risk of developing cancer for all invasive cancer sites is one in two for males and one in three for females in the western world. This is a lifechanging condition and depending on the condition and type, your SSAS can be distributed to meet medical and income replacement requirements.

The emotional strain on families and the affected person is significant – having an independent trustee to take on the responsibility of benefit distribution ensures that this is undertaken with integrity and consideration.

### **Death benefits**

In the absence of a surviving trustee, your beneficiaries are required to go to court for a trustee to be appointed which can be a very expensive and time-consuming process.

Children can be admitted to the pension scheme to benefit funds to be distributed at key anniversary dates. You can also arrange for your family to inherit the fund allowing the scheme to become a family trust.

An independent trustee can ensure that both the need for a court appointed trustee is avoided and your instructions are passed down and enacted by the independent trustee to avoid any family dispute that can often arise with family members as appointed trustees.

For more information on this please contact your dedicated scheme administrator, Emily McAlister who will arrange a consultation via email on [emilym@pensionpractitioner.com](mailto:emilym@pensionpractitioner.com)

## **8. Review and Proposed Action Plan 2018**

### **Interest Deposit**

If the trustees are seeking to continue to hold cash, they may well wish to consider a fixed term account – Bank of London and the Middle East presently pay 1.25% on 6 month term account, and 1.95% on 1 year term. Investec presently pays 1.45% also on 1 year term. We can recommend an investment manager to assist the trustees with their investment objectives.

### **Nomination of Beneficiaries**

#### **Trustee Decision Making**

The Trustees need to consider whether a third party independent trustee should be appointed to the scheme. If a significant event happens to them both there will be no party able to make distributions in accordance with their wishes without going through Court as a will does not form part of the pension scheme.

#### **Action**

Update the nomination of beneficiaries for the scheme reflecting the changes to the tax rules concerning death benefits and ensure conformity of the will for Majid and Elham.

### **GDPR**

Tileland as the sponsoring employer of the scheme is caught by the GDPR regulations.

#### **ACTION**

Implement a GDPR process for the scheme for conformity with the new data act regulations effective from 25 May. The Company will be caught by this and it is essential that this addressed.

### **Pensions Regulator**

#### **ACTION**

We have an administration and investment code of practice from the Pensions Regulator, presently this code does not fall into the scheme however the principles of responsible investment, tax return and scheme compliance does fall within that scope. We propose to undertake this oversight for the trustees and a new resolution enables that.

## **HMRC Registered Administrator**

### **ACTION**

Majid is the registered administrator and delegates day to day functions to us. New changes to the status of the registered administrator carries with it greater liabilities on taxation payments and reporting.

As such, we have adopted our registered scheme administrator practice, Registered Scheme Administrator to take over any potential tax liabilities and penalties that could arise in future for all schemes and you will be protected under a professional indemnity insurance policy of up to £1,500,000 for any one claim. To ensure that you have this blanket protection, we need the trustees consent to this.

### **LIFETIME PROTECTION**

A gross pension contribution of £225,000 was paid on 4<sup>th</sup> April 2008 represented by 8 Netherland Road. The balance of the title against a valuation of £430,000 represented a purchase by the pension scheme under an agreement with you dated 4<sup>th</sup> April 2008. This fell into the annual tax allowance for 2007/08 of £225,000 and this sum was wholly allocated in Majid's favour. The balance of the property was acquired by the scheme arising from a pension transfer of rights.

In the following tax period under 230 Staines Road, Hounslow, an in-specie contribution election arose of £215,000 for 08/09, and the second payment was £85,000. These contributions were not specifically allocated in that tax year and were notionally kept non-allocated for tax planning purposes for future years.

The valuation of the property plus investment income in respect of rental and loan interest payments to the scheme does gives a valuation excluding property uplift of on 5th April 2015 of £1,016,741.60.

Individual Protection 2014 gives individuals protected lifetime allowance of your savings on 5 April 2014 but to have this as at 5 April 2014 you must have accrued pension savings of at least £1.25 million on 5 April 2014. This continued to apply into the 2015 tax year where the same formula applied.

If we registered Majid for protection in 2014/15 for £1.5 million protection the effect of this would have been that no accrual of pension rights would have been possible for Elham. This would have affected the long term funding of the scheme.

The agreement between Majid and the scheme for £831,000 is not considered an asset of the scheme under HMRC pension rules and therefore for calculation purposes the capital amount borrowed must be excluded from the assessment. Whilst it will become an asset of the scheme, this is over a phased period in accordance with the loan repayment schedule.

I recommend that Majid register for protection of £1.25 million and Elham is provided for pension rights which under the current lifetime allowance is £1.030 million, which gives a combined figure of £2.28 million. The current lifetime allowance will continue to increase for Elham which will also increase the tax free cash sum.

I would also recommend that Majid's share of fund is converted to scheme pension, which would allow for pensions to be increased in payment at a proscribed rate without being tested for the lifetime allowance in future years.