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**REPORT OF LICENSING AND GENERAL PURPOSES COMMITTEE**


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**MEETING HELD ON 16 JUNE 2004**


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Chair:	* Councillor Bluston	
Councillors:	* Mrs Bath	* Idaikkadar (3)
	* Branch	* Knowles
	* Janet Cowan	* Lavingia (2)
	* Dharmarajah	* Vina Mithani
	* Ann Groves	* John Nickolay

\* Denotes Member present  
(2) and (3) Denote category of Reserve Member

**PART I - RECOMMENDATIONS - NIL**
**PART II - MINUTES**
**8. Attendance by Reserve Members:**

**RESOLVED:** To note the attendance at this meeting of the following duly appointed Reserve Members:-

<u>Ordinary Member</u>	<u>Reserve Member</u>
Councillor Blann Councillor O'Dell	Councillor Idaikkadar Councillor Lavingia

**9. Declarations of Interest:**

**RESOLVED:** To note that the following interests were declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
Item 17	Councillors Bluston, Knowles and Vina Mithani	Personal Interest as Members of the ALMO shadow Board
Items 11 to 14 and 16 to 23	Councillors Bluston and Idaikkadar	Personal Interest as Members of the Pension Scheme and of the Pension Fund Investments Panel

**10. Arrangement of Agenda:**

**RESOLVED:** That all business be considered with the press and public present with the exception of the following items for the reasons set out below:-

<u>Item</u>	<u>Reason</u>
Item 16 - Exercise of Discretion under Regulation 38 of The Local Government Pension Scheme Regulations 1997	This item was considered to contain exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), in that it contained information relating to a particular employee.
Item 17 - Admission of Spire Community Homes Ltd. to the London Borough of Harrow Pension Fund as a Scheduled body	This item was considered to contain exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), in that it contained information relating to employees.

Items 18, 19, 20, 21 - Exercise Discretion under Regulation 31 of the Local Government Pension Scheme Regulations 1997 (as amended)

These items were considered to contain exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), in that they contained information relating to particular employees.

Items 22 and 23 - Exercise Discretion under Regulation 8 of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended)

These items were considered to contain exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), in that they contained information relating to particular employees.

11. **Minutes:**

**RESOLVED:** That the minutes of the (1) predecessor body (General Purposes and Licensing Committee) meeting held on 29 September 2003, having been circulated, be taken as read and signed as a correct record; and

(2) Licensing and General Purposes Committee (Special) meeting held on 17 May 2004 be deferred until printed in the next bound Council Minute Volume.

12. **Public Questions, Petitions and Deputations:**

**RESOLVED:** To note that there were no public questions, petitions or deputations submitted to this meeting under the provisions of Committee Procedure Rules 18, 15 and 16 (Part 4B of the Constitution) respectively.

13. **Licensing Act 2003 - Information Report Update On The Licensing Position:**

An information item was presented to Members by the Chief Environmental Health Officer updating the position on the Licensing Act 2003, the timescales and the implications for the Local Authority.

It was reported that the Licensing Act created a new statutory duty for Local Authorities to license premises and persons for the sale of alcohol. Statutory guidance would form part of the new system and would govern ways in which operational, policies, trading hours etc would be administered. The officer advised that it was now anticipated the Statutory Guidance to local authorities would be approved by Parliament in the next month. When this was finalised and issued to authorities there would be a six month period to prepare, consult on and approve a licensing policy. It was expected that the authority would start to receive applications to convert existing licences in the early part of January or February 2005. The new licensing regime would then come into full operation in October or November 2005.

Members expressed concerns about the funding of the duties created by the new legislation. The officer explained that funding had been approved, and had been carried through with the timetable slippage and that much of the ongoing revenue costs would be offset from the licence application fees and charges. The fee levels for applications were to be set by Government in the licensing regulations. These Regulations had yet to be released, hence all current planning had been based on indicated fee levels. It was requested that a draft financial breakdown be supplied when more definite information was available.

**RESOLVED:** That the report be noted.

14. **Ann Summers Limited - Information Report:**

The Chief Environmental Health Officer advised Members that a branch of a store operated by Ann Summers Limited had recently opened in Harrow. It was understood that a critical petition was being organized by local residents, although this had not been presented to the Authority to date.

This information report had been brought in front of the Committee to inform Members of the legislation and the position regarding sex shops.

There had been no application for a sex shop licence, the company having to maintain the sales of sex articles below the levels indicated in established case law. The major proportion of the shop was given over to the sale of lingerie. Ann Summers had recently bought out the Knickerbox high street chain, the brand for which the front section of the

shop is used for displaying. The numbers of sex toys purchases are insignificant in comparison to the amount of lingerie sold. The Committee felt that members of the public associated Ann Summers with sex shops, even when legally they were not, and suggested that this distinction should clearly be made when reported by the media as this might remove some of the concerns.

**RESOLVED:** That the report be noted.

15. **Early Retirement Arrangements:**

The Executive Director (Organisational Development) presented a report asking Members to establish an ad-hoc Sub-Committee with delegated powers to take decisions on early retirements in respect of all staff except Chief Officers and those staff not in the Pension scheme. The reason was the need for speedy decisions, in light of the Middle Management Review, which at present had to await a meeting of the Licensing and General Purposes Committee or, depending upon the urgency, were referred to Nominated Members for approval by delegated authority. Members had previously expressed some concerns with the urgency process. The proposed process would provide additional information, which would allow officers and Members to have an overview of the cases, particularly with regard to costs, savings and other benefits to the Council.

Members raised concerns about the proposal not to have Reserve Members on the Sub-Committee and suggested that Reserve Members should be added to the newly created Sub-Committee in line with those Panels and Sub-Committees under the Council structure.

It was also agreed that Members could only sit on the Sub-Committee after completion of the relevant training, in order to achieve a level of consistency.

A request was made to the Executive Director (Organisational Development) to provide a report to the Licensing and General Purposes Committee on the total costs of early retirement/redundancy cases from the start of the New Harrow Project to date.

**RESOLVED:** That (1) a Sub-Committee of three Members be established with delegated powers, as set out in paragraph 6.5 of the report, to take decisions on requests for early retirement;

(2) the Membership comprise of a Nominated Member from each of the three Groups, each with a Reserve Member, and the quorum of the Sub-Committee be two.

16. **Establish new Internal Dispute Resolution Procedure arrangements in line with Regulations 27 to 32 of The Local Government Pension Scheme (Amendment) Regulations 2004:**

A report of the Executive Director (Organisational Development) was presented to the Committee proposing new arrangements for the Internal Dispute Resolution Procedure (IDRP) in line with Regulations 27 to 32 of The Local Government Pension Scheme.

Members were informed that the vast majority of disputes were resolved by Tier 1 of the Local Authority's 3 Tier system. The Tiers are:-

**Tier 1** – Pension Fund Members are encouraged to liaise with Harrow's Pension unit.

**Tier 2** – Harrow has appointed the Executive Director (Organisational Development) as the "Appointed Person" whose duty and responsibility it was to make a determination where an individual raises a formal complaint under Stage 1 of the IDRP.

**Tier 3** – If the individual is still unhappy with the Appointed Person's determination; Stage 3 provides the individual with the right of appeal to The Secretary of State.

Under Tier 2 of the proposed revised IDRP, a timescale of 2 months is set for a decision to be made. It was suggested that the Specified Person was a person knowledgeable in the pension legislation area such as a Pensions Service Manager.

The Tier 3 stage is now referred back to the administering Authority (i.e. Harrow Council) for determination. Statute clearly states that the decision-making function cannot be delegated to a third party. At this stage, disputes are to be determined by the 'Director of HR and Organisational Effectiveness' in consultation with the Harrow Pension Fund Actuary service Hymans Robertson as an external adviser, whose services could be secured at an hourly fee of £200.

**RESOLVED:** That (1) the amendments under Regulation 27 to 32 of the Local Government Pension Scheme (Amendment) Regulations 2004, effective from 1 June 2004 be noted;

(2) the need for a robust Dispute Resolution process and the proposed new administrative arrangements be agreed;

(3) the potential funding implications be noted.

17. **Amend Policy Statement under Regulation 106 of The Local Government Pension Scheme Regulations 1997 (as amended) to reflect changes under Regulation 18 of The Local Government Pension Scheme (Amendment) Regulations 2004:**

The Committee was presented with a report requesting amendments to the Policy Statement on Discretions under Regulation 106 of The Local Government Pension Scheme Regulations 1997 to reflect changes under Regulation 18 of The Local Government Pension Scheme (Amendment) Regulations 2004.

The new provision allows an Authority to award a member an additional period of membership at any point during active membership of the Local Government Pension Scheme, taking into account the revised maximum additional period that can be awarded only if applicable under the set criteria for the period of membership.

The cost of applying this Regulation will be met through either increased employer's contributions to the pension fund or by way of a one-off payment from the general fund.

**RESOLVED:** That (1) the amendments under Regulation 18 of the Local Government Pension Scheme (Amendment) Regulations 2004, effective from 1 April 2004, be noted;

(2) the Committee, having regard to the financial implications and acknowledging the arrangements that currently exist under Discretionary Compensation Regulations, does not, at this time, apply discretion under Regulation 52 of the Local Government Pension Scheme Regulations 1997 (as amended);

(3) Harrow's Pension Manager amend Harrow's Mandatory Policy Statement and notify all active members of the change;

(4) Harrow's Pension Manager notify all associated employers and admitted bodies of the amendment and request that they review their particular policy statement.

18. **Implementation of Document Imaging / Employee Internet Self-Service, realignment of resources to respond to service drivers and impact of new legislation:**

A report of the Executive Director (Organisational Development) was presented to the Committee outlining the proposal to implement document imaging, self-service employee internet access and a realignment of resources to respond to service drivers and the impact of new legislation.

Members were informed of the increased level and complexity of enquiries received from employees to the Pensions Unit. An officer told the Committee that advanced technology which enabled clients to access their pension details and answer many of their queries would eliminate some of the pressures on staff.

**RESOLVED:** That (1) it be noted that investment in new technology would afford pension fund members greater and easier access to timely and accurate information, whilst assisting the Authority in meeting targets set for the Implementation of Electronic Government;

(2) the impact of demographic changes, legislation and transfer of functions on pension resources be noted;

(3) the financial comments and the additional resources detailed at Appendix A to the report be noted and agreed;

(4) the proposals that materials and work be executed as an extension to the contract entered into with Lynx Heywood be agreed as appropriate in these circumstances.

19. **Amended Policy Statement under Regulation 106 of The Local Government Pension Scheme Regulations 1997 (as amended):**

A report of the Executive Director (Organisational Development) was presented to the Committee recommending variation to the Council's Policy on Discretions in relation to the payment of a Death Grant (Regulation 38) following new guidance from the Local

Government Pension Committee.

An officer explained the administrative difficulties when a deceased employee had not completed a death grant nomination form. The death grant in these cases would be transferred to the estate; however, under the new provisions recommendations had been made to authorise payment of the Death Grant to the surviving child/children. In the event of there being no identified child/children or there being any uncertainty in releasing the monies to the child/children or nominated beneficiaries, the matter would be referred to Members for determination. The officer confirmed that Unison had made no comments on the proposals.

**RESOLVED:** That (1) the advice in relation to Regulation 38 of The Local Government Pension Scheme Regulations 1997 be noted;

(2) the amendments to the Policy Statement on Discretions in line with the recommendations in the report and Regulation 38 be agreed;

(3) the suggested amended procedure for determining payment of Death Grant be agreed.

20. **Exercise of Discretion under Regulation 38 of The Local Government Pension Scheme Regulations 1997:**

The Executive Director (Organisational Development) advised Members of a request to exercise their discretion to pay the Death Grant in advance of Probate/Administration where no nomination had been made.

**RESOLVED:** That the payment of SW's Death Grant to the deceased employee's daughter, upon sight of an appropriate trust deed, plus SW's death certificate and the daughter's birth certificate, be agreed.

21. **Admission of Spire Community Homes Limited to the London Borough of Harrow Pension Fund as a Scheduled body:**

The report of the Executive Director (Organisational Development) detailed the terms for admission to the Local Government Pension Scheme (LGPS) for transferring Harrow Council employees and for all future employees of Spire Community Homes Limited.

**RESOLVED:** That (1) it be noted that Spire Community Homes Limited meets the criteria for 'Scheduled Body' admission as defined under Regulation 10 of The Local Government Pension Scheme (Amendment) Regulations 2002;

(2) the Employer's Contribution Rate as set by Hymans Robertson (Harrow Fund Scheme Actuary) and the provision for adjustment in line with the outturn of the 2004 valuation or any other periodic review be noted;

(3) admission as a Scheduled Body being subject to the conditions laid down in both the Admission and Service Level Agreements be noted.

22. **Exercise Discretion under Regulation 31 of the Local Government Pension Scheme Regulations 1997 (as amended):**

The Executive Director (Organisational Development) reported an application by an employee under Regulation 31 requesting that the employer exercise discretion and agree early retirement.

**RESOLVED:** That (1) it be agreed that this was a suitable case for consideration under Regulation 31 of the Local Government Pension Scheme Regulations 1997 (as amended);

(2) having determined that the application met the criteria determined at General Purposes and Licensing Committee on 4 March 2003, discretion be exercised and the early retirement of HK under Regulation 31 be agreed.

23. **Exercise Discretion under Regulation 31 of the Local Government Pension Scheme Regulations 1997 (as amended):**

The Executive Director (Organisational Development) reported an application by an employee under Regulation 31 requesting that the employer exercise discretion and agree early retirement.

**RESOLVED:** That (1) it be agreed that this was a suitable case for consideration under Regulation 31 of the Local Government Pension Scheme Regulations 1997 (as amended);

(2) having determined that the application met the criteria determined at General Purposes and Licensing Committee on 4 March 2003, discretion be exercised and the early retirement of FM under Regulation 31 be agreed.

24. **Exercise Discretion under Regulation 31 of the Local Government Pension Scheme Regulations 1997 (as amended):**

The Executive Director (Organisational Development) reported an application by an employee under Regulation 31 requesting that the employer exercise discretion and agree early retirement.

**RESOLVED:** That (1) it be agreed that this was a suitable case for consideration under Regulation 31 of the Local Government Pension Scheme Regulations 1997 (as amended);

(2) having determined that the application met the criteria determined at General Purposes and Licensing Committee on 4 March 2003, discretion be exercised and the early retirement of CRN under Regulation 31 be agreed.

25. **Exercise Discretion under Regulation 31 of the Local Government Pension Scheme Regulations 1997 (as amended):**

The Executive Director (Organisational Development) reported an application by an employee under Regulation 31 requesting that the employer exercise discretion and agree early retirement.

**RESOLVED:** That (1) it be agreed that this was a suitable case for consideration under Regulation 31 of the Local Government Pension Scheme Regulations 1997 (as amended);

(2) having determined that the application met the criteria determined at General Purposes and Licensing Committee on 4 March 2003, discretion be exercised and the early retirement of RP under Regulation 31 be agreed.

26. **Exercise Discretion under Regulation 8 of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended):**

The Executive Director (Organisational Development) reported an application for early retirement under Regulation 26 of the Local Government Pension Scheme Regulations 1997 (as amended). The report detailed grounds for the Authority to exercise discretion under Regulation 8 of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended).

It was confirmed that the duties of the post currently occupied by the employee would be discharged as complete on 30 June 2004.

**RESOLVED:** That (1) it be agreed that this was a suitable case for consideration under Regulation 8 of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended);

(2) having determined that the application met the criteria for early retirement, agree that discretion be exercised under Regulation 8 of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) and that MW be awarded a credited period of 6 years 243 days.

27. **Exercise Discretion under Regulation 8 of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended):**

The Executive Director (Organisational Development) reported an application for early retirement under Regulation 26 of the Local Government Pension Scheme Regulations 1997 (as amended). The report detailed grounds for the Authority to exercise discretion under Regulation 8 of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended).

Under the re-organisation of the senior management structure of the Council in 2002, the employee was appointed to a post on a fixed term basis, expiring on 31 December 2004.

Upon a vote the recommendation that the discretion exercised should be inclusive of a credited period of added years was not agreed.

**RESOLVED:** That (1) it be agreed that this was a suitable case for consideration under Regulation 8 of the Local Government (Early Termination) (Discretionary

Compensation) (England and Wales) Regulations 2000 (as amended);

(2) having determined that the application met the criteria for early retirement, discretion be exercised under Regulation 8 of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) and the early retirement of PO be agreed, with no credited period of added years.

(Note: The meeting, having commenced at 7.30 pm, closed at 10.25 pm).

(Signed) COUNCILLOR HOWARD BLUSTON  
Chair