
REPORT OF LICENSING AND GENERAL PURPOSES COMMITTEE

MEETING HELD ON 7 MARCH 2005

Chair: * Councillor Idaikkadar

Councillors: Arnold * Dharmarajah
 * Mrs Bath * Ann Groves
 * Billson * Knowles
 * Blann * Vina Mithani
 * Branch * John Nickolay
 * Choudhury * O'Dell
 * Janet Cowan Ray

* Denotes Member present

PART I - RECOMMENDATIONS - NIL
PART II - MINUTES
42. Appointment of Chair:

RESOLVED: That the appointment at the Council meeting on 24 February 2005 of Councillor Idaikkadar as Chair of the Licensing and General Purposes Committee for the remainder of the Municipal Year 2004/2005, be noted.

43. Reserve Members:

RESOLVED: To note that, following the re-establishment of the Committee at Council on 24 February 2005, there are no Reserve Members currently appointed for this Committee.

44. Appointment of Vice-Chair:

RESOLVED: That, upon being put to a vote, Councillor Knowles be appointed Vice-Chair of the Committee for the remainder of the Municipal Year 2004/2005.

45. Declarations of Interest:

RESOLVED: To note that there were no declarations of interests made by Members in relation to the business transacted at this meeting.

46. Arrangement of Agenda:

RESOLVED: That (1) in accordance with the Local Government (Access to Information) Act 1985, the following agenda item be admitted late to the agenda by virtue of the special circumstances and grounds for urgency detailed below:-

<u>Agenda item</u>	<u>Special Circumstances/Grounds for Urgency</u>
15. Adoption of Hearing Procedures at Panel Hearings	The report had to be drafted following the release of Regulations which came out after the despatch of the main agenda. In addition, this item had to be considered together with other items listed on the agenda.

(2) all items be considered with the press and public present.

47. Minutes:

RESOLVED: That the minutes of the meeting held on 29 November 2004, having been circulated, be taken as read and signed as a correct record.

48. Public Questions, Petitions and Deputations:

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

49. **Licensing of Catteries - Adoption of Model Standards:**

The Committee considered a report of the Chief Environmental Health Officer, which advised that the Authority licensed three existing proprietors and their premises for cat boarding, only one of which complied with the standards of the Model Licence Conditions and Guidance for Cat Boarding Establishments. The other two premises met all of the standards except with regard to the size of the sleeping and exercise areas. The premises were well maintained, however, and there had been no complaints concerning the premises. Members were advised that both these catteries were small family-run businesses which would not be able to afford the financial strain of applying for the registration.

RESOLVED: That (1) the Model Licence Conditions for cat boarding establishments produced by the Chartered Institute of Environmental Health dated 1995 be adopted from 1st March 2005 and this standard be applied to all new and existing catteries; and

(2) the two catteries which do not meet the space requirements in the standard set out in the Model Licence Conditions for cat boarding establishments be exempted from meeting that standard, providing that all of the following conditions continue to be met:

- (i) that the existing space standards and standards of care are maintained;
- (ii) that the existing licensee remains as owner and operator of the cattery;
- (iii) that the space standards in the Model Licence Conditions will apply if the cages accommodating cats are changed, added to, extended or rebuilt; the new space standards would not apply, however, merely following the repair and maintenance of the existing cages;
- (iv) that the catteries meet the requirements of the standards in the Model Licence Conditions in all other respects.

50. **Response to the Office of the Deputy Prime Minister's (ODPM) Stocktake Discussion Paper "Facing the Future - Principles and Propositions for an Affordable and Sustainable Local Government Pension Scheme":**

An officer gave an oral presentation on the significant impact of proposed changes to the Local Government Pension Scheme (LGPS) which were set out in a recent Government Green Paper, and which were proposed to be implemented in April 2008. In addition to the presentation, the Committee received a report of the Executive Director (Organisational Development), which invited Members to formulate a response to the Green Paper, for forwarding to the Office of the Deputy Prime Minister by 31 March 2005.

The Government was currently undertaking a consultation exercise with all stakeholders on the changes to the LGPS, which would affect both members' benefits and contributions. The consultation was the largest of its kind since the introduction of the Pensions Regulations in 1952, and extended to the NHS and the police.

A copy of the consultation paper had been forwarded to all associated Harrow Pension Fund Scheme employers, headteachers and Chairs of Governors of all Harrow Schools, and the Harrow Branch of Unison. All parties had been invited to forward their comments either to Elected Members or direct to the Office of the Deputy Prime Minister.

Changes already made to the Local Government Pension Scheme had recognised that people were living longer and that there was a need to deal with the changing ratio of the active population to those in retirement. The changes had sought to meet the social and economic challenges of such demographic changes by encouraging people to work longer, to help stabilise the affordability of pension provision for taxpayers and to provide an attractive and accessible pension framework for all employees and their employers.

The key changes now being proposed were:-

- amend the definition of pensionable pay (e.g. restrict to basic pay excluding other currently pensionable allowances)
- a pension accrual rate of 1.6% pay for each year of service
- the opportunity to take a larger (tax-free) retirement lump sum, by commuting pension at a fixed exchange rate of £12 of lump sum per £1 pension foregone
- a pivotal retirement age of 65, with the opportunity to retire earlier, retire partially or continue working and accrue enhanced benefits

- assess the need/demand for tiered member contributions, rising from 2.5% of pay for the lowest paid, to 10% for the highest paid
- two-tier ill health benefits depending on the degree of incapacity
- the option of a defined contribution pension scheme as a voluntary top-up arrangement (instead of the current Additional Voluntary Contribution (AVC) or added-years provisions) and possibly as an alternative to the defined benefit scheme, with an appropriate level of employer contribution
- revamp of the compensation regulations.

Members considered the key points being made in response to the Green Paper, as set out in Appendix 1 to the report, and indicated their agreement or otherwise with each.

RESOLVED: That the Committee's view on the key areas detailed in the officer report, as set out in Appendix 1 to these minutes, be agreed.

51. **Reference from the Tenants' and Leaseholders' Consultative Forum meeting held on 6 January 2005: Matters Raised by the Cottesmore Tenants' and Residents' Association:**

Members received a reference from the Tenants' and Leaseholders' Consultative Forum meeting on 6 January 2005, which requested that the Committee consider the viability of closing an alleyway on the Cottesmore Estate.

RESOLVED: That the reference be noted.

52. **Re-establishment of Panels 2004/05, Review of Reserve Members to the Early Retirement Sub-Committee, and Establishment of a Subsidiary Body "Licensing Panel":**

RESOLVED: That Licensing and General Purposes Panels be established for the remainder of the Municipal Year 2004/2005 with memberships and Chairs as set out in Appendix 2.

53. **Adoption of Hearing Procedures at Panel Hearings:**

The Committee considered a report of the Chief Environmental Health Officer, which set out procedures for Licensing Panel hearings under the Licensing Act 2003.

RESOLVED: That the amended procedures for the Licensing Panel for hearings under the Licensing Act 2003 be agreed.

54. **Licensing Act 2003, Transitional Arrangements:**

Further to the coming into effect of the Licensing Act, an officer reported that currently only 10 completed applications for conversion had been received. Licensees had between 7 February 2005 and 6 August 2005 to submit their forms or otherwise cease to sell alcohol. It was explained that a high proportion of licensees found the form complex and, as a result, evening drop-in sessions had been set up so that traders could come along and get assistance with completing their forms.

Members were also reminded of the training session arranged for Saturday 19 March 2005 and encouraged to attend. It was advised, however, that a further date would be arranged for those who were unable to attend. In addition, specialist training for Chairs would be arranged once officers had received nominations from Members. Councillors Branch, Knowles, and O'Dell requested that they be included in the training for Chairs. Members were reminded that they would not be able to serve on a Panel until they had attended the relevant training course.

RESOLVED: That the report be received and endorsed.

55. **Extension and Termination of the Meeting:**

In accordance with the provisions of Committee Procedure Rule 14.2(ii)(b) (Part 4B of the Constitution), it was

RESOLVED: At 10.00 pm to continue until 10.20 pm.

(Note: The meeting, having commenced at 7.30 pm, closed at 10.20 pm).

(Signed) COUNCILLOR THAYA IDAIKKADAR
Chair

APPENDIX 1Appendix 1 – Questionnaire on Key Points to Draft Response of Green Paper

Please tick one
 Agree Disagree

Q.1. The Scheme forms part of the overall remuneration package and there is a balance to be struck within that overall package between pay and pensions (deferred pay) ✓

Q.2. The LGPS should have a benefit structure broadly in line with that in other comparator public sector schemes ✓

Q.3. With regard to the cost of the Scheme, please indicate which of the three options below you most support. Within your preferred option please indicate your preferred sub-option (where appropriate):

Q.3. Option 1

We are supportive of targeting an employer contribution rate in respect of future service accrual that is equivalent to that under the current Scheme (after the effects of the removal of the 85 year rule from the current Scheme have been taken into account); or

Q.3. Option 2

We are cautious about targeting an employer contribution rate for future service accrual that is equivalent to that under the current Scheme (after the effects of the removal of the 85 year rule from the current Scheme have been taken into account). Targeting a slightly lower employer rate (of, say, a reduction of 1%) would be justified, would be more acceptable to employers (and to Council tax payers) and would be more likely to ensure the longer term affordability and sustainability of the Scheme. This could be achieved by:

- **Sub-Option 2A:** reducing the value of the benefits package outlined in the Green Paper by a target figure of 1% whilst retaining an average employee contribution rate of 7%; or
- **Sub-Option 2B:** retaining the value of the benefits package outlined in the Green Paper but increasing the average employee contribution rate by 1% (i.e. from 7% to 8%) ✓

Agree

Disagree

Q.3. Option 3

As per option 2 but with a larger reduction in employer contribution to be achieved via:

- **Sub-Option 3A:** target a larger reduction in the benefit package (to save more than 1%), or
- **Sub-Option 3B:** target a larger increase in the employee contribution rate (beyond 8%)
- **Sub-Option 3C:** target both a larger increase in the employee contribution rate and a larger reduction in benefits

Q.4. A new-look LGPS should be a final salary Defined Benefit scheme. This should be open to:

✓

a) employees and

✓

b) councillors

✓

- There should be no Defined Contribution scheme as a top-up to the main scheme

✓

- There should be no Defined Contribution scheme as an alternative to the main scheme

✓

- There should be no facility for members to purchase added years

✓

- There should be a facility for members to purchase additional scheme benefits based on an actuarially set charge for purchasing £100 of annual pension

✓

Q.5. The Scheme should cover the same range of employers as now

✓

Q.6. Employees should be allowed to contribute at any age (subject to the Inland Revenue limit of age 75)

✓

	Agree	Disagree
Q.7. The employee/councillor contribution rate should be the same for all scheme members (not a graded/banded contribution rate dependent on the level of earnings)	✓	
Q.8. We are inclined to retain the current definition of pensionable pay	✓	
Q.9. The accrual rate per year of membership and the commutation rate should be no less favourable than the other main comparator public sector pension schemes	✓	
Q.10. The Scheme should have a Scheme Retirement Age (SRA) of 65. Benefits taken before SRA should be subject to an actuarial reduction, other than in the case of ill health retirement, whilst benefits drawn after SRA should be subject to an actuarial increase	✓	
Q.11. Flexible retirement, linked to down-shifting (i.e. moving to a lower graded post) or a reduction in hours, should be permitted from April 2006 and members availed of this facility should be allowed to continue paying into the Scheme in their remaining employment	✓	
Q.12. The new Inland Revenue flexibilities should be built into the LGPS from April 2006.	✓	
<ul style="list-style-type: none"> • No special provisions should be made for members whose benefits exceed the new lifetime or annual allowances 	✓	
<ul style="list-style-type: none"> • Nor should a Scheme specific earnings cap be retained in respect of the future membership of those employees currently subject to the earnings cap of £102,000 per annum (although a fair and equitable solution will need to be found in respect of their accrued membership) 	✓	
Q.13. Benefits payable on redundancy/efficiency retirement prior to Scheme Retirement Age (SRA) should be payable at the employee's choice, at an actuarially reduced rate.	✓	
<ul style="list-style-type: none"> • The employer should have the option to waive or reduce the actuarial reduction at the employer's cost 		✓

	Agree	Disagree
<p>Q.14. We are in favour of a two tier ill health system <i>[If you disagree with the above statement, go to question 15]</i></p>	✓	
<ul style="list-style-type: none"> We agree that the benefits of those who are certified as being permanently incapable of any gainful employment should be based on their prospective service to age 65 	✓	
<p>With regard to the second tier, please tick the box which represents your favoured option:</p>		
<p>Q.14. Option 1 We are generally in favour of a second tier of un-enhanced ill health retirement benefits payable for life, but we are not convinced of the equity of a review system; or</p>	✓	
<p>Q.14. Option 2 We are generally in favour of a second tier of un-enhanced ill health retirement benefits but believe these should only be payable for a limited period of time, say 2 years; or</p>		
<p>Q.14. Option 3 We believe there should be no second tier of ill health retirement benefits. Instead, the member would be provided with a deferred pension and the employer could make a one off lump sum termination payment</p>		
<p>Q.15. The death in service lump sum should be 3 times final pensionable pay</p>	✓	
<p>Q.16. There should be no short term survivor pensions</p>		✓
<p>Q.17. We are supportive of the introduction of partners' pensions (particularly if, as seems likely, the other public sector schemes are moving towards their introduction)</p>	✓	
<ul style="list-style-type: none"> But we feel there are a number of equity issues surrounding the proposals contained in the Green Paper which need to be considered 	✓	

	Agree	Disagree
Q.18. A surviving spouse's/partner's pension should not be reduced if there is a large age differential between the couple	✓	
Q.19. Unless a child is disabled, a child's pension should cease at age 18		✓
Q.20. We are not in favour of adjusting a person's period of accrued membership if they move between jobs in local government, or if they move into a different salary band (if tiered employee contributions are introduced), in order to take account of the differences in pay levels	✓	
Q.21. The transfer of pension rights from other (non-club) pension schemes into the LGPS should purchase a period of membership in the Scheme or, <ul style="list-style-type: none"> • The Scheme should provide that transfers purchase additional benefits based on an actuarially set charge for purchasing £100 of annual pension 	✓	
Q.22. Transferring existing scheme members from the current Scheme to a new-look LGPS has merit, as all contributors would then be in a single Scheme, but only if the service conversion is workable, fair and equitable	✓	
Q.23. On the wider front, we see merit in there being one set of Scheme rules covering, for example, local government, teachers and the NHS	✓	
Q.24. We are in favour of revoking the current Compensation Regulations (i.e. Compensatory Added Years) and replacing them with a general power for employers to make a one off compensation payment to the employee of up to a maximum of 2 years salary.	✓	

Agree

Disagree

Q.25. If you do not agree with the first statement in **Q.4.** above (i.e. the LGPS should be a final salary Defined Benefit scheme for both employees and councillors) what alternative would you prefer? (please tick as appropriate)

- A final salary Defined Benefit scheme for employees plus a career average Defined Benefit scheme for councillors, or
- A career average Defined Benefit scheme for all employees and councillors, or
- Defined Contribution scheme for all employees and councillors, or
- Other (please specify)

APPENDIX 2**LICENSING AND GENERAL PURPOSES PANELS**

(Membership in order of political group nominations)

LabourConservativeLiberal
Democrats**(1) CHIEF OFFICER APPOINTMENTS PANEL (5)**

	(3) [(2) Voluntary]	(2)	(1) [From Labour Group allocation]
<u>I. Members</u>	1. <u>Leader of Group</u> (Councillor N. Shah or nominee) (CH)	1. <u>Leader of Group</u> (Councillor C Mote or nominee)	1. <u>Leader of Group</u> (Councillor Miss Lyne or nominee)
	2. <u>Deputy Leader of the Group</u> (Councillor Dighé or nominee).	2. <u>Deputy Leader of the Group</u> (Councillor D Ashton or nominee).	

(2) EARLY RETIREMENT SUB-COMMITTEE (3) (Non-proportional)

	(2)	(1)	
<u>I. Members</u>	Bluston	Knowles	Branch
<u>II. Reserve Members</u>	1. 2. 3.	1. Mrs Bath 2. 3.	1. Thornton 2.

[Labour Group nominations will be proposed at the next meeting of the Licensing and General Purposes Committee Meeting].

(3) EDUCATION AWARDS APPEALS PANEL (3)

	(2)	(1)
<u>I. Members</u>	Ray Toms* (CH)	Janet Cowan
<u>II. Reserve Members</u>	1. Ann Groves 2. Thammaiah 3. Anne Whitehead	1. Mrs Bath 2. Jean Lammiman 3. Vina Mithani

(4) LICENSING PANEL (3) (Pool of Members)

(To be selected from the following nominees)

<u>I.</u> <u>Members</u>	Blann Choudhury Dharmarajah Ann Groves Idaikkadar * O' Dell Ray	Arnold Mrs Bath Billson Janet Cowan Knowles * Vina Mithani John Nickolay	Branch
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(5) NATIONAL NON-DOMESTIC RATE: DISCRETIONARY RATE RELIEF APPEAL PANEL (3) (Pool of Members)

(To be selected from the following nominees)

Blann Burchell Currie Ann Groves Ismail Lavingia Toms Anne Whitehead	Harriss Mary John Myra Michael John Nickolay Mrs Joyce Nickolay Versallion	Branch Miss Lyne
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(6) PENSION FUND INVESTMENTS PANEL (4)

(2)

(2)

<u>I.</u> <u>Members</u>	Bluston* (CH) Idaikkadar	D Ashton * Romain
<u>II.</u> <u>Reserve</u> <u>Members</u>	1. Dighé 2. Burchell 3. Ingram	1. Pinkus 2. Myra Michael 3. Harriss

Harrow UNISON Co-optee (Non-voting): Mr R Thornton [Alternate: Mr J Rattray]

(7) PERSONNEL APPEALS PANEL (3) (Pool of Members)**(To be selected from the following nominees)**

Blann	Arnold	Branch
Bluston	Mrs Bath	Miss Lyne
Currie	Billson	
Margaret Davine	Mrs Cowan	
Mitzi Green	Knowles	
Ann Groves	Jean Lammiman *	
Harrison		
Lavingia		
Ray		
Stephenson		
Toms		

(8) SOCIAL SERVICES APPEALS PANEL (3) or ((2)) (Pool of Members)**(To be selected from the following nominees)**

(2)	((1))	((1))
Blann	Myra Michael	Branch
Mitzi Green	Vina Mithani	Miss Lyne
Omar	Silver	
Mrs R Shah		
Toms		

(CH)

(VC)

*

= Chair

= Vice-Chair

Denotes Group Members for consultation on Delegated Action and/or administrative matters.