



LICENSING AND GENERAL PURPOSES COMMITTEE

**MONDAY 23 JUNE 2008
7.30 PM**

COMMITTEE AGENDA

**COMMITTEE ROOMS 1 & 2,
HARROW CIVIC CENTRE**

MEMBERSHIP (Quorum 4)

Chairman: Councillor Mrs Lurline Champagnie

Councillors:

Husain Akhtar
Robert Benson
G Chowdhury
Mrs Kinnear
Ashok Kulkarni
Mrs Vina Mithani (VC)
Tom Weiss
Jeremy Zeid

Mrinal Choudhury
Mano Dharmarajah
Thaya Idaikkadar
Nizam Ismail
Phillip O'Dell
Raj Ray

Reserve Members:

Note: There are no Reserve Members currently appointed to this Panel.

**Issued by the Democratic Services Section,
Legal and Governance Services Department**

**Contact: Miriam Wearing, Senior Democratic Services Officer
Tel: 020 8424 1542 E-mail: miriam.wearing@harrow.gov.uk**

***NOTE FOR THOSE ATTENDING THE MEETING:
IF YOU WISH TO DISPOSE OF THIS AGENDA, PLEASE LEAVE IT BEHIND AFTER THE MEETING.
IT WILL BE COLLECTED FOR RECYCLING.***

HARROW COUNCIL

LICENSING AND GENERAL PURPOSES COMMITTEE

MONDAY 23 JUNE 2008

AGENDA - PART I

1. **Attendance by Reserve Members:**

To note that there are no Reserve Members appointed to this Committee.

2. **Declarations of Interest:**

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee, Sub Committee, Panel or Forum;
- (b) all other Members present in any part of the room or chamber.

3. **Arrangement of Agenda:**

To consider whether any of the items listed on the agenda should be considered with the press and public excluded on the grounds that it is thought likely, in view of the nature of the business to be transacted, that there would be disclosure of confidential information in breach of an obligation of confidence or of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972.

4. **Minutes:** (Pages 1 - 10)

That the minutes of the meetings held on 3 March 2008 and 12 May 2008 be taken as read and signed as a correct record.

[Note: The above minutes are published on the Council's intranet and website.]

5. **Public Questions:**

To receive questions (if any) from local residents or organisations under the provisions of Committee Procedure Rule 19 (Part 4B of the Constitution).

6. **Petitions:**

To receive petitions (if any) submitted by members of the public/Councillors under the provisions of Committee Procedure Rule 16 (Part 4B of the Constitution).

7. **Deputations:**

To receive deputations (if any) under the provisions of Committee Procedure Rule 17 (Part 4B of the Constitution).

Enc 8. **Review of Polling Districts and Polling Stations:** (Pages 11 - 18)
Report of the Director of Legal and Governance Services.

Enc 9. **Report on the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007, and to extend the existing zone to the whole of the Borough and to withdraw the existing zone:** (Pages 19 - 50)
Report of the Corporate Director Community and Environment

Enc 10. **Local Government Pension Scheme:** (Pages 51 - 60)
Report of the Corporate Director - Finance.

Enc 11. **Changes to the Local Government Pension Scheme:** (Pages 61 - 66)
Report of the Corporate Director – Finance.

AGENDA - PART II - NIL

This page is intentionally left blank

REPORT OF LICENSING AND GENERAL PURPOSES COMMITTEE

MEETING HELD ON 3 MARCH 2008

Chairman: * Councillor Mrs Lurline Champagnie

Councillors: * Robert Benson * Ashok Kulkarni
* Don Billson * Mrs Vina Mithani
* Mrinal Choudhury * John Nickolay
* G Chowdhury * Phillip O'Dell
† Mano Dharmarajah * Raj Ray
* Thaya Idaikkadar * Tom Weiss
* Nizam Ismail * Jeremy Zeid

* Denotes Member present

† Denotes apologies received

PART I - RECOMMENDATIONS - NIL

PART II - MINUTES

64. **Attendance by Reserve Members:**

RESOLVED: To note that no Reserve Members were included in the Committee's membership.

65. **Declarations of Interest:**

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

66. **Arrangement of Agenda:**

RESOLVED: That (1) Agenda Item 9 – Publication of Governance Compliance Statement – be taken immediately after Agenda Item 7 – Deputations;

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

67. **Minutes:**

RESOLVED: That the minutes of the meeting held on 27 September 2007 be taken as read and signed as a correct record.

68. **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 19, 16 and 17 (Part 4B of the Constitution) respectively.

69. **Outline report on The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007, and to extend the existing zone to the whole of the borough – pre-consultation:**

The Chairman reported that a press statement issued prior to the meeting and which had pre-judged the decision of the Committee, was inaccurate. The Committee agreed not to take the press statement into account when determining this item.

An officer explained the reasons why approval to the consultation with the public and relevant persons regarding a borough-wide alcohol exclusion zone was being sought. He stated that:

- the Council had implemented an existing alcohol exclusion zone, which covered the Town Centre, South Harrow and parts of Wealdstone;
- implementing an alcohol exclusion zone order gave the Police additional powers to deal appropriately with persons who were consuming alcohol and causing a nuisance. The request for a borough-wide alcohol exclusion zone had come from the Police;

- officers had recommended to the Council that a borough-wide alcohol exclusion zone be implemented when the existing order was agreed. However, legislation had prevented the Council from establishing this. The Government had now issued guidance on this aspect;
- neighbouring boroughs such as Brent and Hillingdon had enforced a borough-wide alcohol exclusion zone and as a result people from outside the borough were filtering into Harrow.

The officer explained that if the Committee did agree to the commencement of the consultation process, a letter would be sent to every premise with an alcohol licence. Letters would also be sent to residents and advertisements placed in newspapers.

The officer reported that the consultation period would last approximately 12 weeks and a report would be presented to the Committee detailing the results of the consultation and asking them to recommend that Council approve the alcohol exclusion zone. Subject to approval by the Council, the zone would be established before the summer period began.

During the discussion on this item, Members raised a number of issues where the officer responded as follows:

- the recommendation submitted to the Committee was perhaps not as clear as intended. The amendment suggested by a Member of the Committee would accurately state the recommendation proposed;
- that the concerns over the feasibility and enforceability of the scheme and requirement for evidence of alleged problems with the existing system would be noted;
- the £15,000 allocated to the alcohol exclusion zone would not cover costs relating to consultation and officer time. The cost quoted was primarily related to signage. Two types of signs were required and public notices in newspapers also be included in the price. It was expected that consultation costs would be absorbed within the current budget;
- once an order was made, the Council were duty bound to inform the Home Office. The Home Office maintained a record of all alcohol exclusion zones in the country;
- it was not anticipated that someone enjoying a glass of wine in the park would be in breach of the order. The key factor that the Police would consider was whether a nuisance was being caused as a result of or partly due to alcohol;
- that the comments relating to suggested ways to advertise notices such as sharing space with other applications and using Harrow People would be noted;
- the Council had an existing alcohol exclusion zone in the borough. The Council had not received any complaints from members of the public. The current zone appeared to have been effective;
- the request for an alcohol exclusion zone had come from the Police. It was also one of the Council's agreed flagship actions;
- if the borough-wide exclusion zone was approved then the existing zone would be revoked and all existing signs would be amended;
- it was understood that the Regulations stated that the exclusion zone would relate solely to alcohol. The feedback received by the Council indicated that residents were happy with the exclusion zone and that many had requested a borough-wide zone when the existing order was first introduced;
- the Safer Neighbourhood Teams were keen on the borough-wide alcohol exclusion zone. Additionally the Chief Officers of Police had provided guidance to their colleagues on how to implement the order;
- there had not been any arrests within the current order but drinks had been confiscated and disposed of.

A Member of the Committee proposed that officers should seek to increase publicity and consultation funding by £10,000 from the Government. The proposal was seconded and agreed by the Committee.

RESOLVED: That (1) in accordance with the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 the proposed consultation to extend the Alcohol Exclusion Zone to cover the whole of the Borough be approved;

(2) officers seek to increase publicity and consultation funding by £10,000 from the Government.

70. **Publication of Governance Compliance Statement which informed the Committee of the statutory requirement placed on local authorities to publish a Governance Compliance Statement:**

An officer introduced the report and explained that the Council had prepared the Governance Compliance Statement in a short period of time because recently enacted statutory provisions had required authorities to produce a statement by 1 March 2008. The Department for Communities and Local Government (CLG) had subsequently extended the deadline for the production of the statement to 1 June 2008. In addition to this, the Council were awaiting a final version of guidance to be provided by the CLG. Draft guidance had been produced last November. A further report would be presented to the Committee later in the year on an updated Governance Compliance Statement

A Member queried whether there would be any alterations to the Statement. The officer responded that changes would be made to address the areas in which the Council were non-compliant.

In response to a question in relation to the impact on the Council's Comprehensive Area Agreement as a result of non-compliance, the officer advised that the score would not be affected.

RESOLVED: That the report be noted.

(Note: The meeting, having commenced at 7.30 pm, closed at 8.30 pm).

(Signed) COUNCILLOR MRS LURLINE CHAMPAGNIE
Chairman

This page is intentionally left blank

REPORT OF LICENSING AND GENERAL PURPOSES COMMITTEE

(SPECIAL) MEETING HELD ON 12 MAY 2008

Chairman: * Councillor Mrs Lurline Champagne

Councillors: * Husain Akhtar † Mrs Kinnear
 * Robert Benson * Ashok Kulkarni
 * Mrinal Choudhury * Mrs Vina Mithani
 † G Chowdhury * Phillip O'Dell
 * Mano Dharmarajah * Raj Ray
 † Thaya Idaikkadar * Tom Weiss
 * Nizam Ismail * Jeremy Zeid

* Denotes Member present
 † Denotes apologies received

PART I - RECOMMENDATIONS - NIL
PART II - MINUTES

71. **Welcome:**
 The Chairman welcomed former and new Members to the inaugural meeting of the Licensing and General Purposes Committee for the Municipal Year 2008/09.
72. **Appointment of Chairman:**
RESOLVED: To note the appointment at the Annual Council Meeting on 8 May 2008 of Councillor Mrs Lurline Champagne as Chairman of the Licensing and General Purposes Committee for the Municipal Year 2008/09.
73. **Attendance by Reserve Members:**
RESOLVED: To note that there are no Reserve Members appointed to this Committee.
74. **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.
75. **Arrangement of Agenda:**
RESOLVED: That (1) in accordance with the Local Government (Access to Information) Act 1985, the following 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> |
|---|--|
| 7. Establishment of Sub-Committees and Panels 2008/09 | This information was not available at the time the agenda was printed and circulated, as it was being consulted on. Members are requested to consider this item, as a matter of urgency, as the establishment of the Committee's subsidiary bodies was the main purpose of this Special meeting and would enable meetings of the Sub-Committees and Panels to be convened. |
- (2) all items be considered with the press and public present.
76. **Appointment of Vice Chairman:**
RESOLVED: To appoint Councillor Mrs Vina Mithani as Vice-Chairman of the Licensing and General Purposes Committee for the Municipal Year 2008/09.

77. **Minutes:**

RESOLVED: That the minutes of the Licensing and General Purposes Committee held on 3 March 2008 be deferred to the next ordinary meeting of the Committee.

78. **Establishment of Sub - Committees and Panels 2008 / 09:**

The Chairman referred to the number of Sub-Committees that would be meeting soon after their establishment and referred to those where the agendas had already been issued. In response to queries about the forthcoming Licensing Panels, she asked Members to speak directly to the clerk responsible for this area in order to clarify who would be serving on the Panels.

The Chairman urged Members to avail themselves of the document they had been sent by officers titled 'New Look LGPS in England and Wales for 2008'.

The Chairman informed the Committee of the change of date of the next Licensing and General Purposes Committee which would meet on 23 June instead of 12 June 2008.

RESOLVED: That the Panels and Sub-Committees of the Licensing and General Purposes Committee be established for the next Municipal Year 2008/09 with the memberships and Chairmen as detailed in the appendix to these minutes.

(Note: The meeting, having commenced at 6.35 pm, closed at 6.44 pm).

(Signed) COUNCILLOR MRS LURLINE CHAMPAGNIE
Chairman

APPENDIXLICENSING AND GENERAL PURPOSES PANELS

(Membership in order of political group nominations)

ConservativeLabourLiberal Democrats

(1) CHIEF OFFICERS' EMPLOYMENT PANEL (5)

(3) [(2) Voluntary]

(2)

(1) [From Conservative Group allocation]

I.
Members1. Leader of Group

(Councillor David Ashton or nominee) (CH)

1. Leader of Group

(Councillor Navin Shah or nominee)

1. Leader of Group

Christopher Noyce

2. Deputy Leader of the Group

(Councillor Susan Hall or nominee)

2. Deputy Leader of the Group

(Councillor Bill Stephenson or nominee)

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

(2)

(1)

I.
MembersMiss Christine Bednell
Richard Romain (CH)

Mano Dharmarajah

II.
Reserve
Members1. Mrs Lurline Champagnie
2. Narinder Singh Mudhar
3. Jeremy Zeid1. Keith Ferry
2. -
3. -

(3) EDUCATION AWARDS APPEALS PANEL (3)

(2)

(1)

I.
MembersMiss Christine Bednell (CH)
Mrs Lurline Champagnie

Keeki Thammaiah

II.
Reserve
Members1. Mrs Camilla Bath
2. Jean Lammiman
3. Mrs Vina Mithani1. Raj Ray
2. -
3. -

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

(To be selected from the following nominees)

Husain Akhtar	Mrinal Choudhury
Robert Benson	Mano Dharmarajah
Mrs Lurline Champagne	Thaya Idaikkadar
G Chowdhury	Nizam Ismail
Mrs Kinnear	Phillip O'Dell
Ashok Kulkarni	Raj Ray
Mrs Vina Mithani	
Tom Weiss	
Jeremy Zeid	

(5) NATIONAL NON-DOMESTIC RATE: DISCRETIONARY RATE RELIEF APPEAL PANEL (3) (Pool of Members)

(To be selected from the following nominees)

Mrs Camilla Bath	Mrinal Choudhury
Don Billson	Bob Currie
John Cowan	Mano Dharmarajah
Mrs Myra Michael	Keith Ferry
Joyce Nickolay	Nizam Ismail
Dinesh Solanki	Krishna James
Mark Versallion	

(6) PENSION FUND INVESTMENTS PANEL (4)**(2)****(2)****I.**
Members

Tony Ferrari	Mano Dharmarajah
Richard Romain (CH)	Thaya Idaikkadar

II.
Reserve
Members

1. Mrs Lurline Champagne	1. Keith Ferry
2. Robert Benson	2. Nizam Ismail
3. John Cowan	

Harrow UNISON Co-optee (Non-voting): Mr R Thornton [Alternate: Mr J Rattray]
 GMB Co-optee: Mr S Karia
 Co-optee (Non-voting): Howard Bluston

(7) PERSONNEL APPEALS PANEL (3) (Pool of Members)

(To be selected from the following nominees)

Mrs Camilla Bath	Bob Currie
Don Billson	Mrs Margaret Davine
Mrs Lurline Champagne	B E Gate
John Cowan	David Gawn
Manji Kara	Mitzi Green
Jean Lammiman	Graham Henson
Salim Miah	Krishna James
Joyce Nickolay	Raj Ray
Mrs Anjana Patel	Bill Stephenson
Dinesh Solanki	
Jeremy Zeid	

(8) SOCIAL SERVICES APPEALS PANEL (3) or ((2)) (Pool of Members)

(2)	((1))
Mrs Lurline Champagne	B E Gate
Mrs Myra Michael	Mitzi Green
Mrs Vina Mithani	Asad Omar
Eric Silver	Mrs Rekha Shah
Dinesh Solanki	

(CH)
(VC)
*

= Chair
= Vice-Chair
Denotes Group Members for consultation on Delegated Action and/or administrative matters.

This page is intentionally left blank



Meeting:	Licensing & General Purposes Committee
Date:	23 June 2008
Subject:	Review of Polling Districts and Polling Stations
Responsible Officer:	Director of Legal and Governance - Hugh Peart
Portfolio Holder:	Leader encompassing Strategy, Partnership and Finance - Councillor David Ashton
Exempt:	No
Enclosures:	Proposed Wards for Review

SECTION 1 – SUMMARY AND RECOMMENDATIONS

This report sets out the proposal for selected review of Harrow's polling districts and polling stations.

RECOMMENDATIONS:

The Committee is requested agree:

- (a) To re-establish an informal Review Working Group to undertake the review of the polling districts and polling stations in Harrow;
- (b) To nominate 5 of its members (3 conservative, 2 labour) to the Review Working Group;
- (c) That the Review Working Group should include a member of Liberal Democrat group;
- (d) That the Review Working Group should include a representative from Harrow Association of Disabled People;
- (e) The terms of reference of the Review Working Group.

SECTION 2 - REPORT

Background

The Electoral Administration Act 2006 placed a new duty on the local authority to review the polling districts and places within its area. The first review was required to be undertaken by 31 December 2007 and thereafter every four years.

This Committee has the following responsibilities:

“To keep under review and to determine the arrangement for the holding of elections and any referendums within the Borough and to initiate or respond to any proposal to the change of ward, constituency or Borough boundaries”

In view of those responsibilities, this Committee agreed to establish a Review Working Group to undertake the review.

In October 2007, Council approved the recommendations (a) in relation to the individual polling districts, and (b) that future reviews would be carried out each year in respect of selected parts of the Borough.

This report sets out the proposals for the first such review.

The Review Process

The purpose of the review is to ensure that:

- (1) All electors have reasonable facilities for voting as are practicable in the circumstances; and that
- (2) So far as is reasonable and practicable that the polling places are accessible to all electors (including disabled persons) having regard to the accessibility needs of disabled persons.

In undertaking the review:

- (1) A notice of the holding of the review must be published;
- (2) The authority must consult the Returning Officer for every parliamentary election held in a constituency that is wholly or partly within its area;
- (3) The Returning Officer must make representations to the authority as to the location of existing and proposed polling stations within existing and proposed polling places;
- (4) The Returning Officer's representations must be published 30 days after receipt;

- (5) The authority must seek representations and comments on the Returning Officer's representations from:
 - (a) Persons with expertise in relation to access to premises and facilities for persons with different forms of disability; and
 - (b) Any elector;

The local constituency political parties and independent candidates will also be invited to make representations.

- (6) On completion of the review the authority must:
 - (a) Give reasons for its decisions in the review; and
 - (b) Publish such information.

The first review was undertaken by a cross-party Review Working Group of the authority, which included a Liberal Democrat representative and a representative from Harrow Association of Disabled People who advised on access to premises and facilities available for persons with different forms of disability.

It is proposed that the Review Working Group should be re-established with the same membership, of three Conservative and two Labour Members from this Committee, a representative from the Liberal Democrat and Harrow Association of Disabled People.

Wards to be considered by the Review Group

It is proposed that the Review Working Group conduct a view of the Polling Districts set out at Appendix 1.

The conclusions of the Review Working Group will be reported to this Committee for approval.

Proposed Timetable for Review

- | | |
|----------------------------|--|
| (1) 10 July 2008 | Notice of review published |
| (2) 8 August 2008 | Deadline for submissions |
| (3) September/October 2008 | Meeting(s) of Working Group to consider representations |
| (4) November 2008 | Report from Review Working Group to Licensing & General Purposes Committee |

This Committee is also asked to agree the previously approved terms of reference for the Review Working Group:

Proposed Terms of Reference

Review of Polling Districts and Places Working Group:

- (1) To consult the Returning Officer for every parliamentary election held in a constituency, which is wholly, or partly in its area on the facilities for voting and the accessibility of polling places to all electors (including disabled persons);
- (2) To consider representations made by the Returning Officer as to the location of existing and proposed polling stations, within the existing and proposed polling places;
- (3) To consider all representations made on the review and any comments received on the Returning Officer's representations; and
- (4) To make recommendations on the proposed review to the Licensing and General Purposes Committee.

No funding is available from Central Government to undertake the review. Therefore, all costs associated with the review will be met from within the current electoral services budget.

This report reflects the legislative requirement to undertake the review.

There are no risks associated with this report.

SECTION 3 - STATUTORY OFFICER CLEARANCE

Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 11 June 2008		
Name: Helen White	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 9 June 2008		

SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact: Elaine McEachron, Assistant Corporate Governance Lawyer,
Tel: 020 8420 9414

Background Papers: List **only non-exempt** documents relied on to a material extent in preparing the report. (eg previous reports) Where possible also include electronic link.

Reports 7 June and 27 June 2007
Council Minutes – 18 October 2008

IF APPROPRIATE, does the report include the following considerations?

1.	Consultation	Will be undertaken
2.	Corporate Priorities	N/A

This page is intentionally left blank

London Borough of Harrow Polling District and Places Review 2008

Polling District Review Working Group

It is proposed to review the following polling districts:

Constituency: HARROW EAST

Ward: CANONS

POLLING DISTRICT	POLLING STATION	ACTION
EBB	Synagogue Community Centre, London Road, Stanmore.	Split polling district north/south to create new polling district BD. Polling station for BB to remain at present location. Designate polling district as polling place.
EBD	Find new premises to accommodate a polling station for the new polling district.	New polling district created by splitting polling district BB. The number of electors contained in this district will be approx 400. Designate polling district as polling place.

Constituency: HARROW EAST

Ward: HARROW WEALD

POLLING DISTRICT	POLLING STATION	ACTION
EGB	Cedars First and Middle school, Whittlesea Road, Harrow Weald.	Examine the feasibility of splitting GB in two with a north/south divide to form new polling district GC. Polling station for GB to remain at present location. This will depend upon being able to find a venue in the new district GC to serve as a polling station. A request to use St Barnabas Court was turned down last year.

Constituency: HARROW WEST

Ward: HARROW ON THE HILL

POLLING DISTRICT	POLLING STATION	ACTION
WM	Old Gaytonians Clubhouse, South vale, Sudbury Hill, Harrow.	This building is deteriorating and it may be best to relocate the polling station if an alternative venue can be found.
WMC	WHITMORE HIGH SCHOOL, PORLOCK AVENUE, HARROW.	This school is undergoing a complete rebuild that is scheduled to take two years to complete. An alternative venue is required for use in 2009 and 2010.



Meeting:	Licensing and General Purposes Committee
Date:	23 June 2008
Subject:	Report on The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007, and to extend the existing zone to the whole of the Borough and to withdraw the existing zone
Responsible Officer:	Corporate Director Community and Environment - Andrew Trehern
Portfolio Holder:	Deputy Leader, Environment Services - Councillor Susan Hall
Exempt:	No
Enclosures:	Representations received

Section 1 – Summary and Recommendations

This report sets out the powers available to the Local Authority under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

Recommendations:

The Committee is requested to approve the proposed action in accordance with the Local Authorities [Alcohol Consumption in Designated Public Places] Regulations 2007 and to recommend to the **Full Council** to extend the existing Alcohol Exclusion Zone to cover the whole of the Borough and on the date of implementation of the new zone to withdraw the current zone.

Reason: (For recommendation)

The provision of a Borough Wide Alcohol Zone was a Manifesto commitment and is a Flagship Action in 2008/9. Since the introduction of our current alcohol exclusion zone, our neighbouring Boroughs have introduced Borough Wide Alcohol Exclusion Zones. This has caused dispersal and displacement into Harrow which is likely to continue. A Borough wide scheme is required to

deter displacement, act as a deterrent and provide the powers to the Police to enforce against alcohol related anti social behaviours where required. The Safer Neighbourhood Teams have requested that we extend the current zone to cover the whole of the Borough to deal with identified problems caused by displacement on our borders.

Section 2 – Report

2.1 Brief History

- 2.1.1 The Council is committed to making Harrow a safe, attractive place for everyone who lives, works or visits the Town. This includes protecting the right of all residents to enjoy and feel safe in public areas and encouraging the development of a range of facilities to suit all tastes by businesses that sell alcohol.
- 2.1.2 On 1st September 2001, sections 12-16 of the Criminal Justice and Police Act 2001 came into force. These provide local authorities with a power to restrict anti-social public drinking in designated public places and provide the police with the power to enforce this restriction. The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 came into force on the same date but this has now been revoked and replaced by the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007. These set out the procedures to be followed by local authorities in designating public places for this purpose.
- 2.1.3 These statutory powers replaced the Home Office Model Byelaw relating to the consumption of intoxicating liquor in designated public places. From 1st September 2001 local authorities who wish to place a restriction on public drinking within their area, where this is associated with nuisance or annoyance to members of the public, or disorder, should consider whether to make an order under section 13 of the Act rather than proceeding with a byelaw.
- 2.1.4 Section 12 of the Act provides police powers to deal with anti-social drinking in areas that have been designated for this purpose by the local authority. The police will have the power to require a person, in such a place, not to drink alcohol in that place where the officer reasonably believes that the person is, has or intends to do so, and to surrender any alcohol or alcohol containers (other than sealed containers) in the person's possession.
- 2.1.5 There is no intention that the provisions of the 2001 Act should lead to a comprehensive ban on drinking in the open air. Accordingly, section 13 allows local authorities to designate areas for this purpose only where they are satisfied that nuisance or annoyance to the public or disorder has been associated with public drinking in that place. Where there have been no such problems, a designation order under section 13 will not be appropriate.
- 2.1.6 It is for the local authority to be satisfied that public nuisance, annoyance or disorder has been associated with public drinking in the area concerned and that a designation order under section 13 is

appropriate. Whether or not a designation order is appropriate will be a matter for local judgement, based on the circumstances and evidence available.

2.1.7 The Council will need to satisfy itself that these powers are not being used disproportionately or in an arbitrary fashion, which could be the case if there is no substantial evidence to support a designation order. Clearly there should be evidence of an existing ongoing problem, with an assessment as to the likelihood that the problem will continue unless these powers are adopted. Against this background, a single, serious incident will be sufficient to justify adoption of the powers.

2.1.8 The Regulations require local authorities to consult with the police prior to making a designation order (Regulation 3(1)(a)). This is to seek the views of the police on the nature of the problem and the appropriateness of adopting the section 12 powers to respond to it, in recognition of the fact that it will be the police who will have the responsibility for enforcing the resulting restrictions on public drinking.

Regulation 3 also sets out the other bodies that must be consulted before a designation order is made. These are:

- Premises licence holders, club premises certificate holders or premises users in relation to each premises which the local authority considers may be affected by the designation and which are premises for which premises licenses, club premises certificates, or temporary event notices have been granted and are effective under the Licensing Act 2003
- Any parish or community council covering all or part of the public place to be designated. In addition, local authorities should be open to receive representations from parish or community councils in their area, relating to the designation of a public place within the area of the parish or community council;
- The police and neighbouring local authorities, parish or community councils, where a designation order covers an area on the boundaries with that neighbouring authority. This is to allow for consideration to be given to the consequences of the designation order on the neighbouring authority such as the possible displacement of anti-social public drinking problems before the designation order is made;
- The owners or occupiers of any land that may be identified in a designation order. There may well be occasions when it is impossible to identify or find the owners of particular land or property, so Regulation 3(2) does not place an absolute requirement on local authorities in this instance. It requires local authorities to take all reasonable steps to consult landowners e.g. through open public advertisement.

When consulting any of the parties referred to above, the local authority is also required to describe in writing the effect that the order will have in relation to categories of premises identified in the Regulations.

- 2.1.9 Regulations 5-9 cover publicity requirements. Regulations 5 and 6 are concerned with advance publicity. By virtue of regulation 4, local authorities will be under a duty to consider any representations received as a result of this publicity. It is proposed that a Licensing and General Purposes Committee would consider these formally. All representations received are attached to this report.
- 2.1.10 Regulation 7 concerns publicity once a decision has been made to designate an order under section 13 of the Act. Regulation 8 sets out the requirement to erect signs to ensure that the public (including visitors to the area) are made aware that restrictions on public drinking may apply. As was previously the case under the Home Office byelaws guidance, signs to indicate the effect of a designation order must be clear and unambiguous and not conflict with or obscure traffic signs. They should be placed at the approaches to designated areas and repeated within them, and the local highway authority should be consulted.
- 2.1.11 Regulation 10 makes an amendment to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. The effect of this is that this function will not become a function of the Executive under the terms of the Local Government Act 2000 but will be one that remains with Full Council. The Council Motion provided delegated authority to the Licensing and General Purposes Committee to consider the Order, although the final decision rests with Council.
- 2.1.12 By virtue of section 15 of the 2001 Act, existing public drinking byelaws ceased to have effect from September 2001. Designation of in accordance with section 13 will enable the police to enforce the public drinking restriction through the use of the powers conferred by section 12 of the Act, once the area is designated.
- 2.1.13 To ensure that the public have full access to information about designation orders made under section 13 of the Act, Regulation 9 requires all local authorities to send a copy of any designation order made to the Secretary of State. These should be sent to Home Office.
- 2.1.14 On 3rd March 2008, a report was submitted to this Committee to give permission for a 12 week consultation regarding the proposed extension to cover the whole of the Borough.
- 2.1.15 At that meeting members agreed that the Officers can start the public consultation and stipulated that an advertisement must be placed in the "Harrow People" so that the consultation is widely received. An advertisement was placed as requested at a cost of £1500. The consultation was concluded on 9 June 2008. The authority has met the requirements of the Regulations with regard to consultation with the Police and other bodies and regarding advertisements and information to existing licensees prior to the making of a designation order. Of the responses received, 90% were in favour of the proposal. All copies of these responses are appended to this report

2.2 Current situation

2.2.1 On 16 October 2006 the existing zone was introduced to cover the Town Centre, South Harrow and parts of Wealdstone. This zone is enforced by the Police and the Safer Neighbourhood Teams.

2.3 Why a change is needed

2.3.1 Since the introduction of this zone our neighbouring Boroughs have introduced Borough Wide Alcohol Exclusion Zones. This has caused dispersal and displacement into Harrow which is likely to continue. A Borough wide scheme is required to deter displacement, act as a deterrent and provide the powers to the Police to enforce against alcohol related anti social behaviours where required. The Safer Neighbourhood Teams have requested that we extend the current zone to cover the whole of the Borough to deal with identified problems caused by displacement on our borders.

2.4 Implications of the Recommendation

2.4.1 Are set out paras 2.1.8 to 2.1.11

2.5 Equalities impact

2.5.1 As part of the implementation of the zones it will be critical to the work with local agencies to reach, in particular, street drinkers, and offer assistance and referral to support agencies.

2.5.1 The Zone will apply equally to all people regardless of their circumstance and there are no other Equal Opportunities implications arising directly from this report.

2.5 Legal comments

2.6.1 The Regulations set out the procedure to be followed by local authorities in connection with orders designating a public place under section 13 of the Criminal Justice and Police Act 2001.

2.6.2 The Regulations set out the consultation requirements before making an order and the publicity requirements before and after making an order. Once an order is made under section 13 in relation to a public place in their area, the police powers under section 12 of the Act (to require a person not to consume intoxicating liquor and to surrender opened containers of such liquor) will be available.

2.6.3 The Council may lawfully make an order under section 13(2) of the Criminal Justice and Police Act 2001 provided that the following preconditions have been met -

1. The place to be designated is a public place within the London Borough of Harrow.
2. The Committee is satisfied that either nuisance or annoyance to members of the public or a section of the public, or disorder, has been associated with the consumption of alcohol in that place.

3. The Council has consulted with the persons set out in paragraph 2.1.8 of this report.
4. The Council has publicised the making of the Order as required by Regulation 5.
5. The Committee has considered all representations as to whether or not the particular public places should be identified in the order.

2.6 Financial Implications

2.7.1 It is anticipated that the costs of implementing an Alcohol Exclusion Zone will be a one off cost of approximately £15k predominately for the provision of appropriate signage, public notices and consultation. This cost has been reported in agreeing the Flagship Action for 2008/9 and designated as being set against the Investment Pot. If this funding stream is not accessed an alternative funding provision will need to be identified.

2.6.2 The financial implications arising to the Council identified at present are as follows:

[a] The placement and replacement of street signs to advertise the Alcohol Exclusion Zone;

[b] The costs to the council and/or police for any prosecution and general enforcement costs. Responsibility for enforcement of the powers remains primarily with the Police but other agencies would be required to assist;

[c] any legal costs associated with the review of the Alcohol Exclusion Zone as a result of objections to the process;

2.7 Risk Management Implications

None

Risk included on Directorate risk register? No

Separate risk register in place? No

Section 3 - Statutory Officer Clearance

Name: ...Sheela Thakar	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date:11.06.2008		
Name: Helen White	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: .11.6.2008		

Section 4 - Contact Details and Background Papers

Contact: P Sivashankar, Service Manager, 020 8736 6237

Background Papers: All representations received during the 12 Week public consultation.

If appropriate, does the report include the following considerations?

1.	Consultation	YES
2.	Corporate Priorities	YES

This page is intentionally left blank

10 The Lawns,
Hatch End,
Pinner,
Middx
HA5 4BJ

#328304089

May 27, 2008

To whom it may concern:

Ref 'Proposed Controlled Drinking Zone'

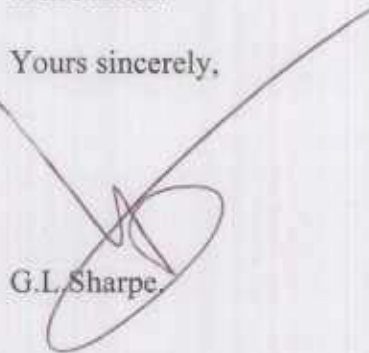
In terms of taking a hammer to crack a nut this proposed legislation is ridiculously 'over the top'.

I live in a street with a pleasant green in its centre. Am I to understand that if I and a neighbour or two decide to enjoy a glass of wine whilst sitting out on the green (always assuming the Council has got round to cutting down the grass, which is often permitted to grow unfeasibly long) chatting, we are liable to be arrested or cautioned if a member of the constabulary decides to attempt to prevent us from doing so?

I understand that we all want to crack down on anti-social drinking and on situations arising from excessive drinking when people are leaving bars and clubs, for example.

But to make it effectively illegal to drink a beer outside of one's own house is nonsensical.

Yours sincerely,



G.L. Sharpe



This page is intentionally left blank

#328304090

**ELM PARK RESIDENTS' ASSOCIATION
EPRA**

Committee
Chairman: K Asher-Halle
Treasurer: E Franks
Minutes Secretary: M Warne
Dr F Hicks, Mrs M Gordon, Mrs J Raynaud
Mrs C Lis (Vice Chair), Co-opted J Dickinson, M Patel

Please reply to:
Mrs C Lis
41 Elm Park
Stanmore
Middx HA7 4AU

2 June 2008

The Licensing Team
Harrow Council
Civic Centre
PO Box 18
Station Road
Harrow HA1 2UT

Dear Sirs

Re: Proposed Controlled Drinking Zone to cover the whole of the Borough of Harrow

This letter is to inform you that our Residents' Association fully supports your proposal to extend the Controlled Drinking Zone to cover the whole of the Borough of Harrow.

As your Licensing Team is well aware, our members have been suffering hugely from the current climate of high alcohol consumption, particularly at weekends, both inside and outside Stanmore establishments.

Indeed, due to the increases in cost of living, we are witnessing more and more young people purchasing alcohol from our local supermarkets at the weekend and drinking it within and around the Town Centre as a cheaper alternative to purchasing drinks within licensed premises.

Please keep us informed of the outcome of your proposals.

Yours faithfully



C Lis
Vice Chair, EPRA



This page is intentionally left blank



#328304089

HILLINGDON

LONDON

The Licensing Team
London Borough of Harrow
Civic Centre
PO Box 18
Station Road
HARROW HA1 2UT

9th April 2008

Dear Sirs

Thank you for your letter dated 26th March inviting us to comment on Harrow Council's proposal to extend its Controlled Drinking Zone to cover the whole borough.

I recall meeting with a colleague from L.B. Harrow some time ago to discuss the merits of a boroughwide zone, following Hillingdon's decision to designate this borough so, in 2006.

As far as Hillingdon is concerned, there was virtually universal support from the community and local partners, including the Police, for the whole borough to become a Controlled Drinking Zone, following the earlier designation of five smaller zones, and the only real challenge we have encountered in this respect, has been to provide sufficient signage to cover such a large borough! In other respects, the arrangement has been successful and welcomed both by residents and enforcing officers.

(Incidentally, section 155 of the Licensing Act 2003 removes references to 'other than in a sealed container' in previous legislation and adds that alcohol in a sealed container can be confiscated 'providing that the officer reasonably believes that the person is, or has been consuming, or intends to consume, alcohol'.)

Yours sincerely

Mark Hankins
Community Safety Manager



Community Safety Team
Planning & Community Services
T.01895 277295 F.01895 250116
MHankins@hillington.gov.uk www.hillingdon.gov.uk
London Borough of Hillingdon,
Room A262, Civic Centre, High Street, Uxbridge,



INVESTOR IN PEOPLE

This page is intentionally left blank

**HARROW COUNCIL PUBLIC CONSULTATION ON THE
PROPOSED CONTROLLED DRINKING ZONE.**

CONSULTATION ENDS 9 JUNE 2008

I fully back this scheme as we have had a lot of drunken anti social behaviour in Stanmore since the 24 hr purchase of alcohol has been allowed.

A. Raynaud #328304090
18A Elm Park
Stanmore HA7 4BJ

I also endorse the above.

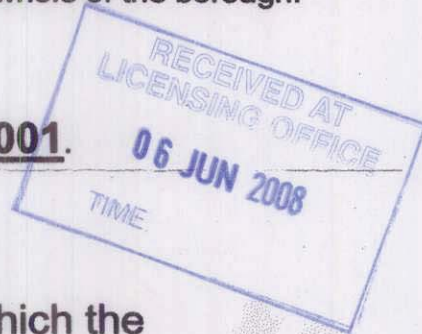
H. B. Raynaud

Mr. H. B. RAYNAUD

05.06.08.

Harrow Council plans to give police new powers to tackle alcohol related anti-social behaviour in and around Harrow Borough. At a meeting on Monday the 3rd March 2008 the Council agreed to consult on extending the current Controlled Drinking Zone to cover the whole of the borough.

Under the Criminal Justice Police Act 2001.



The constable may require the person concerned—

- (a) not to consume in that place anything which is, or which the constable reasonably believes to be, intoxicating liquor;
- (b) to surrender anything in his possession which is, or which the constable reasonably believes to be, intoxicating liquor or a container for such liquor (other than a sealed container).

The controlled drinking stops any person from drinking intoxicating liquor from an open vessel in any street, road, alleyway, or other public place designated under the zone.

As part of the consultation we are sending this letter out seeking your comments on the idea.

Any comments that you have on the above will be greatly appreciated. Please forward them to "The Licensing Team, Civic Centre, PO Box 18, Station Road, Harrow, HA1 2UT.

This page is intentionally left blank

53, Barrow Point Ave,

Pinner

HAS 3HE

27/5/08



Dear Sir,

We write in answer to your invitation to comment on the 'Proposed controlled Drinking Zone'.

We feel that drinking alcohol can lead to threatening, intimidating and uninhibited behaviour. Too much alcohol can also lead to vomiting. These features are unpleasant and can be frightening.

A civilized society drinks before, with, or after a meal - not staggering along the road!

We would welcome an exclusion zone.

Yours faithfully,

Judith & David Wainwright

This page is intentionally left blank

PYNNACLES RESIDENTS ASSOCIATION

14 Windsor House
Pynnales Close
Stanmore
Middx
HA74FE

1 June 2008

Licensing Team
Harrow Council



Harrow Council Public Consultation on proposed drinking zone

#328304089

Dear Sirs

With the problems in Stanmore spiralling out of control we think this is a splendid effort on behalf of Harrow Council to at least do something to control some of these problems

Yours faithfully

A.L. Garner
Pynnales Residents Association

This page is intentionally left blank



South Harrow and Roxeth Residents' Association

President: Mr D Collins 132 The Heights, Northolt UB5 4BT (020 8422 0665)
Vice Presidents: Mr P.Hart 40 Westwood Ave South Harrow HA2 8NS (020 8423 3939)
 Mr T Hooper 66 Wood End Avenue South Harrow (020 8248 0616)
Chairman: Mr J.Daymond, 3 Roxeth Grove, South Harrow HA2 8JG (020 8864 1317)
Secretary: Mrs J.MacDonald, 7 Torrington Drive, South Harrow (07903 752745)

Harrow Council
 The Licensing Team
 Civic Centre
 PO Box 18
 Station Road
 Harrow HA1 2UT

30th April, 2008

Alcohol Free Zone in Harrow

Dear Sirs,

I am writing as secretary of the South Harrow and Roxeth Residents Association, to express our views on the proposal to introduce a borough wide ban on public drinking in Harrow.

As an organisation representing the views and concerns of Roxeth residents, we feel this plan would be extremely popular and beneficial to the local population of South Harrow.

We have had some experience in the past of 'street drinking' in Roxeth with the resultant squalor and litter, so can appreciate that this scheme can go some way towards preventing such anti-social and inconsiderate behaviour.

We also feel that this proposition will lead to a cleaner, more pleasant high street, where alcohol-related crime is kept to a minimum.

We are therefore pleased to offer our support to this proposal.

Yours Faithfully,

Janet MacDonald
 Secretary (SHARRA)



This page is intentionally left blank

#328304088

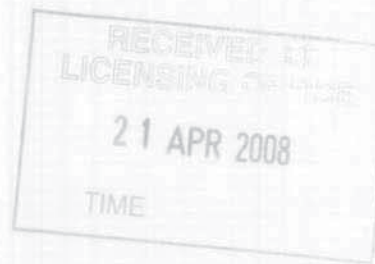
FOUNDED IN 1932
REGISTERED CHARITY 1971. No. 262349
ONE OF THE LARGEST AMENITY
SOCIETIES IN THE COUNTRY

The Pinner Association

Mr G. T. Wheal,
2, Wakehams Hill,
PINNER
HA5 3BG
020 8868 7295
info@pinnerassociation.co.uk

18th April 2008.

To: The Licensing Team
PO Box 18, Civic Centre,
Station Road,
HARROW
HA1 2UT



Dear Sirs,

Harrow Council Public Consultation on the Proposed Controlled drinking Zone.

This Association is in favour of the current Controlled Drinking Zone being extended to cover the whole of its area, namely the Pinner and Pinner South Wards.

Should the Council be minded to extend the Zone to cover the whole of the borough we would be in favour of this as well.

Yours faithfully,

Ruth Boff (Hon. Secretary, The Pinner Association)

p.p. Mr G. T. Wheal (Chair of Planning Sub-Committee, The Pinner Association)
Sent via e-mail 08/04/2008.

PUBLISHERS OF
The Villager



This page is intentionally left blank



21, RAEBURN ROAD
EDGWARE, MIDDLESEX
HA8 5TW

30 May 2008.

The Licensing Team
Harrow Civic Centre
P.O. Box 18, Station Road, Harrow, HA1 2UT

Dear Sirs

Firstly, I would like to point out that we do look forward to receiving "Harrow People" + long may it continue to give us news of the Borough.

Secondly, it would be a very good idea to extend the "Proposed Controlled Drinking Zone" to cover the whole Borough. We live on a private estate with alleyways which are misused by young people leaving their beer cans, litter, work of art in the form of graffiti. To add to it, we have

21, KARABORN ROAD
KUALA LUMPUR, MALAYSIA

unscrupulous people "flytipping".
I trust my comments will be appreciated.

Yours faithfully
Patricia Nuttall (Mrs.)

10 Box 18, Station Road, Harrow, HAI 2UT

Dear Sir
I would like to point out
that we do not favour the necessary
"Harrows" people + long way it continues
to give us news of the "borough".
I should be a very good
idea to extend the "proposed" (I think)
Burking Zone to cover the whole
Borough. The use on a private estate
with the "proposed" estate are mentioned by
young people leaving their door open
little work of art in the form of
graffiti. To add to it, we have

#328304088

Waitrose

27 March 2008
PN/LN

The Licensing Team
Civic Centre
PO Box 18
Station Road
Harrow
HA1 2UT

Dear Sir

Proposed controlled drinking zone

Thank you for your consultation letter regarding the proposed extension of the current CDZ to cover the whole borough.

I have discussed your proposal with the manager of our Harrow Weald branch and we fully support it.

Yours faithfully



Mrs P Nicholl
Manager Branch Operating Procedures

Direct Line 01344 824621
Fax 01344 825299

Food shops of the John Lewis Partnership

Bracknell, Berkshire RG12 8YA
Telephone 01344 424680
www.waitrose.com

This page is intentionally left blank

WHITE HOUSE DRIVE RESIDENTS' ASSOCIATION, Ltd.,
Chairman: Mrs. E. Moss, 15, White House Drive 020-8954-1222
Hon. Secretary: Mrs. L. Freedman, 1, White House Drive 020-8954-3776
London Road, Stanmore, Mddx. HA7 4NQ.

The Licensing Team,
Civic Centre,
PO Box 18,
Station Road,
Harrow,
Mddx. HA1 2UT.

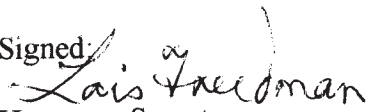
10th April, 2008.

To the Team:

This Association is in favour of any action which can be taken under the Criminal Justice Police Act 2001 to stop the drunken behaviour of passers-by here, in particular by those using Stanmore Underground Station whenever there is a major event at Wembley Stadium. As a great deal of the debris generated on such occasions by these people ends up on our property we would greatly welcome anything which can be done to reduce it.

The behaviour of the people in question is extremely intimidating to some of our very elderly and partly disabled residents when they venture out to do their domestic errands in Stanmore. It is sometimes impossible to walk on the pavement without being harassed and even forced into the roadway.

We look forward to a favourable outcome of your endeavours.

Signed: 
Honorary Secretary
WHDRA

This page is intentionally left blank

RECEIVED AT
LICENSING OFFICE
09 JUN 2008
TIME:

#328304090

Name and Address
withheld due to
belief in victimisation.

Re: Controlled drinking areas.

Dear Sir or Madam.

I am totally against any restrictions on drinking alcohol in public places other than Harrow town centre.

I think this government and local council is becoming far too ethnically challenged. By that, I mean the council is making the white minority in this borough suffer for the wishes of the majority.

This will lead to resentment that may be aimed at ethnic majorities. Lets face it. You want to ban alcohol so as not to offend Harrow Mosque. This IS ENGLA
NO.

This page is intentionally left blank



Meeting:	Licensing & General Purposes Committee
Date:	23 June 2008
Subject:	Local Government Pension Scheme
Responsible Officer:	Corporate Director Corporate Finance - Myfanwy Barrett
Portfolio Holder:	Leader encompassing Strategy, Partnership and Finance - Councillor David Ashton-
Exempt:	No
Enclosures:	Appendix 1 – Ill Health Process Appendix 2 – Review Process

Section 1 – Summary and Recommendations

This reports sets out the changes to the Local Government Pension Scheme regulations and the proposed process [See **Appendices 1 & 2**] to be followed in managing **Tier 3** of the new ill health provisions.

1.1 Recommendations:

The Committee is requested to agree the process for managing Tier 3 Ill health payments.

1.2 Decision Required:

Committee confirms that:-

1.2.1 The Harrow Council pension's office acts as the lead body for the purpose of administering the Tier 3 ill health payments as made under Regulation 20 of The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 and amended under Regulation 13 of The Local Government Pension Scheme (Amendment) Regulations 2008.

1.2.2 In circumstances where it is evidenced that the individual meets the test for gainful employment, but has failed to notify the authority of the same in a timely manner, the authority recovers any overpayment of Tier 3 ill health payments.

1.3 Reason: (For recommendation)

Tier 3 Ill health is a new provision under the Local Government Pension Scheme Regulations which includes a review process and future decision/action to be taken. Government Actuary Department guidance is yet to be issued and therefore Harrow Council needs to put in place a robust process to manage Tier 3 ill health payments. Should GAD guidance materially differ from the Harrow Council process a further report will be made to the Committee.

Section 2 – Report

Background

2.1 Regulation 20 of The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, made 3 April 2007 effective from 1 April 2008, contained a two tier ill health retirement benefit package under which, if a member's employment is terminated because of permanent ill health and the member has at least 3 months scheme membership, the pension payable is to be based on the person's accrued membership plus;-

Tier 1 – 100% of prospective membership between leaving and age 65 where the member has no reasonable prospect of being capable of obtaining gainful employment.

Tier 2 – 25% of prospective membership between leaving and age 65 where the member is unlikely to be capable of obtaining gainful employment within a reasonable period of time, but is likely to be capable of obtaining gainful employment before age 65.

2.2 Gainful employment is defined as “paid employment for not less than 30 hours per week for a, period of not less than 12 months”.

3. Current Situation

3.1 Regulation 13 of The Local Government Pension Scheme (Amendment) Regulations 2008, made 14 April 2008, coming into force 7 May 2008 (retrospective to 1 April 2008) provided for a **Tier 3** ill health payment. This new tier provides local authority employers with powers to award benefits for those scheme members who are permanently incapable of their local government employment, but are judged by an Independent Occupational Health Practitioner (IOHP) to be capable of gainful employment within a reasonable period of time after leaving their current employment. [**Note:** Reasonable Period means a period of 3 years].

3.2 A scheme member who leaves local government under Tier 3 will be entitled to receive their accrued pension benefits (i.e. pension benefits calculated using individual's actual scheme membership without enhancement) for such time as the individual does not obtain gainful employment, or until the employer ceases payment following a review.

3.3 The scheme member is required under the regulations to notify the previous employer when employment is found providing details to include pay, working hours and length of contract. Should the 'gainful employment' test be

proven then the pension will cease from date gainful employment commenced. Should the scheme member be late in notifying the employer, the employer has the powers under the regulations to recover any overpayment.

4. Proposed Review Mechanism

4.1 Harrow Council is required to undertake a review when payments have been made for 18 months, if payments are still being made at that point. Harrow Council's pension's office will write to the Scheme member and enquire if their circumstances have changed, seeking relevant details (i.e. working hours, pay and length of contract). On receipt of the information If Harrow Council's pensions office decides, that gainful employment has been obtained, then the Tier 3 Ill health payments will be stopped. Where it is evidenced that the scheme member has not notified the Harrow Council pension's office in a timely manner, then Harrow Council will look to recover the overpayment.

4.2 If, as a result of Harrow Council's review enquiry, it is evidenced that the Scheme Member had not found gainful employment, then Harrow Council pensions office will seek a further opinion from an IOHP concerning the condition which resulted in the Tier 3 pension payments.

4.3 The IOHP will be asked to provide opinion and sign a certificate confirming, one of the following:-

- I. That the scheme member should have secured gainful employment by this time and specify date.
- II. That the scheme member is likely to secure gainful employment before the end of the 3-year period and specify date.
- III. That the scheme member is likely to secure gainful employment before the end of the 3-year period, but IOHP cannot provide a future date at this time.
- IV. That the scheme member is unlikely to secure gainful employment within 3 year period, but is likely to secure gainful employment before age 65 years.

4.4 Where IOHP certifies under 4.3 ii above, the Tier 3 ill health payment will cease from the advised date.

4.5 Where IOHP certifies under 4.3 iii above, the Tier 3 ill health payment will cease either from the date that the scheme member provides evidence of gainful employment or the end of the 3 year period, whichever comes first

4.6 Where IOHP certifies under 4.3 iv above a Tier 2 pension will be awarded from the advised date.

5. Protection

5.1 The new regulations provide protection to ensure that a scheme member as at 31 March 2008 who retires on ill health grounds before 1 October 2008 cannot receive benefits under the new scheme regulations that are less beneficial than the benefits that would have been received under the 1997 Pension regulations.

5.2 The protection outlined in 5.1 above continues post 30 September 2008 where the scheme member was aged 45 years or over as at 31 March 2008.

6. Disputes Resolution

The scheme member can exercise their right to appeal under the Internal Dispute Resolution Procedure should they disagree with a determination being made under the pension regulations.

7. Information Item

Copy of this report has been passed to Unison and GMB for information.

8. Financial Implications

The triennial actuarial valuation of the Harrow pension fund provides an allowance for future ill health retirements based on previous fund experience. Experience over the last two valuations (i.e. 2001 through to 2007) shows that actual ill health retirements are significantly below actuarial expectation.

9. Legal implications

The recommendations conform with The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 and The Local Government Pension Scheme (Amendment) Regulations 2008.

10. Performance Issues

The Council provides quarterly monitoring report on BVPI 15. There is no evidence at this time to indicate how the new three-tier arrangement will impact on this indicator at Harrow. GAD have previously indicated that the new ill health arrangements will add a further 0.1%, long-term, to the employer's pension contribution.

11. Risk Management Implications

Risk included on Directorate risk register? No
Separate risk register in place? No

The recommendations ensure that the regulations are applied in a correct, timely manner which will mitigate potential risks.

Section 3 - Statutory Officer Clearance

Name: Jennifer Hydari	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 8 June 2008		
Name: Helen White	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 10 June 2008		

Section 4 - Contact Details and Background Papers

Contact: Greg Foley, Head of Shared Services, 0208 424 7673

Background Papers:

The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations

2007 <http://timeline.lge.gov.uk/2007BMandC/SI20071488/2007bIDX.htm>

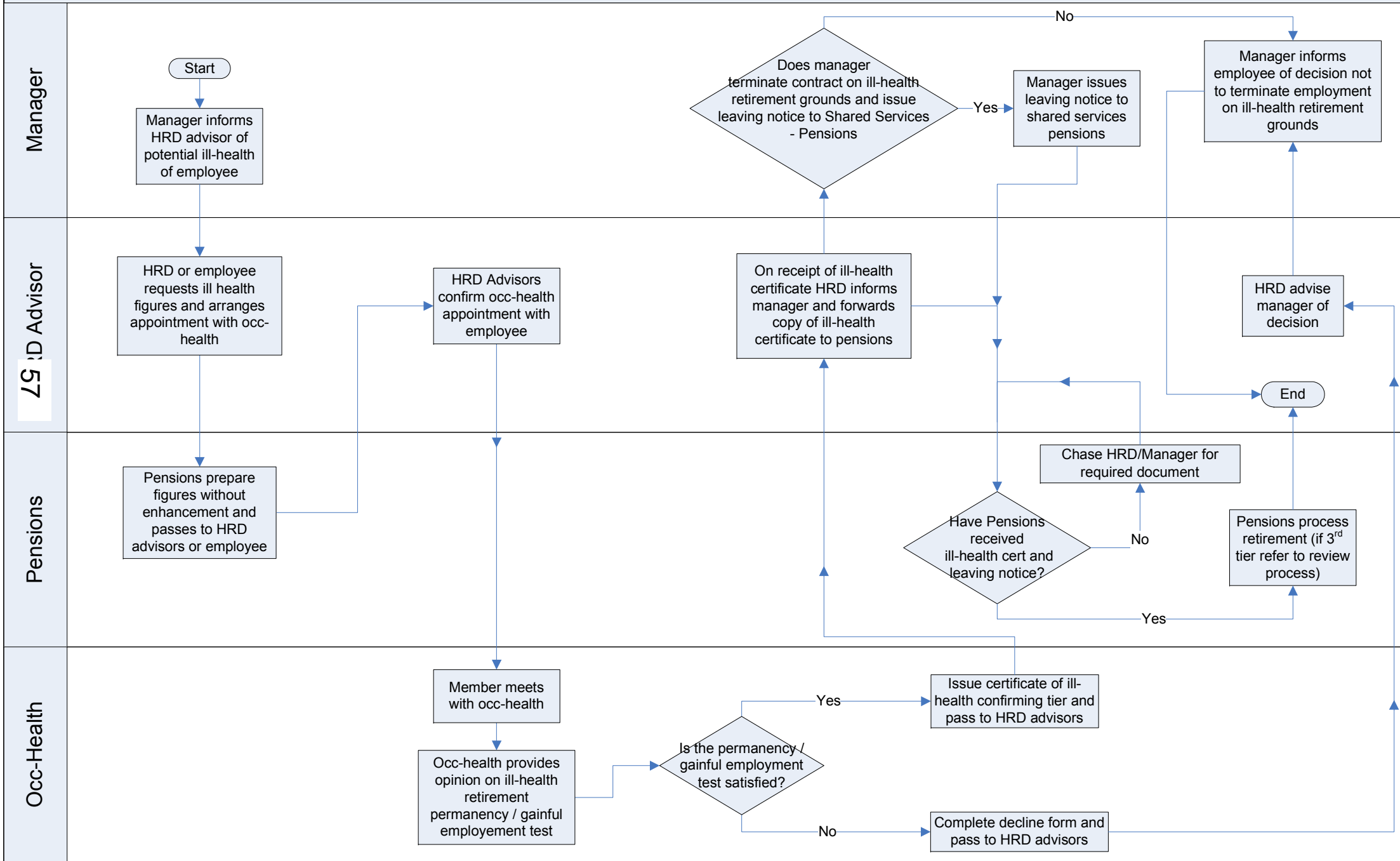
The Local Government Pension Scheme (Amendment) Regulations

2008 http://www.opsi.gov.uk/si/si2008/uksi_20081083_en_1

This page is intentionally left blank

Ill-Health Process

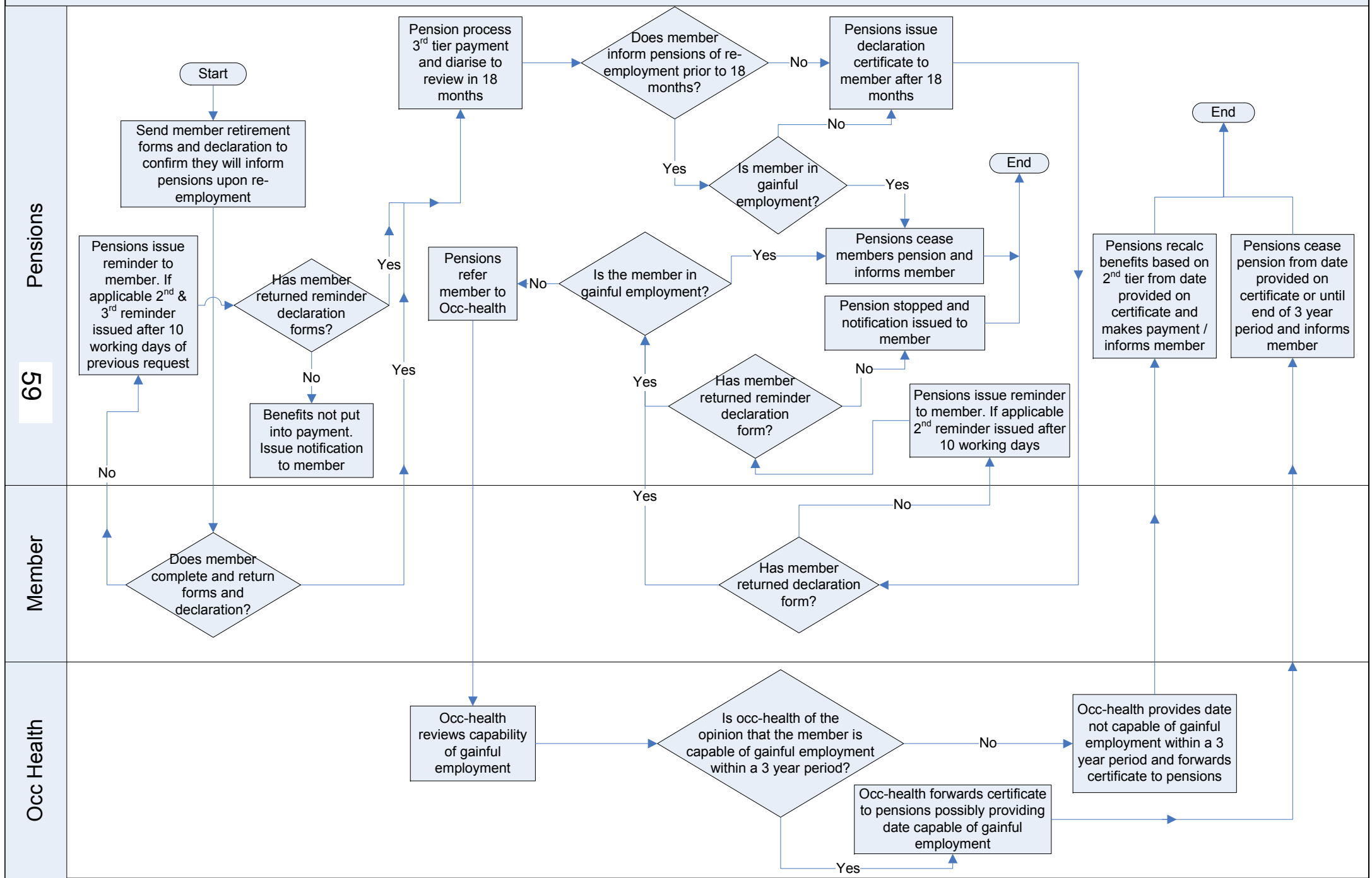
Appendix 1



This page is intentionally left blank

Review mechanism for 3rd tier III Health

Appendix 2



This page is intentionally left blank



Committee:	Licensing and General Purposes Committee
Date:	23 June 2008
Subject:	INFORMATION REPORT – Changes to the Local Government Pension Scheme
Responsible Officer:	Corporate Director of Finance - Myfanwy Barrett –
Portfolio Holder:	Leader encompassing Strategy, Partnership and Finance - Councillor David Ashton
Exempt:	No
Enclosures:	None

Section 1 – Summary

This report provides an outline of the main elements of the new look Local Government Pension Scheme (LGPS) effective from 1 April 2008.

FOR INFORMATION

Section 2 – Report

2.1 Background

2.2 As part of the Government's agenda to modernise public sector pension schemes, a major review of the LGPS in England and Wales commenced in August 2001 and culminated in the introduction of a new-look Scheme effective from 1 April 2008.

2.3 The regulations which govern the new look LGPS in England and Wales are;

- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 which sets out the Scheme benefits package; <http://timeline.lge.gov.uk/2007BMandC/SI20071488/2007bIDX.htm>
- The Local Government Pension Scheme (Administration) Regulations 2008, detailing how the scheme functions are to be administered, http://www.opsi.gov.uk/si/si2008/uksi_20080239_en_1 and;
- The LGPS (Transitional Provisions) Regulations 2008, which details how the pre and post April 2008 benefit structures will interact and provides certain protections for existing members. http://www.opsi.gov.uk/si/si2008/uksi_20080238_en_1

2.4 Key Features of the New Scheme

2.5 The main provisions of the new Scheme are as follows:

- All existing members move to the new Scheme from 1 April 2008.
- The new Scheme provides a pension of 1/60th of final pay for each year of membership in the Scheme after 31 March 2008. There will be no automatic lump sum in respect of post 31 March 2008 membership. Membership to 31 March 2008 will still be calculated as 1/80th pension plus 3/80^{ths} lump sum.
- Up to 25% of the capital value of benefits can be taken as a lump sum by commutation using the 12:1 commutation rate (i.e. for every pound of pension given up the member gets £12 tax free lump sum).

Capital Value = ((20 x 1/80th + 1/60th pension) PLUS 3/80th lump sum)

- The final pay used to calculate scheme benefits is based on the better of the last three year's whole time equivalent pensionable pay or the re-valued (in line with the Retail Price Index (RPI)) average of the best three consecutive years' pensionable pay in the last ten years of service.
- Employees pay contributions according to the following table based on their whole-time equivalent pensionable pay. The range figures increase on 1 April each year by the rise in the Retail Prices Index and the employee's contribution band is reassessed annually.

Band	Range	Contribution rate
1	£0 - £12,000	5.5%
2	£12,001 - £14,000	5.8%
3	£14,001 - £18,000	5.9%
4	£18,001 - £30,000	6.5%
5	£30,001 - £40,000	6.8%
6	£40,001 - £75,000	7.2%
7	More than £75,000	7.5%

Employees who paid contributions at the protected 5% contribution rate as at 31 March 2008, will pay lower rates over the next three years until 1 April 2011 when their contribution rate will be brought into line with all other Scheme members.

The Government Actuary Department estimated that the implementation of new contribution rates would result in an average rate of 6.3%. Assessment of contributions based on actual Harrow Council experience for April/May 2008 would lead us to believe that the average rate is currently in the region of 6.19%.

- A normal Pension Age (NPA) of 65 for release of unreduced benefits.
- The earliest age for release of pension benefits (except on grounds of ill-health) is 55 for post 31 March 2008 members and 50 for existing members, however this will change to age 55 in 2010.
- Flexible retirement, with employer consent, can be considered from age 55, with members being able to draw all or part * of their benefits (or from age 50 for existing members opting to draw all or part of their benefits with employer consent before 31 March 2010).

* At this time Local Authorities are awaiting guidance from CLG as to how a part draw-down of retirement benefits is to be actioned.

- Employees can remain in the Scheme beyond age 65 but benefits must be drawn before age 75. Benefits drawn after age 65 will be actuarially increased.
- Survivor benefits for life, payable to spouses, civil partners and “nominated” dependent partners (opposite and same sex).
- A three tier ill health retirement benefit package under which, if a member’s employment is terminated because of permanent ill health and the member has at least 3 months scheme membership, the pension payable is to be based on the person’s accrued membership plus;-

Tier 1 – 100% of prospective membership between leaving and age 65 where the member has no reasonable prospect of being capable of obtaining gainful employment.

Tier 2 – 25% of prospective membership between leaving and age 65 where the member is unlikely to be capable of obtaining gainful employment within three years of leaving their current employment, but is likely to be capable of obtaining gainful employment before age 65.

Tier 3 – The third tier ill health payment provides an entitlement to accrued pension benefits (i.e. pension benefits calculated using individual’s actual scheme membership without enhancement) where the member is capable of gainful employment within three years of leaving their current employment.

The benefits will remain payable for such time as the member does not obtain gainful employment, or until the employer stops payments following a statutory review.

Gainful employment is defined as “paid employment for not less than 30 hours per week for a period of not less than 12 months”.

- A death grant of 3 times final pay for death in service; a death grant of 5 times annual pension if a deferred beneficiary dies; and a death grant of 10 times pension less the amount of pension already paid if a pensioner dies before age 75.
- Members will be able to buy extra scheme pension in multiples of £250 up to a maximum of £5,000 (to provide a pension for themselves only or to provide a pension for themselves and any survivor on their death) and / or they can pay Additional Voluntary Contributions (AVCs).
- The regulations include provisions whereby an employer has the discretion to augment membership by up to 10 years; and / or grant extra pension of up to £5,000; and / or contribute, with the Scheme member, to a Shared Cost AVC. A further report on discretions will be submitted to Licensing and General purposes Committee in September 2008.
- A cost sharing mechanism to maintain stability of costs in the new Scheme (see ‘Cost Sharing’ below).

Section 3 – Further Information

Cost Sharing

As referenced above, an element of the new look LGPS is that there is to be a degree of cost sharing in the future between employees and employers rather than employees paying a fixed employee contribution rate and the employer meeting the balance of all pension cost. The intention is to provide long-term sustainability and affordability for all stakeholders and to deal with the issues of increased life expectancy, changing demographics and rising pension costs.

A Policy Review Group has therefore been established to monitor closely longevity trends, ill-health and flexible retirement trends and other demographic experiences in the Scheme. This will provide the basis for decisions on Scheme developments, for considering proposed regulatory changes to the Scheme’s legal framework and for developing the cost-sharing mechanism.

On 19th February 2008 the Government issued an informal consultation document entitled “Sustaining the LGPS in England and Wales” which sets out the Government’s initial views on how the cost share mechanism could operate and considers what costs should be shared and how the proportion of any cost that is to fall to employees should be met (for example, via an increase in the employees’ contribution rate, a reduction in future service benefit accrual, or an increase in the scheme’s normal retirement age). This will be followed by a statutory, * national consultation exercise later in 2008 and the

subsequent making and laying of actual regulations no later than 31 March 2009 for implementation from 1st April 2011.

* Subject to timescales, either: -

- I. a report will be submitted to L & GP for consideration and an Elected Member response forwarded to CLG, or
- II. an officer response will be forwarded to CLG and details will be provided for information at the next available L & GP.

Communications

The Scheme changes have been communicated through the publication of newsletters and a DVD presentation issued to all contributors to the London Borough of Harrow Pension Fund and also through seminars held within the Civic Centre and off site.

Section 4 - Contact Details and Background Papers

Contact: Linda D'Souza, Service Manager - Pensions

Telephone: 020 8424 1426 (extension 2426)

Email: lindad'souza@harrow.gov.uk

Background Papers:

The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007;

The Local Government Pension Scheme (Administration) Regulations 2008,

The LGPS (Transitional Provisions) Regulations 2008,

Consultation Document - "Sustaining the LGPS in England and Wales"

This page is intentionally left blank