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**REPORT OF LICENSING AND GENERAL PURPOSES COMMITTEE**


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**MEETING HELD ON 5 MARCH 2007**


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Chairman: \* Councillor Mrs Lurline Champagne

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

**PART I - RECOMMENDATIONS - NIL**
**PART II - MINUTES**
**37. Declarations of Interest:**

**RESOLVED:** To note that the following interest was declared:

<u>Agenda Item</u>	<u>Nature of Interest</u>
8. Delegation of Function to Licensing Panels and Officers	Councillor Tom Weiss declared a personal interest in that he had worked as a consultant for companies which produced gambling machines. He remained in the room whilst this matter was considered and voted upon.

**38. Arrangement of Agenda:**

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

<u>Agenda Item</u>	<u>Special Circumstances / Grounds for Urgency</u>
10. Determination of an Application under Regulation 31(6) of the Local Government Pension Scheme Regulations 1997	This report was not available at the time the agenda was printed and circulated. Members were requested to consider this item as a matter of urgency.

(2) all items be considered with the press and public present, with the exception of the following item, for the reason set out below:-

<u>Agenda Item</u>	<u>Reason</u>
10. Determination of an Application under Regulation 31(6) of the Local Government Pension Scheme Regulations 1997	The report contained exempt information under Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended) in that it contained information relating to an individual.

**39. Minutes:**

**RESOLVED:** That the minutes of the ordinary meeting held on 27 November 2006 and the Special meeting held on 19 February 2007 be deferred until printed in the Council Bound Minute Volume.

**40. 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.

41. **Delegation of Function to Licensing Panels and Officers:**

The Committee received a report of the Executive Director (Urban Living) which sought Members' approval of the delegations to officers and the Licensing Panel in relation to the forthcoming legislative changes arising from the Gambling Act 2005.

Members were referred to a table which summarised officers' and Licensing Panels' responsibilities, and were advised that the final Gambling Policy would have to be approved by Council.

The officer emphasised that, unlike the Licensing Act 2003, the Gambling Act 2005 allowed the Council as a Licensing Authority to act as a "responsible authority", and it was therefore allowed to make representations in relation to the determination and review of applications. Responding to queries as to how this would work and as to personal and prejudicial interests within the Licensing Team, the officer explained that the Team would be split, with half the Team being involved with processing applications, and the other half acting as the responsible authority and submitting representations when applicable.

It was noted that the fees for applications were restricted by government, and could not exceed the cost of the Department's overheads.

**RESOLVED:** That (1) the Licensing Panels comprised of Members of the Committee may discharge the functions delegated to this Committee by the Gambling Act 2005;

(2) the Director of Community and Environment Services or the Chief Environmental Health Officer may discharge the power in the Gambling Act 2005 for the Licensing Authority (as a responsible authority) to make representations to itself;

(3) the Chief Environmental Health Officer or delegate may discharge the functions ascribed to officers in the matrix in section 2.2 of the report (with the exception of fee setting which is not a function delegated to this Committee).

42. **Flexible Retirement Policy:**

Members considered a report of the Director of People, Performance and Policy, which sought endorsement of the proposed flexible retirement policy following the introduction of flexible retirement into the Local Government Pension Scheme.

Her Majesty's Revenue and Customs (HMRC) had amended their rules, which permitted pension scheme members over 50 years of age to receive their pension benefits whilst continuing to work in a lower graded post or reduced hours of employment, and continuing to contribute to their pension scheme. The officer outlined positive reasons for this proposed policy:

- to effect a smoother transition from work to retirement;
- to retain the skills of more experienced employees;
- to offer an alternative to reducing staff by other means, such as efficiency;
- to transfer skills to new recruits.

The officer explained that each application for flexible retirement would require the relevant Department to present a sound financial business case, and would require final approval by officers and the Officer Sub-Group.

During discussion, it was moved and seconded that the wording of the second and sixth bullet points of the proposed policy be amended. Following separate votes on these two items, the amendments were agreed.

**RESOLVED:** That (1) the proposed policy outlined in 2.18 of the report, as amended below, be agreed effective from 1 April 2007:

- All requests for flexible retirement will be considered (a flow diagram could be produced so the process is clear to all and there would need to be a check at service level to avoid influx of requests for figures).
- Approval will only be granted where the business case demonstrates at least a saving of 10% in the first year on the general account.
- Pension benefits will only be considered for early payment where there is no strain on the pension fund. Where the actuarial reduction will not fully cover the cost of placing the pension into payment, there will have to be a sufficient reduction in the employee's grade or hours to ensure that the pension fund is reimbursed for any shortfalls;

- The reduction which must at least equate to the financial strain on the pension fund is to be identified as part of the business case;
- The waiving of any early retirement actuarial reduction (either in part or in full) will not be considered;
- Flexible retirements must be approved by a Director and the Officer Sub-Group, and agreed by the Early Retirement Sub-Committee.

(2) the policy be reviewed in six months' time at the Ordinary meeting scheduled for 10 September 2007.

[Note: Councillors Mrinal Choudhury, Mano Dharnarajah, Nizam Ismail, Thaya Idaikkadar, Phillip O'Dell and Raj Ray wished to be recorded as having abstained from voting on the amendment to the second bullet point of the flexible retirement policy].

43. **Determination of an Application under Regulation 31(6) of the Local Government Pension Scheme Regulations 1997:**

The Committee received a confidential report of the Director of People, Performance and Policy which detailed an application under Regulation 31(6) for the Authority to make immediate payment of retirement benefits on the grounds of ill-health to a former employee.

**RESOLVED:** That the pension benefits be placed into payment with effect from 13 February 2007.

[Note: Councillor John Nickolay wished to be recorded as having abstained from voting on the above item].

(Note: The meeting, having commenced at 7.30 pm, closed at 9.30 pm).

(Signed) COUNCILLOR MRS LURLINE CHAMPAGNIE  
Chairman