
MEETING	Executive
DATE	19 December 2006
PRESENT	Councillors Steve Galloway (Chair), Sue Galloway, Jamieson-Ball, Macdonald, Reid, Runciman and Sunderland
APOLOGIES	Councillors Orrell and Waller

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

125. Declarations of Interest

The Chair invited Members to declare at this point any personal or prejudicial interests they might have in the business on the agenda. Cllrs Reid, Macdonald and Jamieson-Ball each declared a prejudicial interest in agenda item 6 (York West Swimming Facilities), as members of the Planning Committee which would consider any planning application arising from the Executive's decision on this item. They all left the room during consideration of this item and took no part in the discussion or decision thereon.

126. Minutes

RESOLVED: That the minutes of the Executive meeting held on 5 December 2006 be approved and signed by the Chair as a correct record.

127. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

128. Executive Forward Plan

Members received and noted an updated list of items included on the Executive Forward Plan at the time the agenda for this meeting was published.

129. Minutes of Local Development Framework Working Group and Economic Development Partnership Board

Members considered a report which presented the minutes of the meetings of the Local Development Framework (LDF) Working Group held on 26 September, 17 October and 7 November 2006 and the meeting of the Economic Development Partnership Board held on 26 September 2006.

The report drew attention to the recommendations to Executive made by the LDF Working Group on 26 September in respect of the Draft Housing Market Assessment (Minute 13), as follows:

“(ii) [That the Executive be recommended to]:

- Authorise the publication of the 2006 draft Housing Market Assessment for use as part of the evidence base for the LDF, until such time as the updated HMA is finalised;
- Use the findings of the HMA regarding the required mix and type of dwellings for development control purposes in the context of policy H3c.”

It was noted that the recommendations made by the Group on 7 November regarding the LDF Statement of Community Involvement (Minute 21) had already been dealt with via a direct report to Executive and subsequent recommendations to full Council on 30 November.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: That those recommendations of the Working Groups requiring Executive approval be agreed.

REASON: In accordance with the requirements of the Council’s Constitution in relation to the role of Working Groups and the Economic Development Partnership Board.

130. York West Swimming Facilities

Members considered a report which asked them to agree a way forward for either refurbishing or replacing the Edmund Wilson swimming pool, following a consultation exercise on this issue.

In February 2006, the Executive had agreed a leisure facilities strategy enabling the use of capital from the sale of the Barbican site to modernise swimming facilities in the City. A repairing scheme for the Edmund Wilson pool had already been drawn up following a previous major building survey and a feasibility study on the construction of a new pool at the Oaklands site had since been undertaken, between May and September 2006. This study had identified 3 options for rebuilding at Oaklands, namely:

Option A – an independent pool hall on the former Pupil Referral Unit site, with no link to the sports centre;

Option B – a pool hall fully integrated into the new sports facilities, with a central reception hub through rebuild of the sports hall;

Option C – an independent pool hall constructed against the gable end of the existing sports hall.

Option C was recommended, on the grounds that it would create integrated swimming and sports facilities that could be managed by a single staff team, thus achieving efficiency savings, and would be less disruptive to existing facilities during construction. Consultation had therefore been carried out using this option against that of repairing the Edmund Wilson pool. The results of consultation were presented in Annex 2 to the report, which had been circulated after publication of the Executive agenda, on 13 December. These indicated that the majority of

respondents (59.7%) were in favour of the new build at Oaklands option, whilst the refurbishment option was supported by 23% of respondents. 18% wanted the Council to seek an alternative site for the pool. A breakdown of responses by area showed that 67.2% of West York residents were in favour of the new build option, compared to 43.6% of residents of other areas of the City. With reference to paragraph 5.2 of Annex 2, Officers reported that a constructive meeting had been held with York City Baths Club and further meetings were planned.

In response to the comments of the Shadow Executive on this item, Members noted that the consultation had been extensive and showed a clear majority in favour of the new build at Oaklands (the future York High School site). Consultation would be carried out on the east side of the City in due course with regard to the refurbishment of Yearsley pool and the proposed provision of new swimming facilities in partnership with the University of York.

RESOLVED: (i) That, in the light of the results of the public consultation, Option C at the Oaklands site be selected as the preferred location and way forward for modernising swimming and leisure facilities (including an enhanced gym and crèche) on the west of the City, and that Officers be instructed to expedite the submission of a planning application for the work, recognising the advantage of undertaking, at the same time, all building work scheduled for the York High School site.

REASON: To create excellent swimming facilities on the west side of York, in line with the agreed strategy.

(ii) That the proposed agreement with the University of York, involving a partnership approach to providing new swimming facilities in the south of the City, be supported.

REASON: In order to deliver a comprehensive new sports facility located in the south of the City.

(iii) That Officers be requested to pursue, as quickly as is practical, the plans for refurbishment of the Yearsley pool.

REASON: To ensure that this essential work is completed with minimum disruption and at an appropriate time.

PART B - MATTERS REFERRED TO COUNCIL

131. Local Government Pension Scheme (LPGS) - Scheme Changes and Local Discretions

Members considered a report which reviewed the Council's current arrangements for early retirement and redundancy, in the light of changes to the LGPS and the introduction of age discrimination legislation, and proposed amendments to these policies as a result. The Executive were

asked to consider whether to recommend the proposals to full Council for approval.

Details of the Council's current policies were set out in paragraphs 5-11 of the report. Changes to the LGPS arising from government legislation effective from 1 April 2006 were discussed in paragraph 12, while further changes proposed from 1 April 2008 and contained in draft legislation were outlined in paragraphs 13-15. The report then set out Officers' recommendations for changes to Council policy. These included the following, in respect of which alternative options were presented but not recommended:

1. Replacement Policy for Redundancy Pay:

Option A – award all employees an additional number of weeks redundancy pay (subject to the 30 week maximum). Not recommended, due to the strain it would put upon the early retirement and redundancy budget.

Option B – calculate redundancy pay using the statutory tables, with a 30 week maximum. Recommended.

2. Early Retirement under the “85 year” rule:

Option A – allow all employees the option to elect to retire early and receive actuarially reduced pension benefits. Not recommended due to costs and potential disruption to service areas / increased staff turnover.

Option B – adopt a range of formal criteria under which to consider requests for early retirement. Not recommended, due to problems in achieving objectivity and risk of challenge and subsequent costs when requests refused.

Option C – remove the option to retire at age 58 (now deemed discriminatory) and align the early retirement policy with the provisions of the NYPF and the TPS, enabling members of the North Yorkshire Pension Fund (NYPF) to elect to retire from age 60. Recommended.

3. Transitional Arrangements (should Option C under 2. above be approved):

Option A – remove the current policy with effect from 1 March 2007.

Option B – allow early retirements up to 31 August 2007.

Option C(i) – allow all employees aged 57 at 31 August 2006 to elect to retire early if they reach the 85 year rule by 31 August 2009.

Option C(ii) – allow all employees aged 57 at 31 August 2006 to elect to retire early if they reach the 85 year rule by 31 August 2008.

Option C(iii) - allow all employees aged 57 at 31 December 2006 to elect to retire early if they reach the 85 year rule by 31 August 2009. Recommended, as the fairest option both for those employees who currently qualified to leave and for those approaching qualification.

Further recommendations, on the policy to be adopted in respect of ill-health retirements, flexible retirement and added years / augmentation, were set out in paragraphs 26 to 33 of the report.

Officers provided an update on the position of UNISON, who had not yet formally responded but had suggested that there should be a longer transition period for removal of the 85 year rule. They had been advised

that this might be more likely to breach age discrimination legislation. In response to the comments of the Shadow Executive on this item, Officers confirmed that the Council would continue to provide support and advice to staff facing redundancy and that Corporate Management Team was fully in favour of a flexible retirement policy but would require further advice from Government or other council schemes before this could be taken any further.

RECOMMENDED: (i) That a revised policy for redundancy payments be introduced, based on the award of up to 30 weeks of actual pay, calculated using the Statutory Redundancy tables (Option B under heading 1. above)..

REASON: The current policy of awarding 5 additional weeks of compensation to those aged 40-49 falls foul of age discrimination legislation.

(ii) That the new policy for redundancy payments become effective from 1 April 2007 and that any enhanced quotes given under the current policy be honoured for redundancies falling after 1 April 2007.

REASON: The current policy of awarding 5 additional weeks of compensation to those aged 40-49 falls foul of age discrimination legislation.

(iii) That approval be given to:

- a) Remove the current policy allowing any employee aged 58 or more to retire before age 60 when their age and service total 85 or more, thus realigning employees' early retirement options with the provisions of their Schemes (age 60 for members of the LGPS and age 55 for members of the TPS) (Option C under heading 2. above).
- b) Adopt transitional arrangements which will allow all those employees who are aged 57 by 31 December 2006 and would have met the "85 year rule" by 31 August 2009 to retire early on unreduced pension benefits in the period up to 31 August 2009 (Option C(iii) under heading 3 above).
- c) Allow exceptions to this policy to be considered by an Appeals Board consisting of the Pensions Officer, Head of Human Resources, Director of Resources and relevant directorate representative (or suitable delegates).

REASON:	<p>To provide suitable arrangements in place of the 85 year rule, which has been deemed to be age discriminatory and has been removed from the LGPS.</p> <p>(iv) That a formal policy be introduced for processing ill-health retirement requests from deferred members (i.e. ex-employees), limiting the number of occupational health referrals paid for by the Council.</p>
REASON:	<p>The Council currently has no formal policy in this area.</p> <p>(v) That flexible retirement, offered under the terms of the LGPS, be refused in the short term, whilst further research and analysis is undertaken as part of the review of work-life balance to be undertaken by Corporate Human Resources. The Council would reserve its discretion to act outside this policy, with exceptions being considered by the Appeals Board.</p>
REASON:	<p>Under the terms of the LGPS, the Council is obliged to have a policy under which it can exercise its discretion in this area, even if its discretion will be used to not adopt a policy. Flexible retirement is a complex area and considerable work will need to be undertaken before further proposals can be put before Council.</p> <p>(vi) That the Council will not normally give a compensatory award of up to 104 weeks' pay on retirement and that exceptions must be considered by the Appeals Board, with any costs arising from an exception to be borne by the sponsoring department.</p>
REASON:	<p>The award of compensatory added years has been replaced by the discretion to award up to 104 weeks of pay.</p> <p>(vii) That authority be delegated to the Director of Resources, in consultation with Corporate Human Resources and the Pensions Officer, to approve the written statement of local discretions which must be lodged with the North Yorkshire Pension Fund.</p>
REASON:	<p>The Council is required to have a written statement of how it will exercise certain discretions under the rules of the Local Government Pension Scheme.</p>

S F Galloway, Chair

[The meeting started at 2.00 pm and finished at 2.25 pm].