

**MINUTES OF THE MEETING OF THE
WOODSTOCK TOWN COUNCIL MAYOR'S COMMITTEE
HELD AT 7.30 PM ON TUESDAY 22nd JULY 2014
IN THE MAYOR'S PARLOUR, WOODSTOCK TOWN HALL**

Cllr J Cooper (Town Mayor)
Cllr S Parnes

Cllr P Jay
Cllr E Poskitt

Also in attendance was one member of the public.

MC/11/14 **APOLOGIES FOR ABSENCE:** Cllrs Mrs V Edwards, M Robertson and B Yoxall.
Cllr T Wray was not present.

MC/12 /14 **DECLARATIONS OF INTEREST:** No pecuniary interests were declared. The following
general interests were declared:

Cllr J Cooper - Agenda Item 5 (i) Planning Applications as a West Oxfordshire District
Cllr involved in planning.
Cllr E Poskitt - Agenda Item 5 (i) Planning Applications and 5 (ii) Planning Motion 2 part
(b) as a West Oxfordshire District Cllr who sits on the Uplands Planning Sub-committee.

MC/13/14 **MINUTES:** The minutes of the Mayor's Committee held on 27th May 2014 were received
and considered. The Mayor proposed, the Cllr E Poskitt seconded and the committee

RESOLVED (unanimous) that the minutes of the meeting of the Mayor's Committee held
on 27th May 2014 were approved as a true record.

The Mayor then signed the minutes.

MC/14/14 **PUBLIC PARTICIPATION SESSION WITH RESPECT TO ITEMS ON THE AGENDA**
Dr Bob McGurrian said that he was representing WAG and asked that the two motions
presented by Cllr S Parnes be seconded to facilitate discussion.

MC/15/14 **PLANNING:**

(i) Planning Applications

The Mayor and Cllr E Poskitt both declared a general interest. The following planning
application was received and considered:

a) Ref: 14/0660/P/FP: 26 High Street, Woodstock. Provision of bedroom in loft
space above existing garage and single storey extension to create guest accommodation
(to allow roof lights, replacement garage doors and photovoltaic panels).

RESOLVED that Woodstock Town Council wishes to make no comment about this
planning application.

(ii) Planning Motions

The following two motions were considered by the Mayor's Committee on the grounds of
general administration and strategy that are both included within its terms of reference.

Motion 1: Cllr S Parnes proposed the following motion that was seconded by Cllr P Jay, and the Mayor's Committee

RESOLVED (unanimously) to write to the Cherwell District Council (CDC) Planning Department:

A) Requesting Woodstock Town Council be provided notice by CDC, with associated opportunity to comment, in the event of any planning application(s) for:

(1) Residential development or access on the Cherwell DC side of the boundary along the area designated by the updated WODC SHLAA as 'Land East of Woodstock' (i.e., CDC green-field land adjacently east of Woodstock's boundary), and/or

(2) Construction/vehicular access through Cherwell DC territory east of, and adjacent to, the field between the Marlborough School and Budds Close;

And

(B) Explaining to CDC, the above request is associated with serious environment, traffic and additional concerns of adverse impact from development on those two sites, Inspector comments from a Planning Enquiry, WODC SHLAA updates as of June 2014, planning conditions as yet pending agreement in relation to WODC Planning Application 13/0982/P/FP, and Woodstock's documented extensive objection to development on the relevant green fields at issue.

ACTION: *The Town Clerk will write to CDC.*

Recommendation: that CDC be asked that if they make any recommendations in the Local Plan about these areas they include WTC in the discussions.

Motion 2: Cllr S Parnes proposed that the Mayor's Committee write to the West Oxfordshire District Council (WODC) Leader and Cabinet Chairman, expressing the Mayor's Committee's disappointment and concern that:

A) At WODC's Cabinet meeting of July 16th the proposal for the next Local Plan Consultation related to publication of the consultation paper for a 6-week period in July – September 2014, nearly all of which time comprises the summer holiday period and thereby impedes opportunity for considered responses from parish/Town Councils and the public;

B) That the updated SHLAA designates 'Land East of Woodstock' "developable" despite Planning Inspector comments in a past enquiry; and

C) That site allocation proposals for the Woodstock area are precluded from the next consultation, and deferred to January 2015.

Cllr E Poskitt declared a general interest in part (B) of this motion.

Cllr P Jay seconded this motion but asked for an amendment whereby the words "which designation is already the subject of a formal complaint by WTC as in its letters of 6th June and 9th July be inserted in part (B) of the motion after the word "enquiry" and before the word "and". Cllr S Parnes agreed to this amendment and the Mayor's Committee

RESOLVED (3 votes for – Cllr E Poskitt did not take part in the vote) that WTC will action the three part motion above as amended by Cllr P Jay.

ACTION: *The Clerk will draft a letter to WODC that will either be signed by the Mayor or her.*

MC/16/14

CHRISTMAS OFFICE CLOSURES:

The Mayor’s Committee noted the Mayor’s proposal that the offices will not be open to the public during the week beginning 29th December the buildings and phones will be checked periodically during this week.

MC/17/14

REVIEW OF POLLING DISTRICTS AND POLLING PLACES:

Information issued from the District Council (circulated by email on 4th July 2014) was received and considered.

Recommendation: that WTC does not wish to see any changes made to Polling Districts or Polling Places that are relevant to Woodstock.

MC/18/14

STAFFING MATTERS

The Mayor asked that Cllrs agree to swap the order of this agenda item and they agreed to do so.

(i) Local government Pension Scheme – Discretions Policy

The Mayor’s Committee received and considered a report from the Town Clerk and a draft policy statement in relation to the exercise of a number of discretions under the 2014 Local Government Pension Scheme (LGPS) (Appendix A). Discussion followed.

RESOLVED (unanimous) that the Pensions Discretions Policy Statement is approved.

EXCLUSION OF THE PUBLIC AND PRESS

Cllr E Poskitt proposed that in view of the nature of the business to be transacted the public and press be temporarily excluded from the meeting (Public Bodies (Admission to Meetings) Act 1960 s.1). The Mayor seconded this motion.

RESOLVED that members of the public are asked to leave the meeting temporarily whilst the Council considered confidential information.

(ii) The Living Wage

The Committee received and considered a paper from Cllr E Poskitt.

Recommendation that the Mayor’s Committee, having received a full report from staff on the implications both for the Council’s budget and for individuals levels of remuneration including percentage changes, that in future WTC pays its employees at hourly rates which are at least equivalent to the national Living Wage.

The meeting finished at 8.35pm

Signed.....

Date:.....

WOODSTOCK TOWN COUNCIL

MAYOR'S COMMITTEE 22 JULY 2014

Report On: LOCAL GOVERNMENT PENSION SCHEME 2014 – DISCRETIONARY POLICY STATEMENT

1. Purpose

- 1.1 To obtain Council's approval to the attached policy statement in relation to the exercise of a number of discretions under the 2014 Local Government Pension Scheme (LGPS).

2. Background Information

- 2.1 The LGPS Regulations 2013 ('the Regulations') para 60 requires all scheme employers to publish and keep under review a written policy statement on how they will apply their discretionary powers in relation to certain provision of the LGPS. The new scheme came into force on 1 April 2014 and Councils should have adopted the new policy statement by 30th June 2014 but many have been struggling to meet this deadline due to the complexity of this issue. Further regulations known as the Transitional Provisions, Savings and Amendment Regulations were issued in 2014 and are mentioned below and in the attached as the '2014 Regulations'
- 2.2 This report identifies the discretionary policies that need inclusion on the statement with recommended wording for the policies to be adopted. It is largely based on a document produced by the accountant who works full time for Henley Town Council, but modified to suit the needs of Woodstock Town Council.
- 2.3 The new LGPS being implemented from 1st April 2014 differs from the previous scheme in the following ways:
- Pensions paid to employees will be based on career average revalued earnings (CARE) rather than final salary;
 - Staff can contribute on a 50:50 basis allowing them to pay half the rate of contribution for half the pension benefit;
 - Retirement ages will be the same as state retirement pension ages.
- 2.4 There are other minor alterations, and existing rights to current scheme members have been protected. Staff in the LPGS have been kept up to date on the changes on an individual basis, as is required.
- 2.5 In due course (from April 2017) all staff will be auto-enrolled in the scheme but there will be provisions to allow staff to opt-out.
- 2.6 The new Regulations require that in preparing or making revisions to its pensions policy statements the scheme employer must have regard to the extent to which the exercise of any of its discretionary policies could lead to a serious loss of confidence in the public service. Alterations should therefore remain within the constraints of allowing the Council to deliver quality and value for money services now and in the future. In other words any resulting costs to the Council should be appropriate and quantifiable.

3. Detailed Consideration

- 3.1 The discretionary policies on which the Council needs to make statements are considered below.

- 3.2 Flexible Retirement, Regulations 30(6) and 30(8). The Council might decide that it will consider flexible retirement on approval by the Mayor's Committee if there is a clear business case to support it. Other Council's such as Henley Town Council do so with the provision that the employee has a permanent diminution in salary of at least 25%.

Recommendations: That

- 1. The Mayor's Committee considers any flexible retirement requests and makes recommendations to full Council.**
- 2. If a flexible retirement request is approved the employee has a permanent diminution in salary of at least 25%**

- 3.3 Under normal circumstances a member of staff would not draw their pension until they have retired. This provision enables an employer to grant permission for an employee who is age 55 or over to receive payment of the pension benefits they have built up and continue working for the Council with less pay. Staff can ask to reduced their hours or grade, but if the employer allows it under regulation 30 (6) staff can at the same time elect to draw their pensions, so they are getting both a reduced salary and a pension as adjusted downwards by actuarial calculation.

Recommendation: That this discretion should be subject to a business case showing that there will be no adverse impact on Council service as a result of the flexible retirement proposal.

- 3.4 As indicated at 3.3 above, flexible retirement will normally result in actuarial reduction of pension benefits. The new Regulations allow the Council discretion to waive the actuarial reduction, which would result in a cost to the Council as it would be required to make up the difference.

Recommendation: that the policy statement only allows this waiver in very exceptional circumstances and only when a business case shows that it would be in the Council's interest to do so.

- 3.5 Awarding Additional Pension, Regulation 31.
Regulation 31 enables the employer to award an additional annual pension of up to £6,500.

Recommendation: that the Council does not adopt this discretion.

- 3.6 Awarding Additional Pension Contributions, Regulation 16.
This new Regulation enables a Council to share an employee's pension contribution costs, in other words make the contributions to the LGPS on behalf of the employee. The new Regulations allow the Council to fund an employee's additional voluntary contributions and 50% of their pension contributions. There are obvious cost implications in adopting this policy.

Recommendation: that the Council does not adopt this discretion.

- 3.7 Discretion to 'switch on' the 85 Year Rule for 55 to 60 year olds, Transitional Provisions, Savings and Amendments Regulations 2014, Regulation 18. Under the new Regulations there is no longer an automatic entitlement for employees in this aged group to unreduced pension for employees whose length of service plus age is 85 or more. Switching the 85 Year Rule back on could be a mechanism employers would wish to consider to encourage scheme members to retire early. This could, for instance, help to achieve a better balanced age profile within the workforce or to avoid possible redundancies later.

Recommendation: that only in very exceptional circumstances and where a business case indicates that it would be in the interest of the Council, would the Council fund the additional cost of an unreduced pension.

- 3.8 Early payment of pension, Regulation 30(5). Under the new Regulations employees no longer need their employers' permission to retire and receive immediate payment of their pension benefits. However pension benefits will be subject to an actuarial reduction to allow for early payment. The Council could allow the actuarial reduction to be waived which would have a detrimental effect on the pension fund available for future members with implications on future employer contribution rates.

Recommendation: that this discretion is not adopted.

- 3.9 The existing regulations relating to staff who left their employment between 1 April 2008 and 31 March 14 (Regulation 66 of the 2008 Regulations) and between 1 April 1998 and 31 March 2008 (Regulation 106 of the 1997 Regulations) are not affected by the new discretionary policy statement.

4. **Summary Recommendation**

That the Mayor's Committee approves the LGPS Regulations Policy Statement attached.

15 July 2014
Lorraine Watling
Town Clerk

WOODSTOCK TOWN COUNCIL

Pensions Discretions Policy Statement

The Local Government Pension Scheme Regulations 2013

1. This policy statement is made in accordance with Paragraph 60 of the Local Government Pension Scheme Regulations 2013 ('the Regulations'). The statement sets out how the Council will apply the discretionary provisions available within those Regulations. The policy is applicable to employees, not to Councillors. This policy will be reviewed annually. If the Council decides to change its policy, it will publish a statement of the amended policy within one month of the date of its decision.

2. In formulating and reviewing its policy, the Council:

- has regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service; and
- is satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

Purpose of Policy

3. This policy aims to provide fairness and consistency in situations where the Council is considering cases of flexible retirement and increasing pension benefits. It covers an intention to retire on or after 1st April 2014 for employees only.

Flexible retirement - Regulations 30(6) and 30(8)

4. The Pension Scheme allows flexible retirement from age 55 with the payment of all or part of accrued pension benefits in situations where the employer agrees to the hours of work or the level of responsibility being reduced and to the release of pension benefits. In most cases pension benefits will be reduced if taken before normal retirement age.

5. Flexible retirement can benefit both the employee through enabling a gradual adjustment to retirement and the Council through the ability to retain valuable experience and knowledge and increases the opportunity for succession planning.

6. The Council will consider all requests for flexible retirement in response to written requests from eligible employees.

- The Council will approve requests only where it is in their interest to do so, where there will be no adverse impact on the service and where the costs are affordable or where there are likely to be costs savings achieved as a result of the proposal. A business case should be prepared indicating that will be no adverse impact on Council service.
- A request should typically involve a substantial reduction (at least 25%) in salary either through reduced hours or level of responsibility.
- The employee's contract of employment will be amended by mutual agreement to reflect the new hours or grade, as agreed, and continuity of service will be preserved.

- Employees may draw their accrued pension benefits, subject to any actuarial reduction, and continue to pay into the Pension Scheme with a new fund until the age of 75.
- Employees can choose to draw all of their pension benefits or defer payment of all or part of the part of their fund.
- Flexible retirement will normally result in an actuarial reduction of pension benefits. In exceptional circumstances the Council may consider waiving the actuarial reduction where it is in the Council's interest to do so under Regulation 30(8).
- Flexible retirements will be considered and recommended to the Full Council by the Mayor's Committee.

Awarding additional pension – Regulation 31 of the Regulations

7. The Council will not make use of the provision to award additional pension.

Awarding Additional Pension Contributions - Regulations 16(2)(e) and 16(4)(d) of the Regulations

8. The Council will not fund any additional pension contributions normally payable by employees save when required to do so by the Regulations.

Other Discretions Pursuant to the 2013 Regulations

9. The Council will not exercise any other pension discretions pursuant to the Regulations.

Local Government Pension Scheme (Transitional Provisions, Savings and Amendments) Regulations 2014

Discretion to 'switch on' the 85 Year Rule for 55 to 60 year olds

10. The Council will not usually exercise discretion to fund additional costs applicable to the 85 Year Rule for 55 to 60 year olds. However in exceptional circumstances when a business case is made showing that this would be of benefit to the Council, then the Council may exercise discretion to pay the cost of waiving actuarial reductions. Discretion to pay additional costs to switch on the 85 Year Rule for 55 to 60 year olds may be made by Full Council.

Early payment of pension

11. Employees can retire from age 55 and receive immediate payment of their pension benefits however the pension benefits payable will be subject to an actuarial reduction to allow for early payment unless Regulation 30(7) is applicable (redundancy or business efficiency termination of employment). The Council will not adopt the discretion to waive the actuarial reduction.

Monitoring the application of the Policy

12. The Council will carry out equality monitoring of the employees who apply for flexible retirement to be aware if a disproportionate number of employees from any individual equality strand are affected. Should that be the case, it will consider the reasons why and, if necessary, amend this policy to ensure that any inequalities in the policy which are subsequently identified are removed.

Review of Policy

13. This Policy will be reviewed annually by the Mayor's Committee.

14. Minor amendments to this policy, for example to reflect changes to legal requirements, may be made by the Mayor's Committee. Substantial changes should be referred to Full Council.

15. Next review date will be July 2015.

Document information

Document originator: Lorraine Watling, Town Clerk

For presentation to the Mayor's 22nd July 2014

To be approved at Full Council 12 August 2014