



# RUNNYMEDE BOROUGH COUNCIL

## CORPORATE MANAGEMENT COMMITTEE

8 JANUARY 2004

### APPENDICES

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Runnymede Borough Council

CORPORATE MANAGEMENT COMMITTEE

4 December 2003 at 7.30 p.m.

Members of the Committee present : Councillors R.K. Habgood (Chairman), J.R. Furey, P.A. Greenwood, C.J. Norman, Mrs. E.E. Price, Ms. C.M. Simmons, N. Thewlis, P.B. Tuley, P.J. Waddell and G.B. Woodger

Members of the Committee absent : None

Councillors Mrs L.M. Gillham and R. Pate also attended

NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

The Conservative Group had notified the Chief Executive Officer of its wish to replace Councillor J.M. Edwards as a Member of the Committee by Councillor N. Thewlis until further notice. The Chief Executive Officer had given effect to this wish in accordance with Section 16(2) of the Local Government and Housing Act 1989.

APPOINTMENT OF VICE-CHAIRMAN

As Councillor J.M. Edwards had been Vice-Chairman of the Committee, the appointment of a replacement was considered.

**RESOLVED that -**

**Councillor N. Thewlis be appointed Vice-Chairman of the Committee for the remainder of the Municipal Year.**

MINUTES

The Minutes of the meeting of the Committee held on 6 November 2003 were confirmed and signed as a correct record.

ANNUAL AUDIT LETTER

(Ref: Minutes of Corporate Management Committee, December 2002, page 804, para. 459)

The Committee received the Audit Commission's Annual Management letter which reported on various aspects of corporate governance, performance management and financial regularity issues. The District Auditor, Mr. Peter Arkell, and the Audit Manager for Runnymede, Mr. Hassan Rohimun, introduced their report and answered questions from Members.

The joint audit and inspection "Annual Letter" summarised the conclusions and significant issues arising from 2002/03. Inspection work was based around section 10 of the Local Government Act 1999, which required inspections and reports that would enable the Council and the public to judge whether best value was being delivered, to enable the Council to assess how well it was performing, to allow the Government to assess how well its policies were being implemented and to identify failing services where remedial action might be necessary. During the year the Council's Housing Services had been inspected by the Audit Commission's Housing Inspectorate. The service was rated as Good (two-star) with promising prospects of improvement.

In order to ensure that Councils received a tailored seamless service, integrated with the work of other inspectorates, the Audit Commission had appointed a relationship manager for each Council, who was the Commission's primary point of contact with the Council on improvement planning and was the interface between the Commission and the other inspectorates, Government Office and other key stakeholders. District Audit had produced "auditor scored judgements" in connection with CPA and Runnymede's results compared favourably with those

recorded by other Councils. After the CPA inspection had finished there would be close liaison with the relationship manager on improvement priorities, performance indicators would be drawn up and a revisit and re- assessment of the Council's position would take place.

The Audit had to meet the requirements of the Code of Audit Practice. The three main elements of the audit objectives were the Accounts, the financial aspects of corporate governance and performance management. This year the Council had further developed its service plans to take the format of an action plan table, setting out individual responsibility for targets, due dates and progress to date. Overall the systems for collecting and recording performance indicators were sound but there remained scope for improvement in certain cases, where the definition had not been correctly followed (e.g. planning applications registered when valid rather than on date of receipt) or the calculation contained arithmetical errors.

The Council's Community Strategy had been published in November 2002 with targets and actions to improve medium and long term development in the borough. The Council also had an Information Communications and Technology (ICT) Strategy but this needed to be revised as it was now over three years old. The Council had demonstrated a clear vision of how it would roll out e-government. The range and complexity of projects identified in the Implementing Electronic Government 2 statement would make it essential for the Council to keep arrangements under review to ensure that the identified projects were delivered.

During the year an overview had been undertaken of the Council's corporate approach to procurement. The overview was based on good practice identified by the Audit Commission and recommended in the Byatt report of 2001. The Council's Commissioning and Procurement Strategy agreed in July 2002 adopted an aggregated procurement approach for several goods and services. The review had found that the strategy needed to be reviewed to ensure that it more clearly stated the Council's policy. The identified key corporate tasks in the procurement strategy's implementation section had not as yet been completed. The Council also had yet to fully progress its consideration of the risks and benefits of e-procurement. A Corporate Procurement Project Group had been formed to take action forward.

The Council's overall financial position remained healthy. The five-year medium-term financial strategy was dependent on the utilisation of significant balances. The medium-term was defined as five years in Runnymede, which District Audit considered assisted forward planning (and not three, as in some other authorities). Continued prudent management and monitoring by Members would be needed to ensure that balances remained adequate for the Council's needs. Variances between the original budget and actual performance had been reported and explained to Members. Adequate systems of internal financial control were in place. A significant level of staff turnover and absence had, however, impacted on Internal Audit's ability to deliver their audit plan.

The District Auditor anticipated giving an unqualified audit opinion on the Authority's financial statements by November. As reported to the Corporate Management Committee on 4 September, an adjustment was required because housing stock had not been revalued in accordance with the requirements of the Housing Revenue Account resource accounting manual. A new auditing standard had now come into force (Statement of Auditing Standards 610) whereby Members would receive a report on any relevant issues arising from the audit, before the District Auditor gave an audit opinion on Runnymede's Financial Statements.

As part of the 2002-04 audit plan, District Audit had agreed to work with the Council to facilitate the implementation of risk management through workshops. However, owing to the impending CPA review, this had been deferred and the position would be reassessed in the light of the CPA results. The effectiveness of the Council's arrangements for overview and scrutiny would also be assessed in January 2004 and would be informed by the outcome of the CPA review.

The Committee was pleased to note that there were many positive messages contained within the Annual letter. The Chairman thanked the Auditors for their presentation.

#### COUNCIL'S TEN PRIORITY INDICATORS OF PERFORMANCE - SECOND QUARTER OF 2003/04

(Ref: Minutes of Corporate Management Committee, March 2003, page 1096, para. 656 and July 2003, page 260, para. 173)

The Committee considered the performance for the second quarter of 2003/04 in the ten priority indicators of service delivery that formed the basis of more detailed scrutiny. Progress had been made on payment of invoices, and with the percentage of telephone calls answered at the switchboard and extension within 4 rings. The overall results were good.

53% of minor planning applications in the last quarter had been met within the 8 week time limit, which was below the Government's 65% target. There had been problems with the new computer system and there had been slippage as a result of the need to redefine the times for registering and processing planning applications (the calculation of the eight week period starting with the date of receipt rather than date of registration). Furthermore, a Principal Planning Officer had left the Council and her deputy had taken maternity leave. Results should, however, improve as a new Principal Planning Officer was in post and his deputy's maternity absence was being covered by a consultant planner. A part-time Planning Assistant had also recently returned from maternity leave. The Committee emphasised that, in their view, the quality of planning decisions taken had to take precedence over speed, although the Council would endeavour to meet Government targets.

Regarding benefit administration, major improvements had been recorded because the previous year's problems with the computer system and electricity supply had been rectified. The recent CPA inspection by the Benefit Fraud Inspectorate had given the service a rating of fair to good with good prospects of improvement. The Inspector had stated that the score would have been good if it were not for the previous problems. Regarding letting of certain types of void properties, there was a lack of demand for properties in some areas, causing the Authority to exceed the 21 day target.

#### SERVICE PLAN 2003/04 - HALF YEARLY PERFORMANCE

(Ref: Minutes of Corporate Management Committee, July 2003, page 260, para. 174)

The Committee was updated on progress with the Corporate Management Service Plan for the half year performance of 2003/04 (April to September). Where corrective action was needed to improve performance this had been highlighted. The Committee observed that the Council website was receiving an encouraging amount of use. ISO accreditation was being reviewed elsewhere on the Agenda. A report on flexible working hours would be submitted in the New Year. The Council was placed 142<sup>nd</sup> in the country for cash collection, which located it in the middle of UK authorities, for this function.

#### QUALITY ASSURANCE

The Committee considered a way forward for the Authority in its approach to Quality Assurance and Service Standards. BS.5750/ISO 9000 accreditations had been achieved by various departments of the Authority. However, a number of factors that had changed now meant that this form of registration was no longer appropriate for most departments, with the exception of Building Control and Corporate Building Services, who wished to retain accreditation in order to safeguard work or extend partnerships. BS.5750/ISO 9000 had been useful for Compulsory Competitive Tendering which was no longer operational. Managers of the departments which had been accredited reported that assessors were not providing sufficient added value and that the Standard was now perceived as a burden. The demand for and external recognition of ISO 9000 Quality Accreditation was now limited. Alternative professional and/or institute based codes of practice and standards had increasingly emerged in recent years, such as those that existed for CCTV, Community Alarm and Leisure Centre Services and were seen as being of more relevance in some cases, both to staff and service users. Other "off the shelf" standards such as the Business Excellence Model, Investors in People, "Beacon status" and Chartermark did not adequately meet the Council's needs, and would not confer any particular funding or assessment advantages on the Council. Government initiatives such as Best Value and CPA provided a level of assessment which rendered national accreditation schemes unnecessary.

The cessation of ISO 9000 Quality Registration without replacing it with something else would, however, lead to loss of documented procedures and formal review mechanisms. It was therefore agreed that the Best Value and CPA regimes could be built upon with the introduction of a custom built system incorporating corporate policies whose principles are attached at Appendix 'A'. Specialist service accreditation could still be applied for, if it was appropriate. An internal scheme would meet the Council's requirements for compliance with corporate procedures, continuous review and independent validation. This system would be included in

Managers' job descriptions, and in the annual appraisal process and be reviewed by Internal Audit. The budget for external ISO audit and associated registered fees was £19,100 in the current year. The budget also provided for the cost of a half full time post that existed in the Internal Audit section of the Finance Department to undertake internal quality audits at a total cost of £19,500. The post was currently vacant. In addition, there was a provision of £10,000 to pay for new registrations. Some of this budget would be retained as a corporate resource to develop the Compliance and Review Guidance and meet the costs of the two remaining registrations, but a revenue saving of £38,000 per annum was anticipated.

**RESOLVED that -**

- i) the ISO Quality Registrations be discontinued, save in Building Control and Building Services;**
- ii) the corporate compliance and review guidance at Appendix 'A', be approved;**
- iii) specialist, service based accreditations be considered for support on a case by case basis; and**
- iv) the revenue savings be noted.**

**BEST VALUE SERVICE REVIEW AND CONTINUOUS IMPROVEMENT PLAN - DEMOCRATIC SUPPORT**

(Ref: Minutes of Corporate Management Committee, December 2002, page 807, para. 464)

The Committee considered the Continuous Improvement Plan for Democratic Support Services. The final report had been delayed in being presented to the Committee, but it was noted that Officers had already made progress against the proposed Continuous Improvement Plan. The Scoping and Challenge report had been reviewed by the Corporate Management Committee on 4 December 2002. The Committee had identified eight proposals for examination and these were included in the report presented.

There were currently no National Performance or Best Value Performance Indicators for Committee work. A benchmarking survey of Committee Sections in Surrey had recently been co-ordinated by Guildford Borough Council. Runnymede had participated in the survey and the results were expected early in the New Year. Any examples of best practice obtained would be implemented where appropriate. Comparisons had been made with all Surrey Authorities' Committee Sections on services provided by Committee Sections; provision of legal and procedural advice at meetings; public participation at meetings and provision of Member Services.

Unlike a number of other Committee Sections in Surrey, Runnymede did not co-ordinate responses to Ombudsman complaints. Runnymede's Committee Section did, however, have responsibility for Press liaison and public relations, which was undertaken by Public Relations Officers in the other 10 authorities. The Section also carried out a number of administrative tasks which were not undertaken by other equivalent departments in Surrey districts. The Communications Strategy would be considered in due course by a Member Working Group and the outcome could have an impact on the way public relations and Press liaison work was undertaken by the Section.

In most of the other Surrey Authorities a solicitor attended Council, Committee, Sub-Committee and Overview/Scrutiny Committees. At Runnymede the legal representative gave advice on law and procedure at meetings, and this practice remained the preferred option of the Group Leaders.

The Committee noted the growing practice of allowing public speaking at Council and some Committee meetings, as was now the case in Runnymede and agreed that the issue of public speaking should be referred to the Local Government Act Member Working Group for further consideration and review.

Services provided by a small number of Authorities (which Runnymede did not provide) included secretarial support for Councillors or Party Groups, and provision of a room for the Leader of the

Council, and rooms for Leaders of Political Groups. The Committee agreed that the provision of rooms was an issue which could more usefully be examined in connection with the new Civic Offices reprovision and should also be referred to the Civic Offices Member Working Group.

Comparisons had also been made in relation to some matters specifically affecting legal services using three other Surrey district authorities (Surrey Heath, Elmbridge, and Mole Valley). A "case management system" had been implemented in the Legal Section.

Consultation had been undertaken with Group Leaders, Chief Officers and others with significant interaction with the Democratic Support Service. There was a general level of satisfaction with the service provided and therefore no radical change was proposed.

Following consultation with Members, a reduction in the Agenda hard copy print-run of 30% had been achieved, at a saving of approximately £4,000 - £5,000. The Agenda and Appendices were now placed on the Council's website, Councillors' website, Intranet and Extranet. The agenda printing requirements would continue to be monitored and a review of departmental requirements had also been undertaken. The Committee requested that Members be consulted on whether they preferred white or coloured paper for Agenda production, in view of the possibility of re-cycling white paper at home.

A response by seven of the ten other Surrey districts to a simple questionnaire on legal section staffing in November 2003, indicated that Runnymede was operating with the joint lowest number of solicitors/barristers in its legal division, and the second smallest legal department overall. The only Authority with a smaller legal department had sold off its housing stock and also used outside solicitors to supplement the in house resource. Of those authorities in the survey who had retained their housing stock, Runnymede served the highest head of population per legal staff member. The pressure on legal services was increasing as a result of new legislation and might increase further, with initiatives such as decriminalised parking enforcement. The last Annual Report on Personnel had recommended the appointment of an additional Assistant Solicitor. The Committee had deferred the issue to this Review. However, as the next Personnel Report was now near, it was intended to raise the matter again within that Report together with the available background data. The view of Officers was that an additional Assistant Solicitor post was required and was the most cost-effective way of addressing the resources needed.

Democratic support services were presently provided in-house and located centrally, with specialist legal advice and advocacy provided externally when required. The review had considered other methods of provision but concluded that the service, which was one of the closest to the democratic process and corporate core, was easier and cheaper to administer from the centre. There were no apparent external providers of a committee administration service. While other Local Authority Committee Sections would have the expertise to undertake the work, they would have to recruit more staff to do so and would, in any case, be unfamiliar with the Runnymede quality culture, working practices and procedures. Officers had not been able to trace any instance of committee servicing being externalised.

Similarly, decentralisation of Committee servicing (whereby the work was undertaken in the service departments) was uncommon and would have major implications for the Council's departmental and management structure. Previous experience, supported by Audit Commission findings, suggested that Committee administration was ideally located close to or alongside the legal service to ensure that legal advice was readily available on the many legal and procedural points which arose on Committee reports.

The Legal Section provided the full range of legal services to the Council and maintained a degree of flexibility by supplementing its resources with external providers where necessary. The cost of private sector service providers had been monitored and indications were that the cost of the service was significantly below that which might be expected from the private sector.

**RESOLVED that -**

- i) the Continuous Improvement Plan set out below be approved:**

**Targets to be implemented at Officer level**

**Timescale**

- a) corporate Governance - health check**

**Substantially**

reviewed in CPA process. May need revisiting in 3-5 years. No undue issues identified.

- |    |   |   |
|----|---|---|
| b) | <b>where opportunities arise, investigate alternative provision of some services identified in this report currently provided by the Committee Section so as to enable the Section to provide services more related to democratic core.</b> | <b>Ongoing.<br/>Bus Passes - 2005.<br/>Awaiting outcome of Best Value review of Community Services.</b> |
| c) | <b>continue to monitor agenda requirements from existing and any new Members and Departments so as to achieve further cost savings.</b>   | <b>Implemented and Ongoing.</b>   |
| d) | <b>electronically transmit Members Bulletin to Members from new Municipal Year 2003/04.</b>   | <b>May 2003 - implemented.</b>  |
| e) | <b>introduce Case Management System to monitor legal activity.</b>  | <b>Implemented.</b>   |

**Targets with policy and/or Financial implications requiring a further report to the Corporate Management Committee or Council if appropriate**

**Timescale**

- |      |   |   |
|------|---|---|
| f)   | <b>report to Local Government Act Member Working Group following review of operation of public participation at meetings, and consider extension to other Committees.</b>                     | <b>By May 2004.</b>                       |
| g)   | <b>report to Civic Offices Member Working Group on possible provision of rooms for the Council Leader and Leaders of political groups as part of proposed new Civic Offices re-provision.</b> | <b>Prior to move to new Civic Offices</b> |
| ii)  | <b>the Director of Administration and Leisure report to a future meeting of the Committee regarding implementation and monitoring of the Continuous Improvement Plan; and</b>                 |   |
| iii) | <b>the question of legal section staffing be considered with the Annual Personnel Report.</b>   |   |

**CAPITAL STRATEGY**

(Ref: Minutes of Corporate Management Committee, July 2002, page 317, para. 157)

The Committee considered a revised Capital Strategy, with aims and targets which had been updated to take account of the Leader's Position Statement for 2004/05. The Council had approved its last Capital Strategy in July 2002 and the Government Office for the South East (GOSE) had awarded it a "good" rating. As a result of this assessment, the Council had received additional credit approval of £50,000 in 2003/04 and was not required to make a further submission to GOSE in future years, although it had to submit background information on its Capital Strategy each year.

**RECOMMEND that -**

**the Capital Strategy at Appendix 'B' be approved.**

(Councillor P.A. Greenwood requested to be recorded as having voted against this Recommendation in accordance with Standing Order 25.3).

DETERMINATION OF THE COUNCIL'S TAX BASE FOR 2004/05

(Ref: Minutes of Corporate Management Committee, December 2002, page 812, para. 469)

In accordance with the requirements of the Local Government Finance Act 1992, Members received details of the Council Tax Base calculation for 2004/05 (Appendix 'C' herewith) together with the necessary adjustments.

The reduction in the tax base from 32,458 to 32,370 was mainly due to the increase in the number of discounts and student exemptions. 9,870 dwellings had only a single adult resident. These people would have their bills discounted by 25% thereby reducing the tax base by 2,445. There were 733 dwellings that had no adult residents and attracted a discount of 50%. This reduced the tax base by 366.5. There were 1,113 properties in the Borough subject to 100% exemption. This category included dwellings which were unfit, those whose only adult residents were students and six month exemptions on dwellings which had been left empty by deceased persons and on dwellings undergoing structural repair.

Statutory instruments recently issued under the Local Government Act 2003 would provide discretion for billing authorities to change discounts and a report would be submitted to the Committee's next meeting on the implications.

**RECOMMEND that -**

- i) the report of the Director of Finance for the calculation of the Council's tax base for the year 2004/05 be approved; and**
- ii) pursuant to this report and in accordance with the Local Authorities' (Calculation of Council Tax Base) Regulations 1992, the amount calculated by Runnymede Borough Council as its Council Tax Base for the year 2003/04 shall be 32,370.**

(Note: This Recommendation was subsequently agreed by the Council with authority for the Director of Finance to make any adjustments needed to reflect the position at the 2003 Relevant Date of 20 December).

EARLY RETIREMENT - PENSION FUND IMPLICATIONS

The Committee noted that when staff retired early, there was an additional cost to the Pension Fund unless their pensions were actuarially reduced because past contributions had been calculated on the basis that staff would retire at their normal retirement age. The Actuary to the Surrey Pension Fund had advised that future payments for early retirement should increase by 40%, mainly because people were living longer and as a result of changed market conditions. The Council could not escape these costs.

The Actuary had recommended that all employing organisations should voluntarily increase their contributions for all early retirees, to cover their liabilities properly. Failure to do so would mean that the cost would be understated when the Council evaluated the financial case for approving an early retirement and would be picked up during the next actuarial valuation instead. This would result in an increase in liabilities, which would be reflected in an increase in general contribution rates from April 2005. An increase in the contribution would be necessary to comply with the Audit Commission's recommendations in the paper "Retiring Nature". Contributions to the Pension Fund to pay for early retirement decisions would continue to be paid either in one instalment, or over three years in line with current practice.

The main effect of increasing early retirement costs would be to make it more difficult to make a business case for early retirement when contemplating staff restructuring. The Committee was

informed that the Pension Fund did not currently recognise same sex partners in terms of pension rights and any future entitlement would result in an additional cost.

**RESOLVED that -**

**the calculation of early retirement costs be increased by 40% in line with the advice from the Actuary to the Surrey Pension Fund.**

SERVICES FOR POTENTIAL INCLUSION IN A SURREY-WIDE PUBLIC SERVICE AGREEMENT

The Committee considered participating in specific service areas in a Surrey-wide Public Service Agreement (PSA), having already agreed in principle to the proposals.

As had been reported to the Committee in March 2003, Public Service Agreements (PSAs) allowed an authority to enter into an arrangement with other authorities to encourage and support sustained improvement in performance for designated areas of service with specific measurable targets over a three year period. District Councils had to bid in consultation with the County Council and two or more other Boroughs/Districts. These "second generation" PSAs were co-ordinated by the Office of the Deputy Prime Minister (ODPM) bringing together other Government Departments (Department of Transport, Home Office, Health, etc.) to agree improvement targets in particular areas of public service.

Discussion had taken place during the summer with senior Civil Servants of the Office of the Deputy Prime Minister and a Countywide Project Team. A range of service areas had been examined. Work was still being carried out to ensure that the initiatives met the disciplines required of the PSA process, had effective pre and post scheme data collection potential and could achieve a high level of performance and so meet the "stretching target" criteria at the heart of the PSA regime.

The Committee agreed that the following should be pursued:

- i) To remove all abandoned vehicles, either of value or no value, within two days of the vehicle being reported by introducing new processes.
- ii) Business/organisation recycling: working with recycling companies and organisations to increase the level of commercial recycling in the County.
- iii) To reduce speeding traffic and accidents resulting from speed related factors.

It was also agreed that the following issue should be considered for inclusion if the ODPM and Treasury signalled that sufficient freedoms and flexibilities would be available:

"Tackle significant Key Worker housing issues in Surrey through partnership between statutory authorities and major employers in the County."

It was considered advisable to make the service areas as specific and thus as measurable as possible. For each of these areas there would be a base performance and a target figure to be achieved at the end of three years.

Detailed negotiations with the Government Departments on the individual PSA targets had to begin within the next four to six weeks and be settled by February or March 2004, with a view to the commencement of the Agreement in the Spring of 2004. A further report on progress was therefore anticipated.

Each of the ten to twelve service areas constituting the Countywide PSA bid to the OPDM would attract approximately £150,000 of pump priming monies, which should enable the necessary set up costs, purchase of equipment and software or consultancy input. Reward Grant would be allocated for up to 2.5% of the individual authority's net revenue budget, assuming all its three or four targets were met. Benefits should also include some negotiated freedoms and flexibilities by the Government Department(s) concerned. Graduated rewards were available for partial achievement, where 60% or more of the targets had been achieved.

**RESOLVED that -**

- i) subject to the satisfactory outcome of negotiations with the Office of the Deputy Prime Minister, the Council agrees to participate in targets for the service areas identified in the preamble to this resolution; and**
- ii) Officers report regularly on the progress of this Surrey-wide PSA initiative.**

**FURTHER CENSUS ANALYSIS AND SOCIAL INCLUSION ISSUES**

The Committee considered the emerging material from the 2001 Census and the various issues, actions and initiatives being pursued as part of the Social Inclusion agenda.

In the field of race relations, the implications of the Race Relations (Amendment) Act 2000 had been considered and a revised Policy Statement and incorporated Equality Scheme had been approved by Council on 18 May 2002. Compliance had subsequently been achieved for 2002/03 with the Commission for Racial Equality (CRE) Equality Standard (Level 1) to the satisfaction of the District Auditor. Officers were continuing to progress towards meeting the requirements of Equality Standard (Level 2).

Concerning disability, since 1991 the Council had serviced the Runnymede Access Liaison Group, which undertook audits on Council facilities and premises to ensure satisfactory access and usage by disabled people and offered advice on any new schemes during the design stage. Disability awareness training had been undertaken for approximately 100 relevant staff and some Members. 220 managers and front line staff had also recently gone through a current corporate programme of customer care training, which included equal opportunity training and awareness. The Council was on track to achieve compliance in relation to the Disability Discrimination Act by 2005.

The Council's Grant Criteria required organisations in receipt of Grant Aid to make the benefit of their activities available without inappropriate discrimination on the basis of race, sex, religious or philosophical conviction or any other grounds which the Council considered unreasonable. Priority had to be given to those initiatives which met the needs of people with disabilities, the vulnerable or disadvantaged, young people and older persons.

For 2002/3 the Housing Department had met BVPI 164 which required the authority to follow the Commission for Racial Equality's code of practice in rented housing. Since April 2003, BVPI 164 had been changed, and the Housing Department was required not only to meet the CRE's code of practice, but also the Office of the Deputy Prime Minister's good practice standards for social landlords on tackling racial harassment. These were considerably more onerous, and currently the Council did not meet all of the new standards. Housing Officers were looking at areas where the Council currently fell short, and would endeavour to ensure compliance by the end of March 2004. The Housing Department had adopted the definition of racist incidents recommended in the Stephen Lawrence Inquiry. The conditions of tenancy had been changed to prohibit racial harassment. The Home Office code of practice on reporting and recording racist incidents had been adopted, and these were now reported through the monthly Members' Bulletin. The Council had developed a protocol for sharing information with the police, and had worked closely with the police to bring about a satisfactory conclusion to a particular incident.

A detailed report had been submitted to the Committee's last meeting on the information now emerging from the Office of National Statistics, in relation to data from the 2001 Census. Deprivation and ethnicity issues had not been significant at the Ward level but analysis had been most beneficial at the sub Ward or enumeration district. The IDM2000 ranking for Runnymede (collating all the indicators) placed it at 253 out of 352 in England, where 1 was the most deprived local authority out of a total of 365. Whilst this showed a relatively 'healthy' position, it did hide several localised areas of deprivation. The data for the Wards (based on the ward boundaries as of 1 April 1998) revealed that the Chertsey St Ann's Ward scored poorly, within a Surrey context, on education, child poverty, income and housing indicators. Complementary data had been used to provide further analysis of the poor scores. The 2001 census data at the enumeration district level had recently been made available and it would be possible to identify

particular characteristics within a Ward. Any matters of particular significance would be reported to Members.

In studies undertaken by Surrey County Council in the late 1990's, as reported to the former Runnymede and Surrey County Council Partnership Advisory Group, it had emerged that educational under-attainment was a particular factor in four of the enumeration districts within the then Chertsey St Ann's Ward. Recent consultation with service managers for Surrey County Council and Partnership Officers, confirmed that issues highlighted in the original research remained, including a low level of numeracy and literacy on entry to school among young children and anti-social behaviour among youths. An initiative entitled "Raising the Bar" specific to the Chertsey St. Ann's area was being developed with the County Council with the objectives of reducing anti-social behaviour, addressing health inequalities, building community capacity, promoting aspiration and self-esteem, facilitating self-reliance and supporting the changes to formal education. A key requirement was that facilities should be provided locally, in accessible community locations. The County Council Runnymede Local Director, with Social Services, Youth Education and Borough colleagues was presently drawing up proposals and the Borough Council would be asked to assist in kind (e.g. providing accommodation).

The apparently large increase since 1991 in ethnic minorities within the Englefield Green East Ward was another significant development, even allowing for a different method of counting in 2001. Further information from Royal Holloway - University of London confirmed that 25% of people in the enumeration district of the campus were from ethnic minorities. The College, along with many other learning institutions, had actively sought students from abroad. It would be assessed in partnership with the College, whether any particular needs might be unmet within the ethnic minority section of the Englefield Green population, for example, the initiative to be pursued by the Housing & Community Services Committee to improve the conditions of student accommodation in the private rented sector in Englefield Green & Egham.

Adequacy of household income was a key factor in deprivation. As part of the recently settled improvement plan for the Benefits Service, a "take up" campaign, to augment the Advice Surgeries regularly held at the Council's five Day Centres, would be pursued with priority given to particular Wards.

The Runnymede Business Partnership School Travel initiative had a useful social inclusion dimension in that it provided a practical opportunity for lower income families to exercise parental school choice that would otherwise be closed to them (by settling only for the local school regardless of quality and suitability) because of travel and cost considerations. Recent research undertaken by consultants on behalf of the Sutton Trust also revealed that the provision of a dedicated school bus service (the Yellow Bus) helped improve attendance and punctuality by providing a safe, reliable and secure journey to school. Taken together, these factors had the potential to improve educational attainment. The Community Strategy for Runnymede also assisted in discharging the Council's "well-being" powers that were contained in the Local Government Act 2000. The issues outlined in the Strategy collectively tackled some of the issues of Social Exclusion.

Those aspects dealing with the pursuit of Level 2 of the Equality Policy for Local Government, the benefit "take up" campaign, and the school travel project were provided for within existing approved estimates. Any additional resource implications that might arise from initiatives with Royal Holloway - University of London and the "Raising the Bar" initiative would be reported further, before any additional commitments were undertaken.

Although the Council was involved in tackling Social Exclusion, the initiatives were not based in a framework strategy. Therefore, the Council's Action Plan (2003/06) as part of its Self-Assessment for Comprehensive Performance Assessment, had committed itself to draw on the good work already achieved and provide focus. The Community Strategy and particularly the Corporate Equality Policy (to be developed in conjunction with Level 2 of the Equality Standard) would play an important role in developing this aspect of the Council's work.

**RESOLVED that -**

- i) the actions set out in paragraphs 3.10 to 3.13 of the Agenda report and summarised above, relating to "Raising The Bar", the assessment of the needs of the ethnic minority Englefield Green**

**population, meeting Level 2 of the Equality Standard and progressing the "take-up" campaign, be endorsed; and**

- ii) Officers be instructed to report back on progress, both directly and that achieved with other partners.**

#### MONITORING OFFICER PROTOCOL

The Committee received a protocol setting out the functions of the Monitoring Officer and the understanding that would apply to his exercise of them. The Council had designated the Director of Administration and Leisure as its Monitoring Officer under Section 5 of the Local Government and Housing Act 1989. The Monitoring Officer's basic functions were to report if the Council, its Committees, or Officers were trespassing into illegality or maladministration, and to carry out a range of functions supporting the role of the Standards and Audit Committee in maintaining ethics and probity within the authority. Runnymede, like a number of other authorities, had also allocated some constitutional functions to the role. Approval of a suitable protocol was advised as best practice.

**RECOMMEND that -**

**the Monitoring Officer protocol at Appendix 'D' be adopted by the Council.**

#### BUDGET MONITORING STATEMENT

The Committee received a budget monitoring and summary forecast statement plus a projected outturn for the General Fund. The latest projection on investment income indicated a deficit of £250,000 on the figure budgeted. A report would be submitted to the next meeting of the Committee on the underperformance of the Council's Fund Managers.

#### CALENDAR OF MEETINGS 2004/05

The Committee considered the proposed Calendar of Meetings for the Municipal Year 2004/2005. The Government had proposed that Borough Council Elections be held on the same day as the European Election, namely Thursday 10 June 2004. This had implications for the Calendar of Meetings in May, June and July. The Committee noted the main changes compared to previous years. These consisted of the scheduling of the full Committee cycle in May rather than June to avoid holding the normal number of meetings in the month of the elections. The Council Meeting would be in July as usual in order to approve recommendations from Committees held in the May cycle. Meetings of Corporate Management Committee were scheduled to consider any urgent business in May, June and twice in July (with the latter of the two meetings in July to approve the Statement of Accounts in accordance with the new legislative requirements). Annual Council would meet on 24 June in order to elect the Mayor and appoint Committees for the new Municipal Year. Meetings of the new Licensing Committee were included in the Calendar, but the meetings of its sub committees had not as yet been scheduled because the new Licensing Regulations were still awaited.

**RECOMMEND that -**

**the Calendar of Meetings for the Municipal Year 2004/2005, as set out in Appendix 'E', be approved.**

#### APPOINTMENTS TO OUTSIDE BODIES

- (a) Mary Drew Almshouses

The Council had the right to appoint Nominated Trustees to help administer the Mary Drew Almshouses. Former Councillor T.A. Stones had resigned and Mr. G.M. Martin had died recently. The term of office of both of these Trustees was due to expire in 2004. The Chairman of the Trustees had asked the Council to nominate County Councillor Miss S.M. Bruce and Borough Councillor H.W.V. Meares to the vacancies. Apparently both were willing to accept the position of Nominated Trustee and the Committee agreed to make these nominations.

**RESOLVED that -**

**County Councillor Miss S.M. Bruce and Borough Councillor H.W.V. Meares be appointed to the Mary Drew Almshouses charity, each for a four-year period.**

b) Vacancies

The Committee considered whether it wished to replace the late Councillor A.G. (Tony) Collins on the following outside bodies:-

Basingstoke Canal Joint Management Committee (J.M.C.)  
Local Authorities M25 Consortium  
Runnymede Citizens Advice Bureau (C.A.B.) Management Committee  
Surrey Access Forum.

**RESOLVED that -**

- i) consideration of a replacement for the late Councillor Collins on the Basingstoke Canal Joint Management Committee and the Runnymede C.A.B. Management Committee be deferred;**
- ii) Councillor Pate be appointed as a replacement for the late Councillor Collins on the Local Authorities M25 Consortium to serve until May 2004;**
- iii) Councillor Mrs Price be appointed as a replacement for the late Councillor Collins on the Surrey Access Forum to serve until May 2004; and**
- iv) Councillor Mrs Price be informed of the number of meetings and workload of the Surrey Access Forum, so that she can consider her future involvement.**

**CONSULTATION ON COMBINED EUROPEAN PARLIAMENTARY AND LOCAL AUTHORITY ELECTIONS - PROPOSED REGULATIONS**

The Committee considered whether to make a response to a joint consultation paper of the Office of the Deputy Prime Minister and the Secretary of State for Constitutional Affairs seeking views on Draft Statutory Instruments published for the Combined European Parliamentary and Local Authority Elections 2004. The consultation paper which set out detailed arrangements, sought views on draft statutory instruments that made provision for the conduct of European Parliamentary elections in 2004, the combination of polls of these elections and the Government's announced intention to move the date of the English Local Council elections in 2004, so that they could take place in June at the same time as the European Parliamentary Elections. The terms of office of Councillors affected by the postponement were to be extended. The terms of office of those newly elected Councillors would be reduced to account for the change of date i.e. the Local Elections in 2005 would revert to May. No mention was made of the Mayor's term of office but this would run from Annual Meeting to Annual Meeting as now. No amendment was made to the law regarding the holding of the Annual Council meeting. This had to be held within 21 days after the election and a date of 24 June 2004 had been provisionally set in the timetable considered earlier in the meeting. The issue and receipt of postal ballot papers had to be combined for 2004 only. The combined polling hours would be from 0700 - 2200. The result of the Local European Count would not be made available to the public, including candidates etc. until after the close of polls across Europe at 9 p.m. on Sunday 13 June 2004. However, it would be possible for counting to commence before then. Counting might be done electronically - the decision on which areas would pilot this measure would be made by the ODPM on the advice of the Electoral Commission.

The Committee decided that it was not necessary to make a response to the joint consultation paper.

**RESOLVED that -**

**no response be made to the joint consultation paper.**

REFERENCES FROM OTHER COMMITTEES

a) HOUSING AND COMMUNITY SERVICES COMMITTEE - 12 NOVEMBER 2003

Bowes Road/Wapshott Road Redevelopment - Provision of Additional Heating

At its meeting on 12 November 2003 the Housing and Community Services Committee had been advised that the redevelopment of the Bowes Road/Wapshott Road estate would, regrettably, be subject to further delays and it was agreed that additional heating should be provided to the existing flats on this estate as an interim measure.

In order for the redevelopment of the estate to proceed, the Apex Housing Group needed to submit detailed plans to the Environment Agency (EA) demonstrating that the development would incorporate the flood mitigation measures required by the Agency. Officers had since been advised that the EA was redrawing the flood plain map in the light of the January 2003 flooding. Until the new map was available, the Flood Risk Consultants employed by Apex were unable to submit their proposals to the EA. The Committee had been advised that this would hold up the process by approximately three months.

Even if the redevelopment of the estate were to commence in 2004, some tenants living in the flats which were due to be demolished would not be able to move into newly built homes for three years. As the existing properties were the only Council homes without some form of central heating, the Housing and Community Services Committee had resolved that the 84 Council owned flats on the Bowes Road/Wapshott Road estate should be provided with additional heating as an interim measure. It was agreed that two "Dimplex" type electric radiators should be provided for each of the 84 flats at a total cost of £23,520. These would be installed by the Council with regard to Health and Safety issues.

The Corporate Management Committee approved a supplementary estimate for this amount, to be funded from the Housing Revenue Account reserves, to finance the purchase of these electric radiators. This represented a quick solution at reasonable cost. The question of whether rents to tenants might be reduced as a result of the heating difficulties was an issue which might be examined at a later date, by the Housing and Community Services Committee.

**RESOLVED that -**

**a supplementary estimate in the sum of £23,520 be approved for the purchase of "Dimplex" type electric radiators for Council owned flats on the Bowes Road/ Wapshott Road estate, to be financed from Housing Revenue Account reserves.**

b) LEISURE AND ENVIRONMENT COMMITTEE - 20 NOVEMBER 2003

Summer 'Splash' Scheme 2003 and 2004

At its meeting on 20 November 2003, the Leisure and Environment Committee recommended the virement of £10,000 from the Splash scheme to supplement the existing capital provision of £10,000 for the purchase of a new booking system. This would bring the total funding available for the booking system up to £20,000. Owing to a combination of savings and increased income, the budget for the 2003/04 Splash scheme was anticipated to be underspent in the sum of £13,800. Therefore the Committee considered it would be sensible to utilise part of this money for the booking system for play and youth activities. Accordingly, the Corporate Management Committee approved the necessary virement.

**RESOLVED that -**

**a virement of £10,000 from the Splash revenue budget in 2003/04 to supplement the capital provision for a new booking system be approved.**

WRITE-OFFS

**RESOLVED that -**

**the Rent arrears, totalling £7,976.26, the Council Tax arrears, totalling £1,540.21 and the non-domestic rate arrears, totalling £2,682.35, be written off as irrecoverable.**

LOCAL GOVERNMENT ACT 2000 MEMBER WORKING GROUP - MINUTES

The Minutes of the meeting of the Local Government Act 2000 Member Working Group held on 22 September 2003 were noted.

INFORMATION STRATEGY MEMBER WORKING GROUP - MINUTES

The Minutes of the Information Strategy Member Working Group held on 28 October 2003 were noted.

STAFFING RESOURCES – PRIVATE SECTOR HOUSING AND HOUSING NEEDS

By resolution of the Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100A(4) of the Local Government Act 1972 on the grounds that the discussion would be likely to involve the disclosure of exempt information of the description specified in paragraph 1 of Schedule 12A to Part I of the Act.

Approval was sought in a detailed report to changes to staffing resources within the Private Sector Housing and Housing Needs sections of the Council's Housing and Community Services Department. The Housing and Community Services Committee had already concurred with the Officers' Recommendations.

Usually requests for additional staffing would be contained within the forthcoming Annual Personnel Report. However, Officers felt that the staffing proposals need to be addressed ahead of the Annual Personnel Report to fulfil the Council's statutory responsibilities in relation to Private Sector Housing Functions, to progress the proposals within adopted Strategies (the Leader's Position Statement, the Private Sector Renewal Strategy, the Homelessness Strategy and the Housing Strategy), and to alleviate workload pressures.

On Private Sector Housing, the Council was statutorily required to inspect Houses in Multiple Occupation regularly and would soon be required to licence them and rate them on health and safety criteria, as a result of new legislation. On Housing Needs, the Council had higher numbers of people in housing need and fewer vacancies within its housing stock. It was therefore necessary to find different ways to increase affordable housing, to reduce homelessness. This was particularly important now that Local Authority Social Housing Grant was no longer available to increase affordable housing. The provision of advice would be important in achieving this objective. 2.5 extra members of staff were needed to carry out these new tasks and existing staff would be freed up to undertake other duties within the Housing portfolio. While the Corporate Management Committee recognised the importance of this work and the need to relieve pressure on existing staff it was concerned about the resource implications of these proposals. Although the Committee agreed the Officers' recommendations, it did not consider it equitable for these extra burdens to be placed on local authorities without some compensating funding being provided by the Government. It was therefore agreed that Officers should investigate the possibility of making representations to Government so that local authorities might be empowered to charge for inspections of Houses in Multiple Occupation. It was suggested that perhaps the Local Government Association might be an appropriate vehicle through which to make those representations.

**RESOLVED that -**

- a) **a new post of full time Private Sector Enforcement Manager be established at MM2 grade and the job description as set out in the report be approved;**
- b) **revisions be made to the current posts of Private Sector Housing Manager and Private Sector Housing Officer as set out in the report;**
- c) **revisions be made to the current Housing Adviser posts as set out in the report and the job description as set out in the report be approved;**
- d) **one full time and one part time post of Housing Register and Allocations Officer be established at Grade D/E and the job description as set out in the report be approved; and**
- e) **funding be released from the Leader's Position Statement Initiative provision in the sum of £10,000 for 2003/04 and in the sum of £23,600 from 2004/05 and in future years.**

Chairman

(The meeting ended at 11.05 pm.)

## GLOSSARY OF TERMS

<b>Assumed National Council Tax (ANCT)</b>	The difference between Total Assumed Spending and Aggregate External Finance is approximately the amount that would be raised in Council Tax if local authorities as a whole spent at the level of their <b>Formula Spending Shares</b> . Dividing this total amount by the total Council Tax base produces an assumed national tax rate. This then gives the standard level of Council Tax for a band D property if all authorities spent at the level of their Formula Spending Share. This amount is used to work out how the Revenue Support Grant should be shared between authorities. Formerly known as 'Council Tax for Standard Spending'.
<b>Business Rates</b>	Business rates are collected by the Council from business premises in the Borough and paid over to the national pool. This is redistributed to all Authorities on a population basis.
<b>Council Tax</b>	The Council Tax replaced the Community Charge from 1st April 1993. It is charged on all domestic properties in the Borough and will vary according to which Band the property has been placed in. Discounts will be applied to the charge if there are less than two liable adults living in the property.
<b>Formula Grant</b>	The amount paid by the Government in support of the Council's annual budget requirement. It comprises <b>Revenue Support Grant</b> and redistributed <b>Business Rates</b> .
<b>National Non Domestic Rates (NNDR)</b>	See <b>Business Rates</b> .
<b>Revenue</b>	Income and expenditure relating to the day to day running costs of the Authority.
<b>Revenue Support Grant (RSG)</b>	A Government grant to make up the shortfall between a local authority's Formula Spending Share and the amount it would receive from Assumed National Council Tax and redistributed business rates. The total amount is set out in Section 2 of the Local Government Finance Report.
<b>Formula Spending Share (FSS)</b>	The amount calculated by the Government which is a way of dividing up the national Total Assumed Spending between local authorities. This is not an assessment of the Council's real need to spend but an assessment of its relative entitlement to Formula Grant compared with all other authorities.
<b>Tax Base</b>	The amount of money that is raised for every £1 of Council Tax levied in the area. The tax base information used by the Government in the Grant Settlement is based on the actual position in October 2001. This differs from the tax base determined by the Council because the Council is required to take into account projected variations (new properties etc.) over the course of 2004/05.

Calculation of Formula Spending Share

1

Client Group	Additive Top-Ups				G = B + C + D + E + F	H	I = G * H	J = (G + I)	K = (A * J)	
	A	B	C	D						£'s
<b>Table K - EPCS Lower Tier</b>	<b>Total Resident Population</b>	<b>Basic Amount</b>	<b>Deprivation Top-Up</b>	<b>Visitors and Commuters Top-Up</b>	<b>Density Top-Up</b>	<b>Sparsity Top-Up</b>	<b>Additive Top-Up Sub-Total</b>	<b>Area Cost Top-Up</b>		
	£'s	£'s	£'s	£'s	£'s	£'s	£'s	%	£'s	£ mn's
<b>SURREY</b>										
Elmbridge	124,285	72.81	11.75	1.26	20.56	2.12	108.50	13.4%	14.53	15.288
Epsom and Ewell	66,797	72.81	12.25	1.47	21.91	0.94	109.38	13.4%	14.65	8.283
Guildford	128,944	72.81	11.54	1.55	17.27	7.74	110.91	13.4%	14.85	16.214
Mole Valley	80,285	72.81	10.73	1.53	13.27	10.43	108.77	13.4%	14.56	9.901
Reigate and Banstead	126,287	72.81	12.50	0.92	19.30	3.10	108.63	13.4%	14.55	15.553
<b>Runnymede</b>	<b>78,887</b>	<b>72.81</b>	<b>11.65</b>	<b>1.78</b>	<b>18.72</b>	<b>3.91</b>	<b>108.87</b>	<b>13.4%</b>	<b>14.58</b>	<b>9.737</b>
Spelthorne	89,700	72.81	13.99	1.51	24.19	1.54	114.04	13.4%	15.27	11.597
Surrey Heath	79,734	72.81	9.21	1.41	17.33	3.88	104.63	13.4%	14.01	9.458
Tandridge	79,574	72.81	11.91	1.31	11.62	11.13	108.79	13.4%	14.57	9.815
Waverley	115,976	72.81	11.61	1.01	12.38	10.40	108.21	13.4%	14.49	14.228
Woking	89,431	72.81	12.82	1.03	23.82	2.12	112.61	13.4%	15.08	11.417

2

Table L - EPCS Other	Additive Top-Ups		Flood Defence Top-Up	Sum of Other EPCS Top-Ups	TOTAL FORMULA SPENDING SHARE
	A	B			
<b>SURREY</b>					
Elmbridge	300.0	127.5	0.428	0.428	15.715
Epsom and Ewell	300.0	26.3	0.326	0.326	8.609
Guildford	300.0	277.6	0.578	0.578	16.791
Mole Valley	300.0	37.5	0.338	0.338	10.238
Reigate and Banstead	300.0	68.5	0.368	0.368	15.921
<b>Runnymede</b>	<b>300.0</b>	<b>336.6</b>	<b>0.637</b>	<b>0.637</b>	<b>10.374</b>
Spelthorne	300.0	87.2	0.387	0.387	11.984
Surrey Heath	300.0	484.8	0.785	0.785	10.243
Tandridge	300.0	32.6	0.333	0.333	10.147
Waverley	300.0	112.5	0.413	0.413	14.640
Woking	300.0	124.7	0.425	0.425	11.842

EPCS Lower Tier plus EPCS Other		Capital Financing	TOTAL FORMULA SPENDING SHARE
£ mn's	£ mn's	£ mn's	£ mn's
15.715	-0.058		15.658
8.609	0.197		8.806
16.791	0.020		16.812
10.238	-0.099		10.139
15.921	-0.118		15.803
<b>10.374</b>	<b>-0.126</b>		<b>10.248</b>
11.984	-0.145		11.840
10.243	0.095		10.339
10.147	-0.092		10.056
14.640	-0.082		14.558
11.842	0.196		12.037

**Local Government Pension Scheme**  
**Phase 2 Policy Proposals Discussion Paper**

**APPENDIX E**

**Background**

1. The Department's letter of 23 July promised a policy discussion paper would be circulated to LGPS interests for their comments as part of the implementation of Phase 2 of the Strategy announcement. Comments received on this paper will be carefully considered and, subject to Ministers' Agreement, be translated into draft amending regulations for statutory consultation in early 2004 and take effect, in part, from 1 April 2005. Certain provisions will come into effect on 6 April 2005 to be commensurate with changes to overriding legislation.

**Policy Context**

2. It is simply not the case that the LGPS can remain as it is. The influence for change which has emerged from the current Stocktake exercise, the Government's proposals announced in the recent Pensions White Paper, the Inland Revenue's consultation paper and the ever-changing social and political context of pensions, in both the public and private sectors, makes some change in the LGPS inevitable.
3. If the LGPS is to retain its status as a funded, final salary public service pension scheme it must –
  - be able, through all its stakeholders, to positively adapt to ongoing changes in local government and its broader workforce framework;
  - respond constructively to emerging pension and related policy developments;
  - remain fully focused on the advantages and responsibilities arising from its statutory basis; and essentially
  - remain both affordable and sustainable taking account of all its stakeholders: Scheme members, employers and tax payers.

**Strategy**

4. In July, Ministers announced a phased programme of wide-ranging policy-based, regulatory amendments to the current LGPS framework.
5. Phase 1 involves taking forward a number of regulatory amendments to the current Scheme regulations. A statutory consultation exercise on those changes began on 30 September 2003. Subject to a consideration of the responses to that package and Ministers' agreement, the amendments will come into effect on 1 April 2004. It is Ministers' intention also, as part of the current consultation package to introduce a Funding Strategy Statement requirement in the Scheme with effect from 1 April 2004 and for the Statement be in place and fully operational by 31 March 2005.
6. Phase 2 of the programme, of which this paper is an integral part, will not only progress the elements of Phase 1 but will, more significantly, reflect in the LGPS the policy changes required for occupational pension schemes generally. These changes are set out in the Government's White Paper, *Simplicity, security and choice: Working and saving for retirement – Action on occupational pensions* (Cm 5835) and foreshadowed also in the Inland Revenue's consultation paper, *Simplifying the taxation of pensions: increasing choice and flexibility for all*. In addition, this paper includes a number of changes to the LGPS framework which stem from representations made to the Department as contributions to the current Stocktake exercise.

**Longer Term Perspective**

7. The inevitability of change within the current LGPS statutory framework has been mentioned above. There is a parallel inevitability about the whole pension context in both the public and private sectors and particularly for occupational pension schemes.

8. The Strategy announcement of July last is a key step to update the existing LGPS framework so that, with effect from 2005, several key steps will have been taken to ensure that Ministers' intentions for the current Scheme are achieved.
9. Ministers, given their stewardship responsibilities, have frequently stated their wish to see the LGPS remain a funded, final salary, public service pension scheme. However, to achieve this, the LGPS must be regulated on the basis of fairness and affordability, and be proportionate in terms of the balance between the benefits which are provided for its members and the costs which are incurred by its providers.
10. The Strategy implementation phases have been designed to ensure that the LGPS will be compliant with recently announced Government policy for occupational pension schemes and strive towards that balance. At the same time, the Strategy provides a regulatory platform to take forward the longer term development of the Scheme towards the latter stages of the current decade.
11. In 2004, on the completion of the Stocktake's second stage, Ministers will be well placed to consider how best to bring together all the findings of that exercise. A consultation package later in that year is planned to discuss the Scheme's future, against the background of the Government's White Paper proposals to allow schemes the freedom to amend members' accrued rights, provided that the actuarial equivalent value of those rights is maintained at the point of change. The significance of these proposals is that one opinion might see LGPS accrued rights transferred to an actuarially equivalent new scheme, from a future date.
12. Subject to Ministers' wishes, proposals might then be developed, in conjunction with all stakeholders, to provide a new single regime designed to meet the needs of both the current and future local government workforce. Such an approach could facilitate significant simplification of the current Scheme and, at the same time, provide a single benefit regime, free of historical complexity and multiple tiers of complex date-dependent rights.

#### **Proposals for Change to the Current LGPS Framework**

13. This discussion paper sets out those changes to the current Scheme which are intended to be included in the second phase amendment package, designed to come into effect, for the most part, in 2005.
14. The changes currently envisaged include:-
  - the removal of the '85 year rule' provisions for all new Scheme members;
  - propositions for the equitable phasing out of the '85 year rule' for existing members;
  - increasing the earliest age at which LGPS benefits may be paid, other than on the grounds of ill-health, from 50 to 55;
  - the introduction of flexible retirement and incentivisation methods to encourage Scheme members to remain in employment;
  - to further streamline LGPS IDRPs provisions in line with the amendments likely to emerge from a forthcoming Pensions Bill;
  - further simplification changes to the Scheme's regulatory framework; and
  - a thorough assessment of the merits and demerits of options to increase the present level of employee contributions from pay to the Scheme.
15. The above list sets out the principal areas of potential change which Ministers, in their 23 July announcement, saw as appropriate and which, subject to the outcome of this exercise and subsequent statutory consultation processes next Spring, would take effect within the current LGPS framework from April 2005. Paragraphs 51-59 outline some other issues on which the views of consultees are also invited.
16. Each area of change is discussed below against the background, where appropriate, of Government policy and within a LGPS context of change. All references are to regulations in the extant Scheme regulations – the Local Government Pension Scheme Regulations 1997 as amended. Consultees are invited to comment on the questions raised and on the overall thrust of the package of measures which, collectively, are aimed at introducing several immediate, beneficial and cost effective changes to the Scheme, as well as providing a stronger basis for any future, longer term reforms.

### Removal of the '85 year rule' for new members

17. Chapter 4 of the White Paper, *Simplicity, security and choice; Working and saving for retirement: Action on occupational pensions (Cm 5835)*, sets out the Government's intention to raise the normal pension age in public service pension schemes to 65. The Government indicated its intention to proceed with this proposal through reviews of public service pension schemes and in consultation with employers and employer representatives. The White Paper also indicated that by no later than 2006, all new staff in public sector pension schemes will join on the new conditions.
18. At present the LGPS already has a normal retirement age of 65 for members who joined the Scheme after 31 March 1998. However, certain other members have a normal retirement date between age 60 and 65. Further, regulation 31 provides that members can retire before attaining age 65 with unreduced benefits provided that their age and length of membership satisfy what is commonly known as the "85 year rule".
19. Therefore, to align the LGPS with the Government's policy proposals, amendments to the current regulations are required. These could be drafted to provide that no person who, in any relevant employment, becomes an active member of the Scheme after the date of the amendment will be entitled to the payment of unreduced LGPS benefits in relation to that period of membership before age 65. Where benefits are paid early due to retirement on grounds of ill-health or, subject to consultation, redundancy, they will continue to be paid on an unreduced basis.
20. The Government's proposals require amendments to public service schemes, such as the LGPS, to apply to all new staff by no later than 2006. However, given the views of several LGPS stakeholders – including the Employers' Organisation for Local Government in its response<sup>1</sup> to the *Retirement Benefit Package Options Discussion Paper* (published by the Department on 9 September 2002) – it is currently proposed to introduce this change with effect from 6 April 2005.

### Phasing of the '85 year rule' for existing members

21. The effect of the Government's proposals, as described above, is that future public service pension benefits will not be paid before age 65, unless actuarially reduced, other than to those whose employment ceases on grounds of ill-health or, subject to the consideration of responses to this paper, redundancy. The Government has, however, indicated that all pension rights, accrued from past service, will be fully protected.
22. The majority of respondents to the Department's October 2002 *Retirement Benefit Package Options Discussion Paper* indicated support for the Government's proposal to increase the retirement age of public service pension schemes to 65 with no unreduced benefits normally payable before that age. Further, a number of respondees, including the Employers' Organisation for Local Government, requested that regulatory changes to give effect to this are implemented as soon as practicable.
23. This discussion paper, therefore, seeks consultees' views on the best means to implement the necessary changes and, in particular, how the higher pension age should apply to the future service of existing staff, and how to ensure that any transitional arrangements are equitable.
24. The Department presently envisages amendments, to be introduced with effect from 1 April 2005, to provide that any benefits arising from membership after that date would be actuarially reduced, if paid before age 65. One possible approach could be to introduce a provision to pay LGPS benefits at the age at which the member would currently satisfy the rule of 85. Where such benefits are brought into payment, those arising from membership prior to 6 April 2005 would be paid unreduced, but benefits arising from membership after that date would be actuarially reduced to reflect the fact that they are being brought into payment before age 65.

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<sup>1</sup> The Employers' Organisation for Local Government's response to the *LGPS Retirement Benefits Package Options Discussion Paper* is jointly agreed by the Local Government Pensions Committee, the Board of the Employers' Organisation and the Local Government Association's Human Resource Executive.

25. For example: a member has 20 years membership at the date the amendments come into effect and attains age 50 on 31 March 2005. He continues to accrue post 6 April 2005 membership for a further 10 years, until he attains age 60 on 31 March 2015. As he would have met the requirements of the rule of 85 on 31 March 2015 his benefits could be paid at that age if he so elects. Of his 30 years membership of the Scheme 20 years were accrued before 6 April 2005 and a further 10 years accrued after that date. Accordingly his LGPS pension would be calculated on the basis on 20/80ths of his final pay + 10/80ths of his final pay reduced by the amount shown in guidance issued by the Government Actuary. The reduction applied to the 10/80ths reflects the fact that the benefits arising from the 10 years accrued after 6 April 2005 are being paid 5 years before the member attains age 65.
26. Further, consideration could be given to enabling a member to elect for the early payment of pre 1 April 2005 benefits at the age they would currently satisfy the rule of 85. Benefits arising from membership after 6 April 2005 could be, at the same time, deferred until the member attains age 65.
27. Interested parties may wish to comment on such an approach and/or to suggest alternative means of introducing the necessary Scheme changes.

**Increasing the earliest age at which LGPS benefits may be paid, other than on the grounds of ill-health, from 50 to 55**

28. Chapter 5 of the Inland Revenue's consultation paper '*Simplifying the taxation of pensions: increasing choice and flexibility for all*' indicated that, as part of the reform of tax rules for pensions, the Government intends to increase the minimum age at which tax privileged pension benefits can be drawn – the minimum benefit age – from 50 to 55 in 2010. It stated that there is a good case for leaving it up to each pension scheme to make its own choices about how any necessary adjustments to its rules are to be made. It also stated that, alternatively, the tax rules could prescribe a phased rise in the minimum benefit age from implementation to 2010. The White Paper reiterated that the Government will increase the earliest age from which a pension may be taken from age 50 to age 55 by 2010.
29. Regulation 31 of the LGPS regulations currently provides that a member may elect to receive benefits from age 50, albeit that an election is ineffectual without the employer's consent if he elects before attaining age 60. Further, regulation 26 provides that where a member, who is aged 50 or more, retires from a local government employment, and his employing authority certify that the reason for his retirement was his redundancy, LGPS benefits are payable immediately.
30. Amendments are, therefore, required to increase the earliest age at which LGPS benefits can be paid, other than on grounds of ill-health, from age 50 to 55. Whilst the Government has indicated that Schemes will be required to comply with these changes by 2010, a number of respondees to the Department's October 2002 *Retirement Benefit Package Options* discussion paper, including the Employers' Organisation for Local Government, indicated that they consider the changes should be implemented in the LGPS at the earliest opportunity.
31. The Department believes that an amendment along these lines, to come into effect on 1 April 2005, would be beneficial to the Scheme and its stakeholders.

**Flexible retirement and incentivisation methods to assist retain Scheme members in employment**

32. In the Pensions White Paper the Government confirmed its intention to take forward proposals to extend the choice to scheme members about how and when they retire. Although the proposals primarily enable people to ease the transition from work to retirement, they also allow people the choice to continue in work for as long as they are capable and willing to do so. Inland Revenue will shortly publish their plans and will include proposals to offer employees who would like to carry on working for the same employer the opportunity to do so, while drawing on their occupational pension.
33. A twin track approach is currently proposed. Firstly, age discrimination legislation will be introduced by 2006 to prevent discrimination on age grounds, although its precise scope and content is subject to current consultation (the Department of Trade and Industry, Equality and Diversity: Age Matters, July 2003). In the meantime, the Government intends to promote further business benefits of age-positive employment practices to employers. Further flexibility will be achieved by relaxing current tax law to allow employees to continue in work whilst drawing on their occupational pension scheme. Again, the scope and content of the specific proposal will be available when the Inland Revenue's paper is published later in the year. Consultees are asked to consider them carefully.

34. In general terms, the ultimate changes regarding flexible retirement will also impact significantly on the LGPS Ill-Health Retirement Review which, from the outset, established as one of its major aims, the facility for employers to retain a healthy workforce and, wherever possible, to explore other alternatives to ill-health retirement. The proposals on flexible retirement will give employers this increased choice and a more effective range of tools to help retain their workforce in suitable employments.
35. Currently Regulation 20(4A) provides that when a member's LGPS benefits become payable where he has remained in employment after his 65<sup>th</sup> birthday, those benefits are actuarially increased for each day payment was deferred by. At present, where a member attains age 65 he can no longer continue to count additional membership (exceptions are currently made for specific persons). It seems appropriate to allow members to continue to contribute to the Scheme at any age. Where a member remains in employment past age 65, consideration could be given to the introduction of an appropriate improved accrual rate and it is believed that the forthcoming age discrimination legislation will allow for such an approach.
36. It is envisaged that the introduction of flexible retirement provisions in the LGPS will provide for employer discretions to assist in the on-going management of staff. Advantages are seen in the introduction of provisions for LGPS employers to allow members aged 55 or over to draw some or all of their accrued pension benefits whilst remaining in full or part time employment. The purpose of such an amendment would be to allow members to take a gradual approach to retirement where such an approach will support the business needs of the relevant employer, rather than all interests having to cope with the current 'cliff edge' experience. It should be possible to provide Scheme members with appropriate financial support to enable them to reduce their hours, or to transfer to a less onerous employment. The regulations could provide that such payments may only be made where there is a reduction in the hours and/or pay or, alternatively, such matters could be left for each employer to determine locally in a policy statement specifically provided for such events. Subject to the precise provisions of Inland Revenue's forthcoming proposals, members will be able to rejoin the LGPS in their new employment and will therefore accrue further pension benefits. Scheme employers could be required to formulate a policy as to how they will exercise this function and, subject to that, members would be able to make a request to their employer.
37. Views are invited, therefore, on the potential new options as follows:-
- Members who have attained age 65 and remain in relevant employment could be allowed to continue to accrue LGPS membership at an enhanced rate regardless of their total membership; or
  - Such members' LGPS benefits may be put into payment at age 65 and if they remain in relevant employment they may rejoin the Scheme and accrue further LGPS pension rights.
  - Members who have attained age 55 and meet any qualifying requirements (e.g. reduction in pay or hours / local policy statement criteria) may elect for payment of accrued LGPS benefits. Dependent upon Inland Revenue amendments to the tax regime, this could allow payment of LGPS retirement and pension or just payment of the retirement grant. Where benefits are brought into payment early under such provisions they would be actuarially reduced to reflect this fact; and
  - Such members would be allowed to continue in relevant employment with the Scheme Employer whilst drawing their accrued LGPS benefits and may also be allowed to rejoin the Scheme and accrue further membership.

**Further streamline the phase one amendments to the LGPS IDRPs provisions inline with the amendments to be made under the forthcoming Pensions Bill**

38. In its White Paper, the Government announced plans to rationalise the rules governing the way occupational schemes communicate with members; to streamline the procedure for dealing with disputes between trustees, managers and scheme members or beneficiaries, and to clarify the existing jurisdiction of the Pensions Ombudsman so that cases of maladministration by an occupational or personal pension scheme fall clearly within his remit. It is possible that simplified arrangements for IDRPs will feature in a forthcoming Pensions Bill with the expectation that new arrangements could come into force in 2005, or 2006.

39. Since they were introduced in April 1997, the Internal Dispute Resolution Procedure (IDRP) provisions of the Scheme have been reviewed several times. In 2002, the Department embarked on a series of consultation papers on different aspects of these arrangements but, following the publication of Alan Pickering's report "A Simpler Way to Better Pensions – An Independent Report" published in July 2002, the decision was taken to suspend action until after the Government had reached a conclusion on the recommendation to simplify the present arrangements.
40. In the meantime, and in light of the responses to the Department's own internal review in 2002, it is intended that amending regulations should come into force early in 2004 to streamline the present LGPS arrangements within the confines already laid down by the Pensions Act 1995. On this basis, there is no option other than to retain the existing two stage process in the short-term but there is nothing in the primary or secondary legislation that would prevent local government becoming responsible for both stages. This would place the LGPS in the position already intended by the Pensions Act 1995 with the consideration and determination of both Stage 1 and 2 cases being the responsibility of the sponsoring body itself, with no external referral. The transfer of Stage 2 from the Department to local government would also ease the transition to the simplified, single stage process envisaged by the Government's Pensions Green Paper.
41. Detailed proposals for amendments in 2005 will need to be developed to ensure the LGPS is aligned with legislative changes in the forthcoming Pensions Bill. In the meantime, consultees may wish to comment on the matters raised above.

#### **Simplification changes to the Scheme's provisions**

42. The Secretary of State for Work and Pensions, Andrew Smith, announced on 11 June that, in response to representations from the pensions industry, the Government will implement a new simplified regime for taxing pensions from April 2005. The detail of the new regime will be announced later this year. The Inland Revenue indicated in their consultation paper that all pension schemes can look ahead to the prospect of a common set of taxation rules for all members in the future. The Government intends that the new regime will be legislated in 2004, but will carry an effective date for all the changes of 6 April 2005.
43. The proposals to simplify the tax regime are generally well known to interested parties. The Department will incorporate amendments to the LGPS regulatory framework to reflect the new rules as soon as possible. Draft amending regulations, to be issued in Spring 2004, will identify the necessary changes well in advance of them coming into effect in 2005. It is envisaged that the amendments will provide further significant simplifications in the regulatory framework and will enable the majority of members to contribute more freely, on a voluntary basis, to provide additional pension benefits and for providers to use simpler regulations.

#### **Employees' Contribution Rate**

44. Currently in the LGPS, the employee contribution rate is 6% of pensionable pay, although certain Scheme members pay 5% because of transitional arrangements for manual workers who were members of the Scheme prior to 1997.
45. As part of the inexorable increase over the past decade, and more, in pension scheme costs, the Employers' Organisation, individual local authority LGPS employers and professional bodies have identified a case for employees to pay more for their pension benefits and so contribute more towards the costs of their provision. Key drivers in this argument are the recent decline in the value of equities and revised actuarial assumptions for improved longevity, as well as increasingly adverse press coverage when comparisons are made with recent experiences in private sector occupational schemes.
46. Historical analysis by an independent actuarial practice, specialising in the LGPS, has shown that although most members now contribute at 6% of pay, their share of the cost has fallen to around 30%. They comment that contributions would have to rise to between 7% and 8% of pay to give the same share of the cost as achieved in 1926. Actuarial estimates submitted during the Stocktake process indicate that the average employer contribution for future LGPS provision is some 12% and the 2001 actuarial valuation exercise produced an average figure of 13% in England and Wales.

47. In response to numerous discussions and seminars with interested parties and comments made on the October 2002 Stocktake discussion paper on retirement benefit package options for the future, a range of possible scenarios have been put to the Department. The range also allows for several permutations – in brief, they are
- increase the employee contribution rate for new Scheme members only by 1% of pensionable pay to reflect particularly the increased longevity of this new group of members;
  - increase the employee contribution rate for all Scheme members by an additional 1% of pensionable pay to reflect the increased longevity of members and the past service costs;
  - increase the employee contribution rate for all members by 2% to restore the balance of costs, based upon a 40:60 balance between employee and employer, that was extant when the Scheme commenced and to meet other cost-inducing factors normally met by employers;
  - amend the benefits package to restore the balance of costs between employees and employers or, in changing it by means of specific improvements, to add in much sought after items, for example, pensions for partners or improved death in service terms; and
  - introduce a more flexible and salary linked contribution tariff so that, for example, full time employees earning a prescribed salary, or above, would pay 6% plus a further amount. Proposals in the Stocktake exercise have involved lower contributions for lower benefits.
48. There are other aspects to consider at a more local level in taking into account aspects of equity, affordability and fairness. Is there, for example, scope for a more localised approach to pension cost provision with employers in the local authority sector having powers to vary employee contributions, within a tariff framework, given prescribed circumstances?
49. In these options, and others, there are merits and demerits. Consultees are asked to carefully consider each of the options, as well as the principle of such a step to be set against other policies, already endorsed by the Government, the Employers' Organisation for Local Government and the TUC, to maximise Scheme take-up as part of an emerging policy to develop the attractiveness of the Scheme, especially among new employees but also to improve membership levels generally.
50. Consultees, in preparing their responses, will no doubt wish to consider carefully the current context surrounding pension provision in the public sector and to take account of the concerns being expressed, in some quarters, about employers' present and future affordability of pension provision. It is important, therefore, when weighing up issues of affordability and potential cost transference in the balance of each schemes' provision, to itemise the specific employer and other costs of each public service pension scheme in order to identify the real impact each has on employers and then tax payers.

### **Partners Benefits**

51. Currently the LGPS provides survivor benefits on the death of a scheme member to a married spouse and dependant children. Government policy on extending the range of qualifying survivors to include unmarried partners is that such benefits may be provided if the general membership want them and are prepared to meet the additional costs (set out in Cm 4179 *A new contract for welfare: Partnership in Pensions*, dated December 1998).
52. The Department considered proposals to provide partners' pensions in the LGPS which were submitted jointly by the Employers' Organisation and the Trade Unions in 2001/2. The Department invited the parties to develop the proposals in a way that would better fit Government policy that the additional costs should be borne by the membership, and take them forward in the Stocktake Review. The issue has been initially addressed in the *Retirement Benefit Package Options Discussion Paper*.
53. Separately, the Government has recently consulted on proposals to create a new legal status of civil registered partner for same sex partners who register under a new scheme, giving them specific rights and responsibilities ("*Civil Partnership: A framework for the legal recognition of same-sex couples*" published by the Department of Trade and Industry, dated 30 June 2003). One of the rights proposed on the death of a registered partner would be the right to claim survivor benefits, including a pension, in the same way as married partners. Any resultant over-riding national legislation would need to be reflected in the LGPS. These proposals do not extend to opposite sex unmarried partners, for whom the option of marriage and therefore to have their relationship acknowledged by law is available, and to whom existing Government policy, as outlined above, continues to apply.

## **Redundancy**

54. The Employers' Organisation for Local Government have made representations to the Department that, alongside changes to the minimum benefit and normal retirement ages within the LGPS, consideration be given to amending the redundancy provisions of the Scheme. They have requested that consideration be now given to provide that no automatic payment of unreduced LGPS benefits arises where a member who has attained age 55 retires from employment on redundancy grounds. Rather, they consider that benefits payable on redundancy grounds prior to age 65 should be payable at the employee's choice and subject to actuarial reduction, with the option for the employer to waive or reduce the actuarial reduction. Amendments could require that the cost of waiving any reduction would be met by a capital payment to the fund by the relevant employer.
55. Regulation 26 currently provides that where a member who is aged 50, or more, retires from a local government employment and his employing authority certify that the reason for his retirement was his redundancy, unreduced LGPS benefits are payable immediately. Government policy is that future public service pension benefits should not normally become payable before age 65, unless they are actuarially reduced.
56. Consultees are invited to comment on the proposition that the Scheme should now be amended to provide that LGPS benefits arising from future membership of the Scheme will not be automatically paid unreduced where employment ceases on grounds of redundancy and prior to the member attaining age 65, unless the relevant employer determines that the reduction be waived.
57. Consultees may also wish to consider whether a locally determined approach to policy on the waiving of actuarial reductions is preferred. The regulations could, for example, introduce a requirement for each employer to produce a policy statement concerning their exercise of any discretion to waive an actuarial reduction where benefits become payable on redundancy grounds. Alternatively, guidelines could be produced, either by the Department or other authoritative body, which employers would be required to have regard to in considering whether to waive an actuarial reduction.
58. In this context views are also invited on the scope of any desired changes to the Local Government (Early Termination of Employment)(Discretionary Compensation) Regulations 2000.

## **Discretionary Payments**

59. The scope of the Stocktake exercise did not include any specific examination of the provisions contained in the Local Government (Early Termination of Employment)(Discretionary Compensation) Regulations 2000. In due course it will be necessary to ensure that any changes to the LGPS which impact on these provisions are taken into account. A number of issues discussed above and other external influences now highlight the need for interested parties to comment further, as necessary, on any desired changes to the 1996 Regulations. Interested parties views would be welcomed.

**Local Government Pensions Division  
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