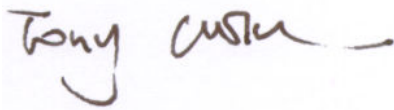


To: **Members of the Pension Benefits Sub-Committee**

Notice of a Meeting of the Pension Benefits Sub-Committee

Thursday, 29 October 2009 at 4.00 pm



Tony Cloke
Assistant Head of Legal & Democratic Services

October 2009

Contact Officer: **Geoff Malcolm**
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Membership

Chairman – Councillor Kieron Mallon
Deputy Chairman - Councillor Ray Jelf

Councillor Roz Smith

Notes:

- **Venue: Court House Annexe**
- **Date of next meeting: 7 January 2010**

The agenda is attached

Declarations of Interest

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Section DD of the Constitution for a fuller description.

The duty to declare ...

You must always declare any "personal interest" in a matter under consideration, ie where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

Whose interests are included ...

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

When and what to declare ...

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

Taking part if you have an interest ...

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

"Prejudicial" interests ...

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

What to do if your interest is prejudicial ...

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Exceptions ...

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

Seeking Advice ...

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes (Pages 1 - 2)**

To approve the minutes of the meeting held on **3 September 2009 (PB3)** and to receive for information any matters arising from them.

4. **Petitions and Public Address**

EXEMPT ITEMS

It is RECOMMENDED that the public be excluded for the duration of items PB5E, PB6E, PB7E and PB8E in the Agenda since it is likely that if they were present during those items there would be disclosure of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972 (as amended) and specified in relation to the respective items in the Agenda and since it is considered that, in all the circumstances of each case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

THE REPORTS RELATING TO THE EXEMPT ITEMS HAVE NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS STRICTLY PRIVATE TO MEMBERS AND OFFICERS ENTITLED TO RECEIVE THEM.

5. **Exempt Minutes (Pages 3 - 4)**

To approve the exempt part of the minutes of the meeting held on **3 September 2009 (PB5E)** and to receive for information any matters arising from them.

The public should be excluded during this item because its discussion in public would be likely to lead to the disclosure to members of the public present of information in the following prescribed categories:

- *(1) Information relating to any individual;*
- *(2) Information which is likely to reveal the identity of an individual;*
- *(3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that such disclosure would infringe the rights of the individual to privacy contrary to the general law and the duty of the authority to respect human rights and to comply with that law and contrary to the authority's duties as a fair employer.

6. Matters Arising from the Exempt Minutes

The public should be excluded during this item because its discussion in public would be likely to lead to the disclosure to members of the public present of information in the following prescribed categories:

- (1) Information relating to any individual;
- (2) Information which is likely to reveal the identity of an individual;
- (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)

and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that such disclosure would infringe the rights of the individual to privacy contrary to the general law and the duty of the authority to respect human rights and to comply with that law and contrary to the authority's duties as a fair employer.

7. Re-tendering of Transport Contract & Re-structuring of the Transport Service (Pages 5 - 8)

Report by Director for Environment & Economy (**PB7E**).

The public should be excluded during this item because its discussion in public would be likely to lead to the disclosure to members of the public present of information in the following prescribed categories:

- (4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office-holders under the authority

and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that such disclosure would infringe the rights of the individual to privacy contrary to the general law and the duty of the authority to respect human rights and to comply with that law and contrary to the authority's duties as a fair employer.

The report provides the Sub-Committee with an update on the Transport contract re-tendering process and the associated restructuring of the Transport Service and seeks approval in principal for consideration of early retirement for some transport staff.

8. Applications for Premature Retirement (Pages 9 - 26)

The Democracy & Organisation Committee, as the Employing Authority, has delegated to this Sub-Committee the determination of benefits for individual applications for early retirement.

Report **PB8E** sets out 6 applications for early retirement in total.

The public should be excluded during this item because its discussion in public would be likely to lead to the disclosure to members of the public present of information in the following prescribed categories:

- *(1) Information relating to any individual;*
- *(2) Information which is likely to reveal the identity of an individual;*
- *(3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that such disclosure would infringe the rights of the individual to privacy contrary to the general law and the duty of the authority to respect human rights and to comply with that law and contrary to the authority's duties as a fair employer.

The Sub-Committee is RECOMMENDED to note the cases for early retirement and to determine the individual benefits to be paid.

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PENSION BENEFITS SUB-COMMITTEE

MINUTES of the meeting held on 3 September 2009 commencing at 4.00 pm and finishing at 4:15 pm.

Present:

Voting Members: Councillor Kieron Mallon - in the chair

Councillor Ray Jelf
Councillor Roz Smith

Officers:

Whole of meeting: S. Corrigan, K. Shortt, G. Malcolm (Corporate Core).

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with [a schedule of addenda tabled at the meeting, copies of which are attached to the signed Minutes.

24/09 MINUTES

The Minutes of the meeting of the Committee held on 23 July 2009 were approved and signed.

25/09 EXEMPT ITEMS

(Agenda Item 5E)

RESOLVED: that the public be excluded for the duration of items PB5E, PB6E and PB7E in the Agenda since it is likely that if they were present during those items there would be disclosure of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972 (as amended) and specified in relation to the respective items in the Agenda and since it is considered that, in all the circumstances of each case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PROCEEDINGS FOLLOWING THE WITHDRAWAL OF THE PRESS AND PUBLIC

26/09 EXEMPT MINUTES

The Exempt Minutes of the meeting held on 23 July 2009 were approved and signed.

.....in the Chair

Date of signing.....2009

** The reports relating to the exempt items had not been made public and should be regarded as strictly private to those members and officers entitled to receive them.*

**BELOW IS A SUMMARY OF THE EXEMPT MINUTES ARISING FROM
AGENDA ITEM 7E**

APPLICATIONS FOR PREMATURE RETIREMENT
(Agenda Item 7E)

The Sub-Committee determined 1 application for early retirement.

Agenda Item 5

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

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of the Local Government Act 1972.

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