



North Devon Council

Report Date: Wednesday, 15 January 2025

Topic: Amendment to Annexe 2 to Part 3 Constitution

Report by: Simon Fuller, Senior Solicitor and Monitoring Officer

1. INTRODUCTION

1.1. An amendment to the delegated power given to the Chief Executive to allow for an ability to approve early retirement for staff where there is a small pension strain cost (not material) by a member of staff.

2. RECOMMENDATIONS

2.1. The Council varies paragraph 3.25 to Part 3 Annexe 2 of the Constitution with the addition of the underlined text as follows:

To determine applications for flexible and early retirement and also for early release of pension where the decision will not result in a net cost to the Council calculated over the following six months from the applicable date.

3. REASONS FOR RECOMMENDATIONS

3.1. To allow the Chief Executive to approve early retirement applications where there is a small cost but these small costs are offset by any changes within the service such as the postholder reducing their hours or other structural changes as part of their request put forwards by their Manager, resulting in net savings offsetting the above cost and providing an ongoing saving.

3.2. Any early retirement application that incurs a more substantive cost remains reserved to the Governance Committee to approve.

4. REPORT

4.1. Currently at paragraph 3.25 of the scheme of officer delegations for the Chief Executive (in Annexe 2 to Part 3 of the Constitution), it provides the delegated power:

To determine applications for flexible and early retirement and also for early release of pension where the decision will not result in a net cost to the Council.

4.2. There are, and have been in the past, occasions where there may a small pension strain cost (not material) by a member of staff requesting flexible or early retirement. In most cases, these small costs are offset by any changes within the service such as the postholder reducing their hours or other structural changes as part of their request put forwards by their Manager,



resulting in net savings offsetting the above cost and providing an ongoing saving.

4.3. However, the way the delegation is written means that any cost coming forwards on pension strain (even if very small, for instance less than £100) means that officers currently have to take a report to Governance Committee to ask members to approve such a retirement case, even if there were significant savings from reduced hours to offset the non-material cost.

4.4. What is therefore proposed is to amend paragraph 3.25 of Annexe 2 to Part 3 of the Constitution to reflect the wording set out in recommendation 2.1 that in essence would allow the Chief Executive to approve these minor occasions where there is a small net cost but the initial savings achieved cover off this net cost over the following few months.

5. RESOURCE IMPLICATIONS

5.1. Approving this change should allow for small salary savings by making approval of early retirement applications, as covered by the revised wording, more efficient rather than having to wait for the next Governance Committee.

6. EQUALITIES ASSESSMENT

6.1. It is considered that this proposal has no relevance to equalities and the protected characteristics because it is not changing any policy as to how early retirement is considered, only who approves it if there is no net cost over the 6 months following the applicable date.

7. ENVIRONMENTAL ASSESSMENT

7.1. There are no environmental implications arising from the proposals in this report.

8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

8.1.1. The commercialisation agenda: The change proposed by this report should result in small salary savings via a more efficient early retirement approval process in relevant cases

8.1.2. Improving customer focus: None

8.1.3. Regeneration or economic development: None

9. CONSTITUTIONAL CONTEXT

9.1. The decision in respect of the recommendations in this report can be made pursuant to Article 4.5.1 of the Constitution.



10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

Constitution

12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Simon Fuller, Senior Solicitor and Monitoring Officer