

## TOWN CLERK PENSION COMMITTEE

9.00AM

25TH FEBRUARY 2004

**PRESENT:-** Councillors J. Ravetz (Chairman), J. Dent, E. Heath, A. G. Johnson, G. Millar, P. M. Quinton and J. Ravetz

Officers in Attendance:

Chief Executive  
Head of Legal Services  
Head of Administration Services

### 6. PENSION OF FORMER TOWN CLERK MR WILLIAM PEARSON

In accordance with Minute No. 5 (2), a draft of the Committee's decision had been circulated to enable Members to agree the precise wording.

A number of suggestions for clarifying the wording were discussed in detail and a small number of amendments were agreed.

Members felt that the final wording, which would form an exempt minute, reflected their previous discussions and explained the reasoning behind the decision that they had reached.

On being put to the vote, the Committee unanimously agreed the following resolution.

***Resolved:***

The Committee has considered all the available information, including all the representations made on behalf of Mr. Pearson, in respect of the decision taken by the Council's Finance and Resources Policy Committee on 6<sup>th</sup> April 1995 relating to the early retirement of the then Town Clerk, Mr. William Pearson, and, by reference to the possible grounds of unlawfulness as set out in the report to Council of the 17th December 2003, resolves as follows:

1. "Efficiency".

The Committee has noted that, the reason of redundancy not being relevant in this case, the discretion in Regulation 5 of the Local Government (Compensation for Premature Retirement) Regulations 1982 could only be applied where employment ceased "in the interests of the efficient exercise of the authority's functions". On the limited evidence available and on the balance of probability, the Committee resolves that the Policy Committee did not consider the matter of efficiency, and that the decision was unlawful on this ground. The Committee has noted in particular that the matter of efficiency was not mentioned in the report and there is no record of it being discussed at the meeting. The Committee has noted that some Members knew that the criteria under Regulation 5 had to be met. However, the Committee is satisfied on the evidence available that not all Members were aware of this, and that it was not taken into account when the Policy Committee took its decision on the 6th April 1995.

2. "Reward"

The Committee has found that there is insufficient evidence to show that the decision in April 1995 was made on the basis of reward and therefore resolves that the decision was not unlawful on this ground.

## 3. "Cost of Added Years"

The Committee is satisfied that financial information was not given to Members either in the report or orally at the meeting on 6<sup>th</sup> April 1995, since it was specifically stated in the minutes of the meeting that the City Treasurer would determine the cost of the enhancement after the meeting. The Policy Committee did not consider the likely cost, and this was not lawful. The Committee therefore resolves that the decision was unlawful on this ground.

## 4. "Application of Policy"

The Committee is satisfied that the Policy Committee simply applied automatically to Mr. Pearson the then Council practice of granting maximum added years as a matter of course, and did not consider whether there was any reason to depart from this practice. The Committee considers that Members of the Policy Committee in 1995 knew that they could make a decision not to apply maximum years' enhancement, but that without any information on the number of years of Mr. Pearson's service to show what that enhancement would mean, they were unable to give the matter proper consideration. Furthermore, whilst the Committee believes that the Policy Committee would have been aware of Mr. Pearson's length of local government service, there is no indication that there was any knowledge of or separate consideration of the length of his service as Returning Officer. Had the Policy Committee known his length of service as a Returning Officer, this would have enabled it to give meaningful consideration to the number of added years which could or should be granted, rather than applying the practice of simply granting maximum added years. The Committee therefore resolves that the decision was unlawful on this ground.

Overall, the Committee therefore has resolved that the decision of the Council's Finance and Resources Policy Committee on 6<sup>th</sup> April 1995 relating to the early retirement of the then Town Clerk, Mr. William Pearson was unlawful on each of the grounds given at 1, 3 and 4 above. The Committee considers that the decision would be invalid if any one ground had been established, but is satisfied that three of the four grounds are established.

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Chairman

(The meeting finished at 10.00 a.m.)

**Any queries regarding these Minutes, please contact  
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on Lancaster 582060 or e-mail [Gnoall@lancaster.gov.uk](mailto:Gnoall@lancaster.gov.uk)**