

**MINUTES OF THE GENERAL PURPOSES COMMITTEE**  
**Thursday, 3<sup>rd</sup> May 2007 at 8.00 pm**

PRESENT: Councillor John (Chair) and Councillors Blackman (Vice Chair), Beswick, D Brown, V Brown (alternate for Bessong), Colwill, Castle (part), Lorber, J Moher, and Wharton.

Apologies were received from Councillor D Long.

**1. Declarations of Interest**

There were none.

**2. Minutes of Previous Meetings**

RESOLVED:-

that the minutes of the previous meeting of the General Purposes Committee on 16<sup>th</sup> January 2007 be received and approved as an accurate record.

**3. Matters Arising**

There were none.

**4. Deputations**

There were none.

**5. Pension scheme access for the Avigdor Hirsch Torah Temimah Primary School**

Duncan McLeod (Director of Finance and Corporate Resources) introduced the item by noting the background to the report before the Committee. Members were reminded that at the last meeting on 16<sup>th</sup> January 2007, they had received a report regarding pension scheme access at the Avigdor Hirsch Torah Temimah Primary School. The Committee had been asked to pass a statutory resolution permitting a specified employee of the school's non-teaching staff to become a member of the Local Government Pension Scheme (LGPS). However, given that a number of queries and concerns had been raised at the meeting, it had been agreed that the decision should be deferred pending further information from the school. In particular, clarification had been requested about the fact that an application had only been made for a single member of the school's non-teaching staff.

It was advised that the current report before the Committee presented supplementary information from the Avigdor Hirsch Torah Temimah Primary School, with the response to specific questions raised by members at the previous meeting outlined in paragraph 3.11.

Members also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Committee heard that the reason provided for the single application related to recruitment and retention considerations regarding the specific post of School Bursar. It was also pointed out that the individual currently employed in this position had taken steps to improve the quality of financial statements provided by the school. Additionally, it was explained that the application would most likely have been made on the basis that the LGPS was an excellent scheme, and was therefore an attractive recruitment tool in comparison to a comparable private fund.

The Committee discussed whether there might be any financial or legal repercussions to the Council if the application were approved. Members were reminded that although set out in the report, officers were of the view that the legal and financial risks to the Council were minimal. Moreover, it was stressed that with an overall total of £490 million assets, the individual application would have no noticeable impact on the Brent Pension Fund.

In response to a question about whether approving the application would set a precedent, it was clarified that the Council would look at each future case individually on its own merits. Furthermore, members were reminded that in the majority of schools in the borough all non-teaching staff had the option to be LGPS members. As a result, it was not anticipated that there would be many similar cases in the future.

The Chair then concluded by noting the thanks of the Committee to the Avigdor Hirsch Torah Temimah Primary School for providing responses to the questions raised by members at the previous meeting.

**RESOLVED:-**

that the Committee resolve under Regulation 127(1) of the Local Government Pension Scheme Regulations 1977 (as amended) that from the date of this meeting the individual employee of the Governing Body of Avigdor Hirsch Torah Temimah Primary School specified in Appendix 1 of the report be eligible to belong to the scheme.

## 6. **Smoke-Free Policy**

The Committee received a report outlining the Council's new Smoke-Free policy. Those present were reminded that regulations made under the Health Act 2006 to make smoke-free all workplaces, work or public vehicles and enclosed or substantially enclosed public premises would take effect on 1<sup>st</sup> July 2007. Thus, members were being asked to formally endorse a new policy to put the Council on a suitable footing to undertake its new duty to enforce the smoke-free regulations.

Colin Conboy (Health, Safety and Emergency Planning Manager) provided a presentation outlining the background to the forthcoming change of legislation, and the responsibility that would be placed on local authorities for its implementation. It was noted that the new legislation created three offences; smoking in a smoke-free place, failure to display adequate smoke-free signage, and failing to prevent smoking in a smoke-free place. Particular emphasis was placed on the responsibility of the Council to ensure compliance with the legislation when leasing premises for functions. Moreover, it was explained that it would be necessary for the local authority to appoint and authorise officers to carry out the required enforcement measures.

The Committee were reminded that as the enforcer of the new smoke-free regulations, it would be essential that the Council acted as a beacon of good practice to other employers in terms of the implementation of the legislation on its own property. Consequently, some changes of practice would be required to ensure compliance amongst staff. Finally, it was explained that the new smoke-free policy would be reviewed again a year after its implementation.

Further to questions raised, it was clarified that the new policy was being communicated to staff through a number of methods, including an attached information sheet with June payslips. An example was used to illustrate the type of signage that would be used to inform visitors of the smoke-free policy, and the fact that it would be clear to non-English speakers. Members also heard that contractors had been advised of the need to communicate the requirements brought about by the change of legislation to their staff.

It was acknowledged that the controller of a premise would be liable for any breach of the legislation. Consequently, there would be duty on the Council to take action if made aware of any such breaches on its property, and it would have the power to cease lettings in these circumstances. The Chair queried whether officers had experienced any previous difficulties in implementing regulations regarding smoking in Council premises. Mr Conboy responded that whilst there had been complaints about smoking continuing to take place in semi-enclosed areas, there had been no allegations from Council staff that this had

resulted in any negative health implications. Further to a question raised, it was also explained that the new policy had been discussed fully with the unions.

A member of the Committee asked a question about the cost to the Council of implementing the legislation. In response, it was asserted additional costs to the Council's budget for 2007/08 were not anticipated, due to sufficient Central Government funding. However, if funding was required in future years, the Environment and Culture department would make an application for government funding.

Further to a question raised, it was clarified that Brent Housing Partnership (BHP) would be the organisation responsible for enforcing the smoke-free legislation in residential Council properties. However, whilst housing wardens might be the most appropriate employees to ensure compliance with the regulations, it was acknowledged that they would not have enforcement powers, and therefore discussions were ongoing to further clarify the position.

Members were also reminded of the importance of ensuring that all managers were aware that contravening the Council's smoke-free policy would be regarded as a disciplinary offence. With this in mind, some concerns were expressed about the need to establish clear boundaries for the areas covered by the policy. Particular attention was drawn to the difficulties in preventing staff from smoking in areas, such as the Town Hall car park, where members of the public were not precluded from doing so. In response, it was clarified that any outside area where it would be possible for smoke to enter a building would be covered by the regulations. With this in mind, the Chair emphasised the need for specific signage on the canopy at the front of the Town Hall to highlight that smoking was not permitted in this area.

A member of the Committee questioned the position of the Council when its employees visited people in their own homes. It was explained that whilst the new legislation did not apply to a member of the public in their own home, the Council would work to communicate with service users that they would be expected to refrain from smoking whilst being visited by a Council worker. Additionally, it was confirmed that the exemption on people's own homes would also cover residential properties owned by the Council, but not communal areas such as stair wells, and a suggestion was made that the report should be slightly amended to make this clear. It was also pointed out that the policy should make clear that the Council would be of the view that none of its employees should have to travel in a vehicle in which another individual was smoking.

Finally, it was confirmed that the new Smoke-Free policy would apply to members, and Councillor Lorber felt that it would be important to ensure that the small number of individuals to whom it would apply were made aware of this fact.

RESOLVED:-

that the Committee notes the effect of the new duty to enforce the smoke-free regulations in respect of the work place, work or public vehicles and public premises, and approve the Council's new Smoke-Free policy in so far as it relates to employment matters.

## **7. Outside Bodies Changes**

Members had before them a report outlining three requests from external organisations which, if agreed, would affect the Council's current outside bodies list.

It was noted that the trustees of the Kingsbury Charity had written to request that the Council agree to the termination of its current nomination rights to the charity. Members heard that the trustees had made this request on the basis that the original reason for including this requirement in the Scheme was no longer applicable. It had been explained in correspondence from the Honorary Secretary that at the time of the establishment of the Kingsbury Charity, the Council had not charged rates on the property of the charity, including its almshouses. Since then, the ratings system had changed, and therefore it was the opinion of the trustees that they should no longer be restricted in their appointment of future trustees. Committee members discussed the matter, and were minded to refuse the request as it was generally felt that Brent should retain its nomination rights in order to oversee the distribution of charitable funds and allocation of almshouses. One member was also of the opinion that Brent representatives should be Fryent ward Councillors, given that this was the area in which the properties of the charity were located.

RESOLVED:-

- (i) that request the from the trustees of the Kingsbury Charity to remove the Council's right to appoint two trustees to the organisation be refused;
- (ii) that Councillor Dunwell be appointed to serve on the Members' Council of the Central and North West London NHS Mental Health Trust;
- (iii) that Councillor O'Sullivan be appointed to serve on the Board of Directors of the Chalkhill Community Centre.

**8. Date of Next Meeting**

It was noted that the date of next meeting of the General Purposes Committee would be confirmed following the Annual Meeting in May 2007.

**9. Any Other Urgent Business**

None.

The meeting ended at 8.55 pm.

A JOHN  
Chair