

## **RULE OF 85 APPLICATIONS**

Report of the Interim Finance Director

### **1. SUMMARY**

- 1.1 This report updates Governance Committee on Rule of 85 applications that have been declined.

### **2. RECOMMENDATION**

- 2.1 To note the report.

### **3. REASON FOR RECOMMENDATION**

- 3.1 In accordance with Minute 20/08 to bring a 6 monthly report on applications that have been declined.

### **4. MATTER FOR CONSIDERATION**

- 4.1 The Employer Pension Discretions Policy was approved on 30 May 2019 and delegated approval for such requests to the Governance Committee where there is a cost to Derby Homes.

- 4.2 Rule of 85 date applies when the employees age plus LGPS membership in whole years equals 85. This becomes effective between ages 60 and 65 unless an employer decides to allow it to be between 55 and 60. It enables the pre 2008 service to be awarded without deduction of an early retirement penalty.

For requests when the employee is aged between 55 and 60 there would be a cost to Derby Homes to meet any pension shortfall.

- 4.3 The 30 May 2019 Board meeting approved the flexibility to consider rule of 85 requests. However, it was noted that “Derby Homes will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the employer.” Approval to agree to such an employee request would be a decision for the Governance Committee.

- 4.4 At the Governance Committee meeting on 21 September 2020 a Rule of 85 application was agreed by the Committee and it was suggested that a report should be brought back every six months of cases where applications had been declined.

- 4.5 Since the meeting of this Committee in November 2021 no requests have been declined.

## 5. OTHER OPTIONS CONSIDERED

5.1 None.

### IMPLICATIONS

The areas listed below have no implications directly arising from this report:

Consultation  
Financial and Business Plan  
Legal and Confidentiality  
Council  
Personnel  
Environmental  
Equalities Impact Assessment  
Health & Safety  
Risk  
Policy Review

For more information please contact:

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Background information: Reports to Governance Committee (21/9/20) & Derby Homes Board 30/5/2019

List of appendices None

This report has been approved by the following

Interim Finance Director	Michael Kirk	04.04.22
Interim Company Secretary	Taran Lalria	06/04/02
Managing Director	Maria Murphy	06/04/2022