



CABINET

DATE:	Friday, 15 December 2017
TIME:	2.30 pm
VENUE:	Essex Hall, Town Hall, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Stock	- Leader of the Council
Councillor C Guglielmi	- Finance and Corporate Resources Portfolio Holder and Deputy Leader of the Council
Councillor Fairley	- Investment and Growth Portfolio Holder
Councillor Honeywood	- Housing Portfolio Holder
Councillor McWilliams	- Health and Education Portfolio Holder
Councillor Nicholls	- Corporate Enforcement Portfolio Holder
Councillor Skeels (Snr)	- Leisure and Tourism Portfolio Holder
Councillor Talbot	- Environment Portfolio Holder

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Ian Ford on 01255 686584.

DATE OF PUBLICATION: WEDNESDAY, 6 DECEMBER 2017

AGENDA

1 **Apologies for Absence**

The Cabinet is asked to note any apologies for absence received from Members.

2 **Minutes of the Last Meeting (Pages 1 - 22)**

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 10 November 2017.

3 **Declarations of Interest**

Members are invited to declare any Disclosable Pecuniary Interests, or other interests, and the nature of them, in relation to any item on the agenda.

4 **Announcements by the Leader of the Council**

The Cabinet is asked to note any announcements made by the Leader of the Council.

5 **Announcements by Cabinet Members**

The Cabinet is asked to note any announcements made by Members of the Cabinet.

6 **Matters Referred to the Cabinet by the Council**

There are none on this occasion.

7 **Matters Referred to the Cabinet by a Committee**

There are none on this occasion.

8 **Leader of the Council's Items**

There are none on this occasion.

9 **Cabinet Members' Items - Report of the Finance and Corporate Services Portfolio Holder - A.1 - Updated Financial Forecast/Budget 2018/19 (Pages 23 - 36)**

To enable Cabinet to consider the updated financial forecast for 2018/19 for consultation with the Corporate Management Committee.

10 **Management Team Items - Report of the Monitoring Officer - A.2 - Local Government and Social Care Ombudsman (Pages 37 - 38)**

The Constitution (Article 12.03(a)) requires the Monitoring Officer to report to Council, or to Cabinet for executive functions, if any decision or omission has given rise to maladministration.

11 **Exclusion of Press and Public**

The Cabinet is asked to consider the following resolution:

“That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 12 on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A, as amended, of the Act.”

12 Exempt Minute of the Meeting held on Friday 10 November 2017 (Pages 39 - 40)

To confirm and sign the exempt minute of the meeting of the Cabinet held on Friday 10 November 2017.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is to be held in the Essex Hall, Town Hall, Clacton-on-Sea, CO15 1SE at Noon on Monday 22 January 2018.

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Notice of Intention to Conduct Business in Private

Notice is hereby given that, in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Agenda Item No. 12 is likely to be considered in private for the following reason:

The item detailed below will involve the disclosure of exempt information under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) to Schedule 12A, as amended, to the Local Government Act 1972:

Exempt Minute of the Meeting held on Friday 10 November 2017

Information for Visitors

ESSEX HALL **FIRE EVACUATION PROCEDURE**

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

The assembly point for the Essex Hall is in the car park to the left of the building as you are facing it.

Your calmness and assistance is greatly appreciated.

**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 10TH NOVEMBER, 2017 AT 10.30 AM
ESSEX HALL, TOWN HALL, CLACTON-ON-SEA, CO15 1SE**

Present: Councillors Stock (Chairman), C Guglielmi, Fairley, Honeywood, McWilliams, Nicholls, Skeels (Snr) and Talbot

Group Leaders Present by Invitation:

Councillor Joy Broderick, Councillor Robert Bucke, Councillor Anne Davis, Councillor Ivan Henderson and Councillor Mark Stephenson

Also Present: Councillor Andy Baker

In Attendance: Ian Davidson (Chief Executive), Martyn Knappett (Corporate Director (Corporate Services)), Paul Price (Corporate Director (Operational Services)), Ewan Green (Corporate Director (Planning and Regeneration)), Lisa Hastings (Head of Governance and Legal Services), Richard Barrett (Head of Finance, Revenues and Benefits Services), Tim Clarke (Head of Housing), Anastasia Simpson (Head of People, Performance and Projects), Ian Taylor (Head of Public Realm), Ian Ford (Committee Services Manager) and Nigel Brown (Communications and Public Relations Manager)

88. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor L J M Gray (Leader of the Independent Alliance Group) and Councillor G G I Scott (Leader of the Tendring First Liberal Democrats Group).

89. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Tuesday 5 September 2017, be approved as a correct record and signed by the Chairman.

90. DECLARATIONS OF INTEREST

Councillor G V Guglielmi declared an interest in Agenda Item 21 - Formal Consultation on the future of two Sheltered Housing Schemes (Report A.16) insofar as he lived adjacent to the Honeycroft, Lawford Sheltered Housing Scheme.

Councillor Bucke declared interests in Agenda Item 6 - Reference from Council – A.1 - Petition: "Say No To Plans For Millennium Square – Save Our Trees & £90,000" and Agenda Item 21 - Formal Consultation on the future of two Sheltered Housing Schemes (Report A.16) insofar as he was also a member of Frinton and Walton Town Council.

Councillor Baker declared an interest in Agenda Item 21 - Formal Consultation on the future of two Sheltered Housing Schemes (Report A.16) insofar as he was the Ward Member for Lawford.

91. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council (Councillor Stock OBE) informed Cabinet that, further to the decision taken by the Local Plan Committee at its meeting held on 2 November 2017 (Minute 13 referred), he had written to the Secretary of State for Communities and Local Government Sajid Javid MP, regarding the concerns of that Committee on the effect of recent Planning Inspectors' decisions on planning appeals which had negatively impacted on the Council's Housing Land Supply position.

The Leader of the Council also informed Cabinet that, following the receipt of Counsel's opinion, the Council would be challenging the Planning Inspector's decision on the Sladbury Lane, Clacton-on-Sea planning appeal.

92. ANNOUNCEMENTS BY CABINET MEMBERS

There were none on this occasion.

93. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - REFERENCE FROM COUNCIL - A.1 - PETITION: "SAY NO TO PLANS FOR MILLENNIUM SQUARE, WALTON-ON-THE-NAZE - SAVE OUR TREES AND £90,000

Councillor Bucke had earlier declared an interest in this item insofar as he was also a member of Frinton and Walton Town Council.

Cabinet was aware that, at the meeting of Council held on 5 September 2017, the Chief Executive had reported the receipt of a petition submitted by Mr Brian Green (the lead petitioner) from Walton-on-the-Naze. The petition had been signed by 75 residents of the District and stated:

"Say no to plans for Millennium Square – Save our trees & save the £90,000".

In a covering letter, the lead petitioner referred to the Cabinet's recent decision to alter the configuration of the Millennium Square in Walton-on-the-Naze at a cost of £90,000. The letter had stated that the scheme necessitated the destruction of two mature horse chestnut trees (with Tree Preservation Orders on them) and the loss of 10 parking spaces in the area that desperately needed parking provision in order to bring more trade to the shops in the High Street. Reference had also been made to a lack of consultation with the effected residents.

In accordance with the Council's scheme for dealing with petitions this matter would be reported and presented to the Cabinet on the basis that it had contained between 30 and 249 signatures. Mr Green, as the lead petitioner, had been invited to address the Cabinet, present the petition and outline the action that the petitioners wanted the Council to take. Subsequently, Cabinet would discuss the petition and decide what action, if any, should be taken. Mr Green would then be informed, in writing, of the Cabinet's decision and the decision would also be published on the Council's website.

Cabinet recalled that, at its meeting held on 14 July 2017, it had received a report by the former Portfolio Holder for Commercialisation, Seafronts and Parking (Report A.7), which had sought its approval for public realm improvements to the Millennium Square, Walton-on-the-Naze, including funding from the Regeneration and Growth Budget.

Cabinet further recalled that the Millennium Square located within the High Street Car Park, Walton-on-the-Naze had been conceived and developed in order to provide a meeting place for visitors to the town centre and a focal point for events. The original design and concept had created a shared area of public space used primarily for car parking, but which could also be used for local events on an ad hoc basis but the reality had been that the result had compromised both and did not perfectly meet either of the Council's ambitions.

Therefore, the proposal that Cabinet had considered at its meeting on 14 July 2017 was:

- an enhanced and more attractive public area designed to encourage increased use of high quality public realm in the heart of the town centre; and
- to provide options for year round outdoor market pitches or other uses of the public area that would also provide more effective year round use of the car parking area.
- the specifications for construction, the preferred design and mood board of materials were attached to the aforesaid report as Appendix A for Cabinet's consideration.

It was reported that the estimated cost for delivering this project was £90,000. Project costs could be reduced if required, or met as outlined in the financial section of the aforementioned report.

Having considered the information submitted and the advice of Officers contained within the report, Cabinet had decided to note the contents of the portfolio holder's report and had:-

- a) approved the principle of public realm improvements to the Millennium Square Walton on-the-Naze, as outlined in Appendix A to item A.7 of the Report of the Portfolio Holder for Commercialisation, Seafronts and Parking;*
- b) authorised the seeking of statutory or other consents and agreements as may be required;*
- c) authorised a contribution of £50,000 towards delivery of the proposed scheme to be funded from the Regeneration and Growth budget;.*
- d) requested that the Head of Public Realm completes the design and costing of the project; and*
- e) authorised the Corporate Director (Operational Services), in consultation with the Portfolio Holder for Commercialisation, Seafronts and Parking and the Portfolio Holder for Planning and Regeneration, to invite tenders, enter into contracts or commission works by the Engineering Services Team in order to complete the project within the budget and approvals.*

Mr Green, as the lead petitioner, addressed the Cabinet, presented the petition and outlined the action that the petitioners wanted the Council to take. A copy of the petition together with a covering letter submitted by Mr Green was before members of the Cabinet.

Having heard Mr Green's address Cabinet was aware that there were several courses of action available to it, including:

- taking no action (with reasons as to why no action was proposed);
- taking the action requested in the petition;

- undertaking research into the matters raised (this could include referring the matter to the relevant Portfolio Holder, or officer of the Council) and holding a meeting with the petitioners;
- referring the petition to the relevant Overview and Scrutiny Committee; and
- holding a public meeting.

Having considered the petition and the address made by Mr Green and in the light of the fact that the Council's regeneration aspirations for Walton-on-the-Naze would no longer be met by this project:-

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and:

RESOLVED that the previous decision taken by the Cabinet at its meeting held on 14 July 2017 (Minute 76) on this matter be rescinded.

94. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE COMMUNITY LEADERSHIP AND PARTNERSHIPS COMMITTEE - A.2 - ONLINE TENDRING LOTTERY

Cabinet was informed that, at the meeting of the Community Leadership and Partnerships Committee held on 2 October 2017, Members had been consulted on a potential initiative to launch an online Tendring lottery, using an external lottery manager, to help fund discretionary support to local voluntary and community sector and to enable good causes to raise funds directly.

The Council's Head of Customer and Commercial Services (Mark Westall) had given the Committee an overview of the potential initiative to launch an online Tendring lottery. The Committee had also had before it a report of the Corporate Director (Operational Services) which had reported that as budget pressures had continued to grow on all aspects of the Council's work, there would inevitably be an impact on the funding available for good causes.

It was further reported that a Tendring Lottery had the potential to help organisations address any future funding pressures and also would move the Council into the position of enabler, helping communities to use their capacity to become more resilient and to self-help.

Members were informed that the report had addressed those issues and had provided a model for the implementation of an online Tendring lottery.

The Council's Head of Customer and Commercial Services had informed the Committee that they were being consulted in order to gain their views on the proposed initiative for the Health and Education Portfolio Holder to take into account before progressing with the project and gaining the relevant authority and permissions.

Members had raised questions and concerns which were responded to by Officers.

Councillor McWilliams (Health and Education Portfolio Holder) had given her view to the Committee on the proposed initiative.

The Community Leadership and Partnerships Committee had decided that -

“the Committee supports the Health and Education Portfolio Holder’s proposal to introduce an online District Lottery as outlined in this report and provides the following observations to be considered before the initiative is progressed and the necessary approvals and permissions are sought:

- a. the proceeds to be retained by the Council for allocation to good causes should be managed and allocated by the Big Society Fund Panel subject to a review being conducted on how the Big Society Fund works to ensure that fair shares are distributed across the District.*
- b. a consultation with local charities should take place, facilitated by TCVS, to enable their feedback to be considered and to ensure that smaller scale charities are not missed out;*
- c. the Committee retains some concerns around the ethics of a lottery and accessibility given that the lottery would be internet based and not all residents have access to the necessary IT.”*

Having considered the comments of the Community Leadership and Partnerships Committee:

It was moved by Councillor McWilliams, seconded by Councillor Fairley and:

RESOLVED that the Community Leadership and Partnerships Committee be thanked for its support of this project and its helpful suggestions, which will be taken into account in bringing this project forward to a future meeting of Cabinet for consideration.

95. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE CORPORATE MANAGEMENT COMMITTEE - A.3 - WASTE AND RECYCLING

Cabinet was informed that, at the meetings of the Corporate Management Committee held on 24 July and 14 August 2017, 2017 the Committee had received a presentation from the Head of Environmental Services and the Environment Portfolio Holder.

That presentation had included an overview of the following:

- Background information regarding current waste contract.
- Recycling figures, including comparisons over the past three years.
- Future service options.
- Appointment of consultants undertaking a review of the current service and future options for the service.
- Tender process for waste and recycling contracts.

A number of questions had been asked by the Committee and answered by the Officer. Some questions had required the input of Officers from different Council services and were subsequently answered in writing following the meetings.

The Corporate Management Committee had decided to recommend to Cabinet that -

- (a) *A working party be set up by the Cabinet, in order to assist in the preparation and drawing up of the new waste contract.*
- (b) *An All Members' Briefing to take place in Spring 2018, or at the relevant time, to enable Members to discuss, and comment on, the proposals for the new waste and recycling contract.*

The Cabinet had before it the following responses of the Environment Portfolio Holder made in response to the recommendations of the Corporate Management Committee:

"Member Working Party

A Member Working Party is currently unlikely to add value to this process as the focus at this point is to align the financial constraints in relation to the potential service options and if options are widened at this point by a Member Working Party it may slow the process up and require extra work which may not deliver an outcome.

In addition this contract is usually dealt with by a set of agreed objectives for inclusion in a new contract which is prepared and submitted to each of those invited to tender. The tenderer is invited to put forward any proposals of their own for improving the service and often these have proved of great value.

The Constitution itself particularises in Part 5 contracts over £50,000 in Section 5 under 'Tender Rules', so therefore the procedure as laid down will be followed.

All Members' Briefing

I support the suggested Members' briefing in relation to the waste contract and in particular this will allow members to appreciate the increased costs imposed on our present contractor by legislation which will impose a premium on any future contract."

Having considered the recommendations of the Corporate Management Committee and the responses thereto of the Environment Portfolio Holder:

It was moved by Councillor Talbot, seconded by Councillor McWilliams and:

RESOLVED that –

- (a) a Member Working Party for the new waste contract be not set up as it will not add any substantial value to this process; and
- (b) a Members' briefing be held on the renewal of the waste contract in Spring 2018, or at a relevant time, to enable Members to discuss, and comment on, the proposals for the new waste and recycling contract.

96. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE CORPORATE MANAGEMENT COMMITTEE - A.4 - PERFORMANCE MANAGEMENT - QUARTER ONE

Cabinet was informed that, at the meeting of the Corporate Management Committee held on 25 September 2017, the Committee had received a report from the Corporate

Director, Corporate Services regarding the Council's Quarter 1 Performance (April 2017 to June 2017).

It was explained to Members at that meeting that the report included 15 indicators and projects where performance was measured. Of those 11 (73%) were on, or above, their expected target and 4 (27%) were not currently in line with expected performance. Three of the indicators and projects within the report were deemed non-measurable as the Council's role was that of 'influence' only.

The Corporate Management Committee had decided to comment to Cabinet that –

- (a) *the Committee notes the Council's performance report for the period April to June 2017; and*
- (b) *the Education, Health and Wellbeing and Sickness indicators be removed from the Performance Report for the Corporate Management Committee due to the fact that those items were reported to the Human Resources Committee and the Community Leadership and Partnerships Committee.*

The Cabinet had before it the following response of the Finance and Corporate Services Portfolio Holder made in response to the comments of the Corporate Management Committee:

"The Portfolio Holder thanks Corporate Management Committee for their suggestion."

Having considered the comments of the Corporate Management Committee and the response thereto of the Financial and Corporate Services Portfolio Holder:

It was moved by Councillor G V Guglielmi, seconded by Councillor Stock and:

RESOLVED that the full range of existing indicators should remain in the Performance Report for the benefit of Cabinet and that the Corporate Management Committee can choose not to scrutinise the indicators it has highlighted if they so wish.

97. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE CORPORATE MANAGEMENT COMMITTEE - A.5 - CORPORATE BUDGET MONITORING FOR THE FIRST QUARTER OF 2017/18

Cabinet was informed that the Corporate Management Committee, at its meeting held on 25 September 2017, had considered a report from the Corporate Director, Corporate Services regarding the Council's Corporate Budget Monitoring for the First Quarter 2017/18.

The Corporate Management Committee had decided that the following comments be put to Cabinet, namely that –

- (a) *the Committee notes the report; and*
- (b) *the Committee proposes that a review be undertaken in regards to Council owned Garages in the District to determine if the service that is currently being offered is considered cost effective.*

The Cabinet had before it the following response of the Finance and Corporate Services Portfolio Holder made in response to the comments of the Corporate Management Committee:

“The Portfolio Holder thanks Corporate Management Committee for their comments.”

Having considered the comments of the Corporate Management Committee and the response thereto of the Financial and Corporate Services Portfolio Holder:

It was moved by Councillor G V Guglielmi, seconded by Councillor McWilliams and:

RESOLVED that a review of Council owned garages be undertaken, and that the findings be reported back to Corporate Management Committee, in accordance with that Committee’s work programme.

98. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE CORPORATE MANAGEMENT COMMITTEE - A.6 - LONG TERM FINANCIAL SUSTAINABILITY PLAN/TEN YEAR FORECAST

Cabinet was informed that, at the meeting of the Corporate Management Committee held on 25 September 2017, the Committee had received a report from the Corporate Director, Corporate Services regarding the Council’s Long Term Financial Sustainability Plan/Ten Year Forecast.

The Corporate Management Committee had decided to comment to Cabinet that:

- (a) *the Committee supports the Long Term Financial Sustainability Plan / 10 Year Forecast; and*
- (b) *In respect of the money set aside for the beach recharge, the Committee thinks that it is important to ensure that the best return is achieved on the £1.5 million that will be held in reserves in the interim period.*

The Cabinet had before it the following response of the Finance and Corporate Services Portfolio Holder made in response to the comments of the Corporate Management Committee:

“The Portfolio Holder thanks Corporate Management Committee for its comments.”

Having considered the comments of the Corporate Management Committee and the response of the Finance and Corporate Services Portfolio Holder:

It was moved by Councillor G V Guglielmi, seconded by Councillor Fairley and:

RESOLVED that -

- (a) Cabinet is pleased that the Committee supports the Long Term Financial Sustainability Plan and Ten Year Forecast; and
- (b) the Council already has treasury / investment policies in place that seek to obtain the best possible returns on its reserves whilst balancing the security of the investment. However, the Committee’s comments will be considered where

opportunities to obtain greater returns across its entire investment portfolio become available in the future.

99. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE CORPORATE MANAGEMENT COMMITTEE - A.7 - ASSETS UPDATE

Cabinet was informed that, at the meeting of the Corporate Management Committee held on 16 October 2017, the Council's Head of Property Services (Andy White) had given the Committee a presentation on Asset Management. The presentation covered the following:

- The Asset Management Team and what they do;
- Properties and policies; and where to find information;
- Our mission: "Generate and increase revenue" and how to do it;
- Ongoing projects, acquisitions and disposals; and
- Financial changes over 10 years and how to respond.

Members took the opportunity to make suggestions and ask questions which were responded to by the Officer.

The Corporate Management Committee had decided to make recommendations and comments to Cabinet as follows, namely that -

- (a) *smaller disposals are given the same priority, as larger land and property disposals;*
- (b) *Officer time is being taken up sorting and photocopying documents , rather than being solely focused on land disposals;*
- (c) *timescales of moving projects forward , appear to be due to internal Council processes;*
- (d) *CAROS – approaches should be made to users to purchase freeholds or relocate users so that assets can be rationalised;*
- (e) *Parish Councils or neighbouring landowners should be encouraged to purchase or take over the maintenance of small slivers of land;*
- (f) *wherever possible, maximise the use of grants; and*
- (g) *the Committee recognises the hard work of Officers within the Assets Team.*

The Cabinet had before it the following responses of the Finance and Corporate Services Portfolio Holder made in response to the comments and recommendations of the Corporate Management Committee:

"I would like to thank the Corporate Management Committee for their time, consideration and suggestions. I am pleased to see that the property team is now up to full strength again after a few testing months.

Prioritisation of tasks is a tough issue for public authorities. We all want to achieve as much as possible. In an era of financial stress this can lead to difficulties. It's important

that the team should keep a balanced workload: a mixture of large and small transactions and a mixture of disposals and other work, work that makes sure that the basics are in place and that decisions are made based on accurate information. I have been working with the team and will continue to do so to make sure that we make progress on key priorities as well as making sure that we do so from a platform of robust records and information. A balance is needed and I am determined that we should get it right.

Questions around Community Assets are sensitive. We all want to support the community – it's why we all stood to be elected – we also have wide community responsibilities of fairness and wise use of resources. It is my view that a review of Community Halls and of CAROS is overdue. It has been discussed before and I would like to take this opportunity to recommend to my Cabinet colleagues that it is formally requested and that the Committee's recommendation is considered fully in that review.

The Committee's recommendation on smaller pieces of land aligns closely with the aspirations set out in the Property Strategy recently adopted. A careful approach is needed in order to maintain the integrity of our environment and I wouldn't want to see areas of open space carved up, but there is a strong case for identifying areas that do not contribute to the community. There is also a case for looking a gain at public conveniences in parished areas where this is consistent with the Community Asset Transfer Policy and the Public Conveniences Strategy. Our approach needs to be that if property is not contributing we must seek to dispose of it.

I agree that the appropriate seeking of grants is essential and I am pleased to note that much hard work is done in this area by the Council's Corporate Director for Operational Services and the regeneration and seafronts teams who are pursuing a number of funding opportunities at present.

I thank the Committee for their kind words in respect of the work of the team, a sentiment that I echo."

Having considered the comments and recommendations of the Corporate Management Committee and the responses of the Finance and Corporate Services Portfolio Holder:

It was moved by Councillor G V Guglielmi, seconded by Councillor McWilliams and:

RESOLVED that Cabinet:

- (a) requests that, under the direction of the Deputy Leader of the Council, Officers pursue a prioritised and balanced programme of work including both large and small transactions, moving positively forward with that programme while addressing the need for accurate, complete, and accessible records and that these transactions are carried out as expeditiously as properly possible;
- (b) requests that reviews of CAROS and of Community Halls be brought forward for its consideration on the principle that there will be no changes to the terms and conditions of the CAROS scheme for existing recipients of CAROS;
- (c) requests that Officers consider the potential for the care of community land and facilities to be provided within the community and for a renewed emphasis on the disposal of land that does not, and cannot, contribute to the community; and

- (d) requests that Officers continue to seek grant funding of projects and initiatives wherever possible.

100. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE SERVICE DEVELOPMENT AND DELIVERY COMMITTEE - A.8 - REVIEW OF CLACTON AIR SHOW 2017

Cabinet was informed that, at the meeting of the Service Development and Delivery Committee held on 9 October 2017, the Leisure and Tourism Portfolio Holder (Councillor M J D Skeels) had given the Committee a positive review on the Clacton Air Show 2017.

The Council's Head of Sport and Leisure (Mike Carran) had also given the Committee a presentation on Clacton Air Show 2017. The presentation had covered the following:

- (1) Objectives – Maximise Tourist Opportunities through Events.
- (2) This Year's Key Challenges –
 - Managing a large event in 2017;
 - Managing Visitor safety;
 - Spring Tide; and
 - Rising Costs.
- (3) This Year's Success Stories –
 - Partnership Working;
 - Night Flights; and
 - Managing Visitor Numbers.
- (4) The Big Issues –
 - Spectator Numbers;
 - Income;
 - Staffing; and
 - Economic Benefit.
- (5) What was said? –
 - Social Media Highlights
- (6) Learning Points for 2018 –
 - Security;
 - Develop opportunities from pause in flying displays; and
 - Reinforcing the message about sustainability.

Members took the opportunity to make suggestions and ask questions which were responded to by the Officer and the Portfolio Holder.

The Service Development and Delivery Committee had decided to make recommendations and comments to Cabinet as follows, namely that -

- (a) *the Committee recognise and commend the enthusiasm and hard work of the Council's Tourism, Marketing and Events Manager (Sarah Daniells) and Events*

Officer (Jo Needham) and would also like to thank all Council staff that continue to support the Airshow;

(b) the Committee would like consideration to be given:

i.as to how Airshow programmes may be delivered and sold in other towns around the District;

ii.for the provision of extra toilet facilities along the seafront during the Airshow;

iii.to improve the disabled access signage by the hospitality tent; and

iv.to the types of trade stalls that are allocated to Christmas Tree Island and the potential of adding additional trade stalls to the East of Clacton pier.

The Cabinet had before it the following response of the Leisure and Tourism Portfolio Holder made in response to the comments and recommendations of the Service Development and Delivery Committee:

"I thank the Committee for their comments which I will take into account going forward."

Having considered the comments and recommendations of the Service Development and Delivery Committee and the response of the Leisure and Tourism Portfolio Holder:

It was moved by Councillor M J D Skeels, seconded by Councillor Stock and:

RESOLVED that the contents of the report be noted.

101. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE SERVICE DEVELOPMENT AND DELIVERY COMMITTEE - A.9 - LITTER FROM FAST FOOD OUTLETS AROUND THE DISTRICT AND ON THE A120

Cabinet was informed that, at the meeting of the Service Development and Delivery Committee held on 9 October 2017, the Environment Portfolio Holder (Councillor Talbot) had given the Committee an overview on this item.

The Council's Head of Environmental Services (John Fox) and Street Scene Officer (Jonathan Hamlet) were also in attendance to facilitate the discussion of the issue of litter from fast food outlets around the District and on the A120.

The discussion had covered the following:

- (1) Drive through Restaurants in the District;
- (2) Where the litter is coming from;
- (3) Cleaner Essex Group;
- (4) Advertising;
- (5) Eliminating litter;
- (6) Litter bins;
- (7) Community litter picks;
- (8) Educating customers;
- (9) Prosecutions; and
- (10) Moving forward.

Members had taken the opportunity to ask questions which were responded to by Officers and the Portfolio Holder.

The Service Development and Delivery Committee had decided to make comments to Cabinet as follows, namely that consideration be given in regards to:-

- (a) promoting community litter-picks in association with fast-food outlets;
- (b) promoting recycling with schools and youth groups; and
- (c) trialling a small number of litter bins on the A120.

The Cabinet had before it the following response of the Leisure and Tourism Portfolio Holder made in response to the comments of the Service Development and Delivery Committee:

"I thank the Committee for their comments which I will take into account going forward."

Having considered the comments of the Service Development and Delivery Committee and the response of the Environment Portfolio Holder:

It was moved by Councillor Talbot, seconded by Councillor Stock and:

RESOLVED that the contents of the report be noted.

102. LEADER OF THE COUNCIL'S ITEMS - JOINT REPORT OF THE LEADER OF THE COUNCIL AND THE FINANCE AND CORPORATE SERVICES PORTFOLIO HOLDER - A.10 - AMENDMENTS TO THE COUNCIL'S CONSTITUTION - FINANCIAL & PROCUREMENT MATTERS

There was submitted a joint report by the Leader of the Council and the Portfolio Holder for Finance and Corporate Services (Report A.10), which sought Cabinet's approval for a delegation to the Portfolio Holder for Finance and Corporate Resources and to recommend to Council, proposed changes which had been suggested by the Monitoring Officer and the Section 151 Officer as part of an annual review of the Constitution.

It was reported that the main proposed changes related to the Financial and Procurement Procedure Rules and a delegation to the Portfolio Holder for Finance and Corporate Resources, in consultation with the Chief Finance Officer, to agree the outturn position each year. This would provide the necessary flexibility to enable the production and publication of the Council's Statement of Accounts, which must now be prepared and published one month earlier from next year. This delegation would not interfere with the statutory requirement to submit the final accounts to the Audit Committee.

Having considered the information submitted and the advice of Officers contained within the report:

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and:

RESOLVED that Cabinet –

-
- (a) approves that the Portfolio Holder for Finance and Corporate Resources be authorised, in consultation with the Chief Finance Officer, to agree the outturn position / report each year in order to provide the necessarily flexibility to comply with the new statutory timetable for publishing the Council's Statement of Accounts;
- (b) approves that the Scheme of Delegation – Schedule 3 - Responsibility for Executive Functions Part 3.41 of the Constitution be amended to include that specific delegation; and

RECOMMENDED TO COUNCIL that

- (c) the Council's Constitution be amended to reflect the proposed changes to the Financial and Procurement Procedure Rules as set out in the Appendix to item A.10 to the Joint Report of the Leader of the Council and the Portfolio Holder for Finance and Corporate Services.

103. CABINET MEMBERS' ITEMS - REPORT OF THE ENVIRONMENT PORTFOLIO HOLDER - A.11 - DESTINATION INCLUSIVE PLAY AREA, WALTON-ON-THE-NAZE

There was submitted a report by the Portfolio Holder for the Environment (Report A.11), which –

- a) sought approval for the installation of a destination, inclusive play area on the Bath House Meadow open space, Walton-on-the-Naze based on the design proposed by the selected contractor;
- b) sought approval of the Heads of Terms for the Funding Agreement with Essex County Council and the use of Section 106 contributions to deliver the project; and
- c) sought approval to delegate further details to Officers to facilitate the delivery of the foregoing.

Cabinet was informed that -

- the play area incorporated features intended to showcase the local area and was designed in such a way as to enable all children including those with mobility and other special needs to play and interact with each other;
- the project would also include the refurbishment of the existing play area on the site located on the public open space known locally as Bath House Meadow situated between the Naze Marine Holiday Park and the beach. The unique design and inclusivity of the play area would ensure the play area became a destination in its own right attracting visitors from both inside and outside of the District. The overall cost of the project, estimated at £200,000, was to be funded by means of a grant of £100,000 from Essex County Council (ECC) Short Breaks for Disabled Children, £80,000 from Section 106 contributions applicable to development in the Frinton and Walton area and a contribution of £20,000 from the play area budget;
- Tendring District Council (TDC) had provisionally agreed the Section 106 contribution subject to receipt of the grant from ECC;
- Short Breaks for Disabled Children was in addition to the grant also providing a portable Changing Place facility for the site which would considerably improve access to the play area and the adjacent seaside for children and adults who cannot use standard accessible toilets. This included people with profound and multiple learning disabilities, as well as many other disabled people;

- The provision of such a facility in a tourist area was intended to compliment the Council's commitment to improving accessibility to all areas within the Public Realm and would also afford an opportunity for TDC to improve and regenerate the appearance of the existing site; and
- A play area of this significance and design was anticipated to increase visitor numbers to the District.

Having considered the information submitted and the advice of Officers contained within the report:

It was moved by Councillor Talbot, seconded by Councillor M J D Skeels and:

RESOLVED that Cabinet approves -

- (a) the construction of a Play Area and portable Changing Place facility in Walton-on-the-Naze at the location, shown red, on the Plan attached as Appendix A to item A.11 of the Report of the Environment Portfolio Holder, using a grant of £100,000 from Essex County Council, Section 106 contributions of up to £80,000 and £20,000 from existing play area budget;
- (b) the heads of terms for the Funding Agreement negotiated by the Corporate Director (Operational Services) with Essex County Council, which are set out in Appendix B to the above-mentioned report;
- (c) the final Funding Agreement being completed in consultation with the Head of Governance and Legal Services;
- (d) the selection of Jupiter Play and Leisure for the design and construction of the Play Area following a competitive tender process under a framework agreement. The design and proposal is attached as Appendix C to the aforementioned report; and
- (e) the responsibility for the maintenance and security of the Play Area and Changing Places facility being incorporated into the Public Realm in-house service and the cost being met within existing budgets and resources.

104. CABINET MEMBERS' ITEMS - REPORT OF THE FINANCE AND CORPORATE SERVICES PORTFOLIO HOLDER - A.12 - PERFORMANCE REPORT: JULY - SEPTEMBER 2017 - QUARTER TWO REPORT

There was submitted a report by the Portfolio Holder for Finance and Corporate Resources (A.12), which presented the Performance Report for the period July to September 2017 (Quarter Two).

Cabinet was aware that the Performance Report 2017/18 set out the detailed actions and targets for the delivery of the Council's priorities throughout the year.

It was reported that three of the indicators and projects highlighted in the report were deemed 'non measurable' as the Council's role was that of 'influence' only. Of the 16 indicators and projects where performance was measured, 12 (75%) were on, or above, their expected target and 4 (25%) were not currently in line with the expected performance. Explanations of the performance and the supporting data were included under each topic in the report.

Cabinet was informed that the report would be presented to the Corporate Management Committee at its meeting scheduled for 4 December 2017.

Having considered the information provided, it was moved by Councillor G V Guglielmi, seconded by Councillor Nicholls and it was **RESOLVED** that the contents of the report be noted.

105. CABINET MEMBERS' ITEMS - REPORT OF THE FINANCE AND CORPORATE SERVICES PORTFOLIO HOLDER - A.13 - CORPORATE BUDGET MONITORING REPORT FOR THE SECOND QUARTER OF 2017/18

There was submitted a detailed report and appendices by the Portfolio Holder for Finance and Corporate Resources (A.13), which provided Cabinet with an overview of the Council's actual financial position against the budget as at the end of September 2017 (Quarter Two).

Cabinet was informed that some of the information that was set out in the appendices had been refreshed for 2017/18 and that separate appendices were no longer included for the significant income streams and council tax and business rate information.

The overview covered the following areas of the budget:-

- (1) General Fund Revenue;
- (2) Expenditure Budgets;
- (3) Income Budgets;
- (4) Delivery of Savings 2017/18;
- (5) 2017/2018 Budget Adjustments and Other Issues;
- (6) Housing Revenue Account – Revenue;
- (7) Capital Programme – General Fund;
- (8) Capital Programme – Housing Revenue Account;
- (9) Collection Performance; and
- (10) Treasury Activity.

Having considered the report and appendices, it was moved by Councillor G V Guglielmi, seconded by Councillor McWilliams and **RESOLVED** that:

- (a) the financial position, as at the end of September 2017, be noted;
- (b) in respect of the 2017/18 budget, the central agency staff budget be increased by £0.150m funded by a transfer from the associated vacancy savings accrued to the end of September 2017; and
- (c) in respect of the Council's Treasury Management practices, the aggregate amount of money that can be placed overnight with the Council's bankers be increased temporarily from £1.000m to £1.500m for each day the Council Offices are closed over the Christmas break.

106. CABINET MEMBERS' ITEMS - REPORT OF THE HEALTH AND EDUCATION PORTFOLIO HOLDER - A.14 - TENDRING CHILDREN AND YOUNG PEOPLE'S STRATEGY 2017 - 2020

There was submitted a report by the Portfolio Holder for Health and Education (Report A.14), which sought Cabinet's agreement for the updated Tendring Children & Young People's (C&YP) Strategy 2017 – 2020, including the C&YP Partnership Delivery Plan 2017/2018.

Members were aware Tendring District Council's (TDC) Corporate Plan 2016-2020 put Community Leadership at the heart of everything the Council did and within that context, the children and young people living within the District, their education, safety, health and wellbeing, and raising aspirations continued to be a priority. In the County of Essex, the overall responsibility and accountability for meeting the needs of children and young people in the area rested with Essex County Council as the lead authority. TDC had an influencing role and can also provide support bringing agencies together.

Cabinet was reminded that the Tendring Children & Young People's Partnership Delivery Plan 2015/2016 had been reviewed at the end of December 2016, and an update provided at the meeting of the Community Leadership & Partnership Committee held in January 2017.

It was reported that further work had now been undertaken to research, consult and develop an updated Strategy and Partnership Delivery Plan in order to reflect the changing priorities and needs within the District. Consultation had included members of the North East Essex Children's Partnership, the Tendring Youth Strategy Group, the Tendring Community Safety Partnership, the Tendring Public Health Officer, as well as consideration of feedback from young people and their views on needs and priorities (the Essex Youth Service Young People Consultation 2016).

Cabinet was informed that the revised and updated C&YP Strategy focused on four priority areas. Progress would only be achieved on those priorities through working in partnership. The role of TDC was to influence and bring partners together to support the delivery of tangible outcomes for the children and young people of Tendring. Those four priority areas were –

Start Well – to continue to support schools in improving and maintaining attainment levels, promoting school readiness, and a positive experience and opportunities through school to allow each child to achieve their full potential.

Stay Safe – children and young people feeling safe in their community.

Mental Health & Emotional Wellbeing – enjoying good mental health and wellbeing.

Positive Futures - working together with partners to enable families to lift themselves out of poverty, enhance aspirations and provide opportunities for life long wellbeing.

Cabinet was made aware that at the meeting of the Community Leadership and Partnerships Committee held on 2 October 2017, Members had considered the draft Tendring Children & Young People's (C&YP) Strategy 2017 – 2020, and the Partnership Delivery Plan 2017/2018 and had submitted the following comments to Cabinet, namely that -

“(a) the Committee supports the draft Tendring Children & Young People Strategy 2017 –2020 at Appendix A;

-
- (b) *the Committee supports the draft C&YP Partnership Delivery Plan 2017/2018 at Appendix B in support of the Corporate Plan priorities;*
- (c) *the Tendring Children & Young People Partnership Delivery Plan will be reviewed annually and updates provided to the Community Leadership & Partnerships Committee;*
- (d) *the Committee would like to express that it has very strong concerns about child poverty in the District and the lack of resources available to support early intervention; and*
- (e) *the Committee considers that a more in depth and better understanding of the true levels and causes of child poverty in the District is needed. To this end it was agreed to invite the Essex County Council Child Poverty Officer to a future meeting of the Committee together with representatives from other groups addressing child poverty."*

Having considered the information submitted and the comments of the Community Leadership and Partnerships Committee:

It was moved by Councillor McWilliams, seconded by Councillor G V Guglielmi and:

RESOLVED that

- (a) the comments from the Community Leadership and Partnerships Committee be noted;
- (b) the Tendring Children & Young People's Strategy 2017 – 2020, as set out at Appendix A to item A.14 of the Report of the Health and Education Portfolio Holder, be approved;
- (c) the Children and Young People's Partnership Delivery Plan 2017/2018 as set out at Appendix B to the aforesaid report, be approved in support of the Council's Corporate Plan priorities; and
- (d) the Tendring Children & Young People's Partnership Delivery Plan be reviewed annually with updates provided to the Community Leadership and Partnerships Committee.

107. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - A.15 THE LOCAL COUNCIL TAX SUPPORT SCHEME, COUNCIL TAX EXEMPTIONS/DISCOUNTS FOR 2018/19 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2018/19

There was submitted a report by the Portfolio Holder for Housing (Report A.15), which sought Cabinet's agreement to recommend to full Council the following:

- Local Council Tax Support Scheme 2018/19 (including associated exceptional hardship policy);
- Council Tax Exemptions and Discounts 2018/19; and
- Annual Minimum Revenue Policy Statement for 2018/19.

Accordingly and in order to allow these matters to progress to Council it was moved by Councillor Honeywood, seconded by Councillor G V Guglielmi and:

RECOMMENDED TO COUNCIL that

- (a) the Local Council Tax Support Scheme (LCTS) remains the same as the current year, as set out as Appendix A to item A.15 of the Report of the Housing Portfolio Holder and that therefore:
 - i) the LCTS be approved with the maximum LCTS award being 80% for working age claimants; and
 - ii) delegation be given to the Corporate Director (Corporate Services), in consultation with the Housing Portfolio Holder, to undertake the necessary steps and actions to implement the LCTS scheme from 1 April 2018.
- (b) the Council Tax Exceptional Hardship Policy, as set out in Appendix B to the aforesaid report, be approved.
- (c) the proposed Council Tax exemptions and discounts (which remain unchanged), as set out in Appendix C to the aforementioned report, be approved and that delegation is given to the Corporate Director (Corporate Services), in consultation with the Housing Portfolio Holder, to undertake the necessary steps and actions to implement the Council Tax exemptions and discounts from 1 April 2018.
- (d) the Annual Minimum Revenue Provision Policy Statement for 2018/19, as set out in Appendix D to the above report, be approved.

108. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - A.16 - FORMAL CONSULTATION ON THE FUTURE OF TWO SHELTERED HOUSING SCHEMES

Councillor G V Guglielmi had earlier declared an interest in this item insofar as he lived adjacent to the Honeycroft, Lawford Sheltered Housing Scheme.

Councillor Bucke had earlier declared an interest in this item insofar as he was also a member of Frinton and Walton Town Council.

Councillor Baker had earlier declared an interest in this item insofar as he was the Ward Member for Lawford.

There was submitted a report by the Portfolio Holder for Housing (Report A.16), which informed Cabinet of the outcome from an initial viability assessment into the Spendells and Honeycroft sheltered housing schemes and which sought Cabinet's agreement to commence a formal consultation with residents and affected staff on future proposals for those schemes.

It was reported that, following a request made in 2016 by the Housing Portfolio Holder, viability appraisals of two Sheltered Housing Schemes, Spendells House, Walton-on-the-Naze and Honeycroft, Lawford including the future of those two sites had been undertaken by Officers.

Cabinet was informed that the viability work had considered the level of occupancy at both schemes and the costs associated with running them. Various options had been produced and presented to residents within those Schemes in October 2016 as part of an informal consultation exercise. It had been clear from that consultation there was little support for continuing to operate the schemes without making significant changes to the layout and quality of the accommodation.

Cabinet was advised that assessments of Option 1 (Continue with No Change) and Option 2 (Increase the range of Occupancy) had demonstrated that the Council's Housing Revenue Account (HRA) would have to continue subsidising an ongoing revenue loss. As a result it was not a viable option to keep operating those two premises with such low occupancy rates.

Therefore, it was now proposed by the Housing Portfolio Holder that the Spendells House scheme in Walton-on-the-Naze should be closed which would provide annual savings to the HRA. Options in respect of the future use of that site would be brought to Cabinet once they had been fully evaluated by the Officers.

The Portfolio Holder's further recommendation was that the sheltered accommodation in the Honeycroft scheme in Lawford, not including the 8 bungalows, would also be closed which would also provide on-going savings to the HRA, but with further work being undertaken to explore future possibilities for that site, which could include the provision of alternative bungalow accommodation potentially for the use of existing residents but such options would require detailed financial modelling within the HRA to determine their viability.

Cabinet was made aware that a statutory formal consultation on the Portfolio Holder's proposals must be undertaken with residents and affected staff before the final recommendation(s) could be submitted to it.

The Portfolio Holder informed Cabinet that Frinton and Walton Town Council would be consulted on the proposals that related Spendells House.

Accordingly and in order to allow these matters to progress it was moved by Councillor Honeywood, seconded by Councillor McWilliams and:

RESOLVED that Cabinet agrees that –

1. the Spendells and Honeycroft Sheltered Housing schemes have proven to be unpopular for several years due to their shared facilities and dated design and that it is economically unviable for the Housing Revenue Account (HRA) to continually subsidise the on-going and increasing revenue loss of rental income at these schemes;
2. formal consultation on the principle of closing both the schemes be commenced with residents in accordance with Section 105 of the Housing Act 1985;
3. that the Portfolio Holder for Housing present the outcome of the viability work for each scheme to the Service Development and Delivery Committee, during the consultation period;

4. the outcome of the formal consultation, along with more detail on the costs associated with closure, be reported back to Cabinet to inform the final decisions on the future of these schemes;
5. an associated budget of £200,000 within the HRA in 2017/18, be established to support residents throughout the whole process, funded from the HRA General Reserve;
6. Officers be authorised to commence preparations to secure alternative accommodation for affected residents in the event that Cabinet decides to close these schemes, including holding open voids at other sheltered schemes; and
7. further work be undertaken by Officers exploring the provision of alternative sheltered type housing accommodation after detailed financial modelling within the HRA.

109. MANAGEMENT TEAM ITEMS

There were none on this occasion.

110. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and:

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 20 and 21 on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraph(s) of Part 1 of Schedule 12A, as amended, of the Act.

111. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - B.1 - LAND EAST OF LOTUS WAY, JAYWICK, CLACTON-ON-SEA

That Cabinet –

- (a) notes the progress of the Coastal Community Team, whose membership includes representation from Government, the community and the Council;
- (b) endorses the development of 10 properties at Jaywick Sands, five units being retained for Council housing stock and let in accordance with a local allocations policy (a local lettings plan);
- (c) authorises the Corporate Director (Operational Services) to develop and implement, in consultation with the Housing Portfolio Holder, a local allocations policy for Jaywick Sands which prioritises lettings to local residents;
- (d) agrees to formulate a Starter Homes Policy, using the definition proposed within the Housing and Planning Act 2016, for disposing of the remaining five properties to qualifying residents such as Key Workers;

- (e) authorises the Corporate Director (Operational Services) to develop and implement, in consultation with the Housing Portfolio Holder, a Starter Homes Policy, including assessment criteria and decision making for disposing of homes in accordance with Consent A of the General Housing Consents Order 2013; and
- (f) excludes disposals of properties as Starter Homes from the Property Dealing Procedure, as these will be subject to the Starter Homes Policy.

The Meeting was declared closed at 11.56 am

Chairman

Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

15 DECEMBER 2017

REPORT OF FINANCE AND CORPORATE RESOURCE PORTFOLIO HOLDER

A.1 UPDATED FINANCIAL FORECAST / BUDGET 2018/19

(Report prepared by Richard Barrett)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Cabinet to consider the updated financial forecast for 2018/19 for consultation with the Corporate Management Committee.

EXECUTIVE SUMMARY

- An updated financial forecast for 2018/19 has been prepared which reflects changes since Cabinet considered the initial forecast back in September 2017.
- As set out in the initial forecast considered by Cabinet in September, the approach to the forecast / setting of the budget is significantly different to previous years with estimates now being undertaken across a 10 year financial sustainability plan period. As mentioned earlier on in the year, confidence needs to be built in the early years of the 10 year period through delivering against the forecast.
- The new approach brings the opportunity to review how the budget is developed, including input from the Corporate Management Committee. This report therefore focuses on the 2018/19 budget and the changes required compared to the initial forecast along with the broad principles behind figures such as special expenses and fees and charges. Comments on each updated line of the forecast are therefore requested from the Corporate Management Committee, which will then form the basis of the 2018/19 budget.
- At this stage of the budget process, there is a net surplus of **£0.042m** forecast in 2018/19, an overall change of **£0.578m** compared with the **£0.536m** deficit included in the initial forecast in September 2017, with each individual change included in more detail later on in this report.
- It is important to highlight that the increased collection fund balance for 2018/19 accounts for **£0.552m** of the **£0.578m** change mentioned above. Although this is an on-going item in the budget it is reviewed each year based on in-year collection performance and can therefore only be deemed a one-off 'saving' in 2018/19. Although the amount is available to support the 2018/19 budget, if this was excluded from the forecast, there would be a budget deficit of **£0.510m** for 2018/19, which is broadly in-line with the initial forecast amount of **£0.536m**.
- As set out in the initial forecast, **£1.434m** has been set aside from the outturn position for 2016/17 to underwrite the risks associated with the 10 year approach to the forecast. It is proposed to set this aside in a specific reserve named the Forecast Risk Fund.

- Although subject to potential changes to the forecast over the remaining budget setting period, the current forecasted surplus of **£0.042m** will be paid into the Forecast Risk Fund.
- Any necessary changes emerging from the detailed Local Government Finance Settlement will be reported directly at the meeting if received in-time, otherwise they will be included in the figures that will be presented to Cabinet in January 2018 when it considers the final budget proposals after consultation with the Corporate Management Committee.
- Once the final position for 2018/19 is determined, the remaining years of the 10 year forecast will be revised, set against the revised 2018/19 position and will be reported to members later in the budget setting process.
- As mentioned earlier, this report concentrates on the position for 2018/19 as part of the new approach to the forecast. The revised budget for 2017/18 is therefore not included within this report but remains under review for reporting to Cabinet in January 2018 as part of the more detailed / technical budget setting processes.
- Given the on-going favourable position against parking income, there is now the opportunity to build the cost of this scheme into the base budget on an ongoing basis and therefore remove the need to fund it on a temporary basis from the associated reserve.

RECOMMENDATION(S)

It is recommended that Cabinet:

- Agrees the updated Financial Forecast 2018/19 as set out in this report and Appendix;**
- agrees that the residents free parking scheme be included within the base revenue budget on an on-going basis each year; and**
- requests the Corporate Management Committee's comments on the updated financial forecast 2018/19.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The forecasting and budget setting process will have direct implications for the Council's ability to deliver on its objectives and priorities. At its heart, the 10 year approach to the forecast seeks to establish a sound and sustainable budget year on year through maximising income whilst limiting reductions in services provided to residents, business and visitors but still make investments where possible.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The financial implications are set out in the body of the report.

Although the availability of financial resources is a key component in the delivery of

services there will also need to be appropriate input of other resources such as staffing, assets and IT.

Risk

There are significant risks associated with forecasting such as cost pressures, inflation and changes to other assumptions that form part of the financial planning process. There are a number of areas that could lead to additional expenditure being incurred, such as: -

- Economic environment / instability;
- Emergence of cost pressures;
- Changes to the local authority funding mechanisms such as the Government's fairer funding review that is proposed;
- New legislation placing unfunded duties on the Council or reducing the level of the Council's core funding;
- Local or national emergency;
- Income is less than that budgeted for, including business rate income retained locally.

As set out as part of the initial forecast, the forecast is based on relatively conservative estimates with no optimistic bias included. It is also worth highlighting that the risks identified do not uniquely apply to the 10 year approach being taken as they would equally apply to the short term approach to the budget setting process that has historically been taken.

Another potentially more important action to manage and mitigate risk is the Council's ability to financially underwrite the forecast. As with any forecast, some elements of income and expenditure will be different to that forecasted. It is fair to say that many may offset each other over the longer term. However, there are two important aspects to how this will be managed.

- 1) As mentioned elsewhere in the report, **£1.434m** has already been set aside to support the budget in future years. This money can, therefore, be drawn down if the timings within the forecast differ in reality and the net position is unfavourable compared to the forecast in any one year.
- 2) The forecast will remain 'live' and be responsive to changing circumstances and it will be revised on an on-going basis. If unfavourable issues arise that cannot be mitigated via other changes within the forecast then the forecast will be adjusted and mitigating actions taken. Actions to respond will, therefore, need to be considered but can be taken over a longer time period where possible. In such circumstance the Council may need to consider 'topping' up the funding mentioned in 1) above if required in the early years of the forecast. This may impact on the ability to invest money elsewhere but will need to demonstrate that its use is sustainable in the context of the ten year forecast and supports the thinking behind the new approach of protecting Council services wherever possible.

The on-going forecast includes the need to identify on-going savings of **£0.300m** each year. This figure will need to remain flexible and act as a counterbalance to other emerging issues as it is accepted that this figure may need to be revised up or down over the life of the forecast.

It will also be important to deliver against the forecast in the early years to build confidence in the revised approach. This will, therefore, need robust input from members and officers where decisions may be required in the short term or on a cash flow basis.

Another aspect to the 10 year approach is the ability to 'flex' the delivery of services rather than cut services. As would be the case with our own personal finances, if we cannot afford something this year because of a change in our income, we can put it off until next year. There is a practical sense behind this approach as we could flex the delivery of a service by reducing it one year but increase it again when the forecast allows.

Building on the point above about the forecast remaining 'live', it is proposed to report an updated forecast on a regular basis. Not only will this allow adjustments to be made, it will also set out a transparent approach against which we can measure its performance to support further decision making processes. Such decisions could include reverting back to the more traditional shorter term approach if the revised approach does not achieve its objectives.

In addition to the above it is important to note that the Council has already prudently set aside money for significant risks in the forecast such as **£1.609m** (NDR Resilience Reserve, which includes a contribution to the reserve of **£0.150m** as set out in this report) and **£1.100m** (Benefits Reserve). The Council also holds **£4.000m** in uncommitted reserves which supports its core financial position.

It is accepted that items such as the continuation of the £5 annual increase in council tax may not be permitted by the Government or Members may not wish to implement it locally each year, so the impact of potential deviations from the ten year forecast need to be determined in such circumstances.

LEGAL

The arrangements for setting and agreeing a budget and for the setting and collection of council tax are defined in the Local Government Finance Act 1992. The previous legislation defining the arrangements for charging, collecting and pooling of Business Rates was contained within the Local Government Finance Act 1988. These have both been amended as appropriate to reflect the introduction of the Local Government Finance Act 2012.

The Local Government Finance Act 2012 provided the legislative framework for the introduction of the Rates Retention Scheme and the Localisation of Council Tax Support.

The Calculation of Council Tax Base Regulations 2012 set out arrangements for calculation of the council tax base following implementation of the Local Council Tax Support Scheme. The new arrangements mean that there are now lower tax bases for the district council, major preceptors and town and parish councils.

The Localism Act 2012 introduced legislation providing the right of veto for residents on excessive council tax increases.

Under Section 25 of the Local Government Act 2003, the Chief Finance Officer (S151 Officer) must report to Council as part of the budget process on the robustness of estimates and adequacy of reserves. The proposed approach can deliver this requirement if actively managed and will be an issue that remains 'live' over the course of the forecast period and will be revisited in future reports to members as the budget develops.

In respect of special expenses that form part of the budget setting process, expenditure is classed as a Special Expense if it satisfies the requirements of the Local Government Finance Act 1992, Section 35. The only category relevant to this Council is contained within Section 35(2)(d) relating to concurrent functions with Parish and Town Councils.

Under the Local Government Finance Act 1992, the Council must identify as its Special Expense, proposed expenditure on those functions which the Council performs in part of the district but which Parish or Town Councils perform elsewhere in the District. If, in the Council's view, a special expense should properly be charged over the whole of the district's area, the Council may pass an express resolution to this effect (known as a **contrary resolution**).

In order for expenditure to be a Special Expense, there are two conditions that must be fulfilled:

1. Expenditure is estimated to be incurred by the District Council in the whole or part of its area on the provision of a function;
2. Expenditure on the provision of the same function is to be incurred by at least one parish/town council elsewhere in the district.

The proposals set out in this report are in accordance with the Council's budget and policy framework.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

These implications have no impact on the Financial Strategy itself. However, they are taken account of in the delivery of individual services and projects.

Special expenses are based on the principle of ensuring there is equality across the district in levying Council Tax to residents based on services and facilities provided by Town and Parish Councils in specific areas that are also provided by the District Council.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Cabinet considered the Long Term Financial Sustainability Plan / 10 Year Forecast at its 5 September 2017 meeting and it was resolved that Cabinet:

- (a) Agrees the revised long term financial sustainability approach and associated ten year forecast that is set out in the report;*
- (b) subject to (a) above, requests officers to continue their work in developing an associated delivery plan, in consultation with Portfolio Holders, to support the delivery of the ten year forecast and in particular the budget for 2018/19;*
- (c) consults the Corporate Management Committee on the revised approach being taken as set out in this report;*
- (d) that subject to (a) above, agrees that the Local Council Tax Support Scheme grant to Town and Parish Council's be removed from the budget via the phased approach set out in the ten year forecast; and*
- (e) agrees to make an additional one-off contribution of £1.200m to the Beach*

Recharge Reserve in 2017/18, funded by £0.202m from the Fit for Purpose budget and £0.998m from the New Homes Bonus Budget.

The Corporate Management Committee considered the report referred to above at its meeting on 25 September 2017, following which its comments relating to the use of the proposed Beach Recharge Reserve were presented back to Cabinet at its 10 November 2017 meeting.

REVISED FINANCIAL FORECAST 2018/19

Appendix A sets out an updated forecast for 2018/19.

The initial forecast set out a deficit for the year of **£0.536m**, which has been revised to a net surplus of **£0.042m** at this stage of the budget process. Work remains on-going in developing the budget which will need to react to a number of issues such as any announcements from the Government as part of the annual local government financial settlement process. Any changes will be reported to members as they arise throughout the remainder of the budget setting process and will be included in the final budget proposals to be considered by Cabinet in January before recommendations are made to Council.

The following table provides a commentary on the changes to the initial forecast (excludes items where there has been no change compared to the relevant line of the initial forecast):

Item in the Forecast	Change since initial forecast £	Comments
<i>Underlying Funding Growth</i>		
Council tax Increase by 1.99%	Increase in Income of £0.003m	A small increase due to the most up to date tax base being used in the calculations
Council tax Increase by £5	Increase in Income of £0.001m	
Growth in business rates - Inflation	Increase in Income of £0.044m	This reflects the updated inflation forecast and also reflects the move to CPI from RPI as announced by the Government in the Autumn Budget
Growth in business rates / council tax - general property growth	Increase in Income of £0.132m	Reflects the latest property base estimates for 2018/19
Collection Fund Surpluses b/fwd	Increase in Income of £0.552m	This reflects the latest collection fund position for the year. This is however a one-off increase as the collection fund surplus or deficit is updated each year based on actual collection performance etc.

Net Cost of Services and Other Adjustments		
Inflation - Employee Costs (including annual review adjustments)	Reduction in forecasted expenditure of £0.057m	This reflects the latest salary forecasts which include restructures implemented so far to date.
Inflation - Other	Reduction in forecasted expenditure of £0.015m	Similarly to the associated income position, this reflects the updated inflation forecast and also reflects the move to CPI from RPI as announced by the Governments in the Autumn Budget
LCTS Grant to Town and Parish Councils	Increase in forecasted Costs – £0.041m	This corrects an error in the initial forecast where it was agreed to reduce the grant at the same pace as the Council's RSG – the actual grant payable in 2018/19 was included in the initial forecast rather the change between years.
Specific Changes in Use of Reserves	Increase in forecasted Costs – £0.224m	<p>This reflects two issues not included in the initial forecast:</p> <ul style="list-style-type: none"> • A contribution to the business rates resilience reserve of £0.150m given the strong position within the associated income lines above, which in effect pays back the £0.150m that was drawn down from this reserve in 2017/18. • Given the on-going favourable position against parking income, it is now possible to meet the cost of this scheme within the underlying base budget with no need to call on the associated reserve to fund it. An adjustment to the use of reserves of £0.074m has therefore been made in 2018/19. A recommendation is included earlier on in this report to reflect this proposed change in the forecast. <p>So there is no overall net impact on the budget, the parking income budget has been increased by the same amount as set out below.</p>
On-going savings / increased income	Achieved savings / increases in income £0.290m (£0.010m lower than	<p>The following savings / increases to income have been included in the budget:</p> <ul style="list-style-type: none"> • Commercial property rental income following the purchase of a property in Clacton earlier in the year - £0.155m • Garden Waste Scheme - £0.105m (break-even position now being exceeded)

	the allowance of £0.300m included in the initial forecast)	<ul style="list-style-type: none"> • Review of all Council owned property rent income budgets - £0.010m • Increased income from Street Naming and Numbering - £0.020m
Unmitigated Cost Pressures	Total cost pressures of £0.172m (the total amount included in the budget is £0.022m more than the allowance of £0.150m included in the initial forecast)	The following cost pressures have been included within the updated forecast: <ul style="list-style-type: none"> • £0.072m – this has been included in the revised forecast to respond to the risk that the final pay award agreed for 2018/19 could potentially be higher than the 1% included in the initial forecast. This amount would enable a total pay award of 1.5% to be accommodated within the budget. • £0.040m – to reflect the cost of cleaning the new beaches between Clacton and Holland on sea. • £0.060m - Additional summer cleaning of town centres and seafront areas
Other Adjustments	Reduction in forecasted net expenditure of £0.071m	This is a new line in the forecast to recognise other changes that do not necessarily fit within other lines of the forecast. Along with some minor budget amendments, the figure primarily reflects the necessary increase in parking income (£0.074m) to enable the scheme to be accommodated within the base budget on an-on-going basis.

The above position excludes changes to indirect costs such as internal recharges and technical accounting adjustments that do not have an overall net impact on the budget. However there is likely to be a change in the recharge made to the Housing Revenue Account which will be reflected in the final budget proposal that will be presented to Cabinet in January 2018.

As set out in **Appendix A**, taking the above adjustments into account in the forecast results in an estimated surplus for 2018/19 of **£0.042m**, compared with the initial forecasted deficit of **£0.536m**. It is important to repeat the point made earlier in this report that this is primarily due to the one-off position against the collection fund. An updated 10 year forecast based on the above adjustments will be made available to members as part of the detailed estimates that will be presented to Full Council in February 2018.

Although the budget is likely to change over the next few weeks before being finalised for reporting to Full Council in February 2018, the current surplus of **£0.042m** will be added to the **£1.434m** that was set aside from the 2016/17 outturn position giving a new total of **£1.476m**. It is proposed to isolate this money from other Council reserves, so a new reserve has been set up and named the Forecast Risk Fund.

Reserves will be adjusted in line with the above changes to the initial forecast and will be included on this basis within the final budget proposals that will be presented to Full

ADDITIONAL INFORMATION

Council Tax Levy 2018/19

Based on a proposed £5 increase, the Council Tax for a band D property would be **£162.64** in 2018/19. The updated property base is **46,739.5**, an increase of **880** over the 2017/18 figure of **45,859.5**.

The ability to increase Council Tax by £5 remains subject to confirmation from the Government. This is expected to be confirmed within the Local Government Financial Settlement which is expected shortly.

If such an increase is not permissible and it is necessary to revert back to an increase of 1.99%, income would be reduced by **£0.086m**, which would need corresponding savings to be identified over the life of the forecast.

Locally Retained Business Rates

As set out above, an increase in income is forecast due to an inflationary uplift and an increased property base.

The Council has agreed to join a revised Essex Business Rates Pool in 2018/19, which has also bid to become a pilot area for 100% retention of business rates. No income is currently included in the forecast for either being a pool member or being successful in the bid for pilot status. It is expected that the Government will announce pool / pilots for 2018/19 shortly and once received the necessary adjustments to the forecast will be made.

Fees and Charges

Similarly to previous years, Departments have been asked to review their fees and charges on an individual basis as changes may need to be made to meet specific aims or strategic objectives or in some cases in response to external factors such as market forces.

Detailed fees and charges will form part of the final budget proposals to Cabinet in January and Full Council in February, with proposed fees and charges set against the following key principles:

- inflationary increases or lower where appropriate
- amounts rounded for ease of application, which may result in a slightly above inflation increase.
- on a cost recovery basis as necessary
- reflect statutory requirements.

GENERAL FUND CAPITAL PROGRAMME

Similarly to the General Fund revenue budget set out earlier on in this report, the revised budget for 2017/18 will be set out in a report to Cabinet in January 2018, with this report therefore concentrating on the 2018/19 forecast for consultation with the Corporate Management Committee.

Only 2 schemes are included in the base budget on a recurring basis each year and these relate to the on-going cost of replacing the Council's core IT infrastructure along with disabled facilities grants. **£0.100m** and **£0.757m** has therefore been included within the

2018/19 Capital Programme respectively.

The **£0.100m** investment in IT core infrastructure is funded by a direct revenue contribution, with disabled facilities grants funded by estimated external grant funding of **£0.690m** and capital receipts of **£0.067m**.

SPECIAL EXPENSES 2018/19

Final special expenses amounts cannot be finalised until the budget for the year has been completed and the associated technical adjustments reflected in the budget. Therefore at this stage of the budget process it is more practical to review the principles against which the special expenses will be calculated rather than the specific amounts themselves, which are subject to change as the budget develops.

It is not proposed to make any changes to the principles behind the calculation of special expenses with the key principles remaining the same as in 2017/18 as set out below:

- A de minimus amount of **£0.025m** is applied to determine which expenses are excluded from the special expenses calculations;
- Any allocation to specific areas less than **£0.001m** is excluded for the purposes of determining special expenses.

Although subject to the final budget calculations, expenses to be allocated as special expenses are likely to remain as in 2017/18 and apply to open space and recreation area costs.

For completeness, the underlying technical background to the calculation of special expenses is set out below:

Certain expenditure referred to as 'Special Expenses' is regarded as being chargeable to only certain parts of the district. The rest of the Council's expenditure is regarded as being chargeable over the whole district and is referred to as 'General Expenses'. Local authorities have the power to pass a resolution in respect of any particular Special Expense to the effect that the amount of that expense should be charged across the whole district. This is referred to as the contrary resolution.

In exercising this power the Council also has to consider how the burden of Special Expenses will be charged to the taxpayers of the district.

Information from parish/town councils

Each year parish councils complete a return to identify changes to the services they undertake

Consideration of Determining the Contrary Resolution

In judging whether the contrary resolution should be passed in respect of any special expenses, the following matters are relevant:

- Whether in respect of this Council's expenditure the function is to be provided generally for the whole district or is to be restricted to a part or parts of the district?*
- To what extent, if any, are restrictions placed on any part of the district as to the accessibility of the function?*

iii) *The use of the facility/activity to which the Special Expense relates.*

These matters must each be considered and a view taken as to whether it would be appropriate to pass the contrary resolution in respect of some of the budgeted expenditure on Special Expenses.

In determining how the burden of special items should be charged to the taxpayer of the district, the following matters need to be considered.

- i) *Where is the facility situated?*
- ii) *Who uses it?*
- iii) *How much expenditure is to be spent in the various parts of the district?*

Wherever possible the Council aims to charge the cost incurred in performing a function in a part of the district, to the taxpayers of that part. In assessing the area of benefit to which a function identified as a special expense relates, parish boundaries have been treated as the appropriate areas.

The tax base for apportioning Special Expenses to each parish and the unparished area is that used to determine the Council's overall Council Tax base.

ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT

Where relevant, figures included in the 2018/19 budget are based on the Policy Statement agreed by Council at their 21 November 2017 meeting which is as follows:

In accordance with the Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008, the Council's policy for the calculation of MRP for 2018/19 shall be the Capital Financing Requirement Method for supported borrowing and the Asset Life (equal instalment) Method for prudential borrowing.

BACKGROUND PAPERS FOR THE DECISION

Working papers held in Accountancy

APPENDICES

Appendix A Updated Financial Forecast 2018/19

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LONG TERM FINANCIAL STABILITY PLAN / 10 YEAR FORECAST

	Forecast (Cabinet 5 September 2017)	Updated Forecast (Cabinet 15 December 2017)	Change
	2018/19	2018/19	
	£	£	£
Underlying Funding Growth in the Budget			
Council Tax Increase 1.99%	(0.144)	(0.147)	(0.003)
Council Tax increase by £5 (amounts set out are over and above 1.99% above)	(0.085)	(0.086)	(0.001)
Growth in Business rates - Inflation	(0.087)	(0.131)	(0.044)
Growth in Business rates / Council Tax - general property growth	(0.161)	(0.293)	(0.132)
Collection Fund Surpluses b/fwd	(0.100)	(0.652)	(0.552)
	(0.577)	(1.309)	(0.732)
Net Cost of Services and Other Adjustments			
Reduction in RSG	0.580	0.580	0.000
Remove one-off items from prior year	(0.315)	(0.315)	0.000
Remove one-off items from prior year - Collection Fund Surplus	0.218	0.218	0.000
Inflation - Employee Costs (including annual review adjustments)	0.264	0.207	(0.057)
Inflation - Other	0.103	0.088	(0.015)
First / Second / Third year impact of PFH WP Savings	(0.055)	(0.055)	0.000
LCTS Grant to Parish Council's	(0.090)	(0.049)	0.041
Beach recharge - Set aside full budget in one year	(0.150)	(0.150)	0.000
Specific Changes in Use of Reserves	0.150	0.374	0.224
On-going savings / increases in income	(0.300)	(0.290)	0.010
Unmitigated Cost Pressures	0.150	0.172	0.022
Other Adjustments	0.000	(0.071)	(0.071)
	0.555	0.709	0.154
Net Total	(0.022)	(0.600)	(0.578)
Add back General Use of Reserves in Prior Year to Balance the Budget	0.558	0.558	0.000
Net Budget Position	0.536	(0.042)	(0.578)
Use of Forecast Risk Fund to support the Net Budget Position	(0.536)	0.042	0.578

Use of Forecast Risk Fund

Outturn b/fwd from prior years	(1.434)	(1.434)
Contribution from / (to) reserve	0.536	(0.042)
Additional contributions generated in year*	0.000	0.000
Balance to Carry Forward	(0.898)	(1.476)

* This will be updated when the overall 2017/18 Revised Budget is finalised

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Key Decision Required:	No	In the Forward Plan:	No
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CABINET

15 DECEMBER 2017

REPORT OF THE MONITORING OFFICER

A.2 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

The Constitution (Article 12.03(a)) requires the Monitoring Officer to report to Council, or to Cabinet for executive functions, if any decision or omission has given rise to maladministration. The Ombudsman has recently considered a case in relation to a complaint about noise and fumes nuisance. The Ombudsman has concluded that the complaint regarding noise nuisance was properly investigated. However, the conclusion regarding the fumes complaint was that the Council was not able to demonstrate sufficient evidence to show that the fumes complaint had been properly investigated. The final decision of the Ombudsman is that the Council should:-

- a) Apologise to the complainant for its failure to properly investigate complaints and pay her £100;
- b) visit the site if further problems are reported;
- c) consider how it records investigations of possible statutory nuisances and inform the Ombudsman of action it proposes to take in the next two months.

These actions have been undertaken.

This item is submitted for **INFORMATION ONLY**.

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

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