



Meeting: **Constitution Committee**

Date/Time: **Tuesday, 25 February 2025 at 11.30 am**

Location: **Goscote Committee Room, County Hall, Glenfield**

Contact: **Mrs J Twomey (Tel: 0116 305 2583)**

Email: **Joanne.twomey@leics.gov.uk**

Membership

Mr. N. J. Rushton CC (Chairman)

Mr. P. Bedford CC Mr J. Poland CC
Mr. L. Breckon JP CC Mr. R. J. Shepherd CC
Mr. M. T. Mullaney CC Mrs D. Taylor CC

AGENDA

<u>Item</u>	<u>Report by</u>	
1. Minutes of the meeting held on 21 January 2025.		(Pages 3 - 6)
2. Question Time.		
3. Questions asked under Standing Order 7(3) and 7(5).		
4. To advise of any other items which the Chairman has decided to take as urgent.		
5. Declarations of interest.		
6. Report of the Independent Remuneration Panel on Members' Allowances	Chief Executive	(Pages 7 - 18)
7. County Council Elections 2025 - Scale of Election Expenses.	Chief Executive	(Pages 19 - 24)
8. Any other items which the Chairman has decided to take as urgent.		



9. Exclusion of the Press and Public

The public are likely to be excluded during the following item of business in accordance with section 100(a) of the Local Government Act 1972:-

- Charitable Trusts Update and Grant Application

10. Charitable Trusts Update and Grant Application

Director of Law
and Governance

(Pages 25 - 46)



Minutes of a meeting of the Constitution Committee held at County Hall, Glenfield on Tuesday, 21 January 2025.

PRESENT

Mrs D. Taylor CC (in the Chair)

Mr. L. Breckon JP CC
Mr. M. T. Mullaney CC
Mr J. Poland CC

Mrs P. Posnett MBE CC
Mr. R. J. Shepherd CC
Mrs. M. Wright CC

24. Minutes.

The minutes of the meeting held on 22nd November 2024 were taken as read, confirmed and signed.

25. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

26. Questions asked under Standing Order 7(3) and 7(5).

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

27. Urgent Items.

The Chairman advised that there was one urgent item for consideration, a verbal report from the Director of Law and Governance regarding the proposed review of the Council's Constitution. This matter was urgent due to recent developments regarding the potential for local government reform which could impact on imminent plans to undertake this work.

28. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

No declarations were made.

29. Annual Governance Statement 2023-2024

The Committee considered a joint report of the Director of Corporate Resources and the Chief Executive, the purpose of which was to outline the background and approach taken to produce the County council's 2023-24 Annual Governance Statement (AGS) and to

present the final AGS for approval, prior to this being signed by the Chief Executive and the Leader of the Council. A copy of the report marked 'Agenda Item 6' is filed with these minutes.

RESOLVED:

- (a) That the Annual Governance Statement 2023-24 be approved;
- (b) That the Director of Corporate Resources be authorised to update the AGS as necessary to align with the finalised Statement of Accounts for the County Council and the Pension Fund (yet to be approved), noting that such changes will be reported to the Corporate Governance Committee and the Leader as appropriate.

30. Co-opted Members Protocols

The Committee considered a report of the Chief Executive, the purpose of which was to present two protocols for approval. The protocols set out the position in relation to co-opted members of overview and scrutiny committees (Appendix A) and to co-opted independent members of the Corporate Governance Committee (Appendix B). A copy of the report marked 'Agenda Item 7' is filed with these minutes.

RESOLVED:

That the protocols for co-opted members of overview and scrutiny committees and for co-opted independent members of the Corporate Governance Committee be approved.

31. Urgent Item - Review of the County Council's Constitution.

The Committee considered an urgent item from the Director of Law and Governance regarding the Committee's previous decision to establish a politically balanced task and finish group to undertake a full review of the County Council's Constitution. The matter was urgent due to recent developments regarding the potential for local government reform which could impact on the imminent establishment of this group and the work it undertook.

The Director informed the Committee that arising from the Government's English Devolution White Paper published on 16 December 2024, the County Council had submitted its request to the Minister of State for Local Government and English Devolution to postpone the County Council elections from May 2025 to May 2026. Until the Government's response to this request was known it was not clear how this project might need to progress. It was therefore proposed that the establishment of the task and finish group be paused for the time being.

It was noted that the review of the Constitution would be a big piece of work that would take up significant resources which would not be a good use of officer time until the position regarding local government reform had been made clearer.

RESOLVED:

That the establishment of a politically balanced task and finish group to undertake a full review of the Constitution as agreed by the Committee at its meeting on 22 November 2024 be paused.

11.00 - 11.10 am
21 January 2025

CHAIRMAN

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CONSTITUTION COMMITTEE – 25 FEBRUARY 2025

REPORT OF THE CHIEF EXECUTIVE

REPORT OF THE INDEPENDENT REMUNERATION PANEL ON MEMBERS' ALLOWANCES

Purpose

1. The purpose of this report is to present the report of the Independent Remuneration Panel on Members' Allowances and invite the Committee to make recommendations to the County Council on proposals for a new scheme of allowances in the light of the contents of that report.

Background

2. The statutory framework for members' allowances includes the following requirements:-
 - Each local authority is required to establish and maintain an Independent Remuneration Panel with the function of providing the local authority with advice on its scheme and the amounts to be paid. Local authorities must have regard to this advice.
 - Local authorities must, before the beginning of each year, make a scheme for the payment of a basic allowance for the year. The basic allowance must be payable to all members.
 - The scheme may include provision for the payment of special responsibility allowances, travel and subsistence allowances, a dependants' carers' allowance, and co-optees' allowance.
 - The approval of a members' allowances scheme has to be determined by the full Council and cannot be delegated to the Cabinet or a committee.
 - A scheme for members' allowances may be amended at any time but may only be revoked at the end of the year, i.e. 31 March. A further scheme must be available to replace the revoked scheme.

3. The Independent Remuneration Panel has recently met and its recommendations are set out in the report which is attached as an Appendix.

Resources Implications

4. The Director of Corporate Resources has been consulted on this report.

Equality Implications/Other Impact Assessments

5. The Scheme incorporates a Carers and Dependants Carers' Allowance.

Human Rights Implications

6. None

Recommendation

7. The Committee is asked to determine what recommendations it wishes to put forward to the County Council in response to the Report of the Independent Remuneration Panel on Members' Allowances.

Background Papers

Leicestershire County Council Constitution – Part 6 – Members' Allowances Scheme

<https://democracy.leics.gov.uk/documents/s180355/Part6%20Members%20Allowance%20Scheme.pdf>

Circulation Under Local Issues Alert Procedure

None.

Officer to Contact

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Appendices

Appendix – Report of Independent Remuneration Panel

**REPORT OF THE INDEPENDENT REMUNERATION PANEL ON
MEMBERS' ALLOWANCES**

JANUARY 2025

Introduction

1. This report sets out the recommendations of the Independent Remuneration Panel appointed by Leicestershire County Council to review its current Members' Allowances Scheme. The Panel was constituted under the Local Authorities (Members' Allowances) (England) Regulations 2003.
2. The Regulations require all local authorities to set up and maintain an advisory Independent Remuneration Panel to review and provide advice about the allowances paid to Members. All Councils are required to seek the advice of the Panel before making changes to their allowances scheme and must 'pay regard' to the Panel's recommendations.

Membership of the Panel

3. Leicestershire County Council's Independent Remuneration Panel comprises the following:-
 - Michael Pearson – (Chairman) – Former Bursar and Finance Director of Loughborough University.
 - Jayne Kelly – Former Solicitor working with various local authorities.
 - Gordon Grimes – Former HM Revenue and Customs Area Manager.

Support to the Panel

4. The Panel was supported by the Head of Member Services and the Democratic Services Manager who provided advice and background information to help with the Panel's deliberations.

Scope of the Review

5. The Panel last met in March 2024 when it recommended the following:-
 - i. **Basic and Special Responsibility Allowances be increased by the equivalent percentage increase awarded to Spinal**

Column Point 43 of Grade 15, for the period 1st April 2024 to 31st March 2025. The increase be implemented as soon as practicable after the employee pay award is agreed and be back dated to 1st April.

- ii. That the arrangement for indexation of Basic and Special Responsibility Allowances continue until 31st March 2028 based upon the equivalent percentage increase on SCP 43, Grade 15, of the County Council's pay spine. The increase will be implemented when the employee pay award is agreed for each year and backdated to 1st April of that year.**
 - iii. The current levels of Travel and Subsistence allowances remain unchanged.**
 - iv. Those Members who submitted an Annual Report be thanked for doing so.**
6. The Panel was therefore re-convened to:-
- i) Consider the payment of a Special Responsibility Allowance to the Chairmen of the Local Pension Committee and Board.
 - ii) Review the Travel and Subsistence Rates.

Recommendations of the Panel

A. Additional Special Responsibility Allowance (SRA) Review

- 7. The Panel met following a request by the County Council for it to consider whether it wished to recommend a SRA payment for the Chairmen of the Local Pension Committee and Local Pension Board.
- 8. The Panel when it met were mindful that the Member Allowances and in particular the payment of SRAs are governed by the Local Authorities (Members' Allowances) (England) Regulations 2000. Part 3 of the Regulations and in particular paragraph 5 sets out the rules in relation to the payment of Special Responsibility Allowances which are

5.—(1) A scheme made under this Part may provide, in accordance with paragraph (2), for the payment for each year for

which that scheme relates of an allowance (“special responsibility allowance”) to such members of the authority as have such special responsibilities in relation to the authority as are specified in the scheme and are within one or more of the following categories-

- (a) acting as leader or deputy leader of a political group within the authority;
- (b) acting as a member of an executive where the authority are operating executive arrangements within the meaning of Part II of the Local Government Act 2000;
- (c) presiding at meetings of a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee;
- (d) representing the authority at meetings of, or arranged by, any other body;
- (e) acting as a member of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods;
- (f) acting as the spokesman of a political group on a committee or sub-committee of the authority;
- (g) acting as a member of an adoption panel within the meaning of the Adoption Agencies Regulations 1983(1);
- (h) acting as a member of any committee or sub-committee that deals with any function arising under any enactment authorising the authority to license or control the carrying on of any activity;
- (i) carrying out such other activities in relation to the discharge of the authority’s functions as require of the member an amount of time and effort equal to or greater than would be required of him by any one of the activities mentioned in sub-paragraphs (a) to (h) (whether or not that activity is specified in the scheme).

(2) Any scheme making such provision as is mentioned in paragraph (1) shall—

(a) specify the amount of each special responsibility allowance, which need not be the same;

(b) provide that, where—

(i) members of an authority are divided into at least two political groups; and

(ii) a majority of members of the authority belong to the same political group (“the controlling group”),

a special responsibility allowance shall be paid to at least one person who is not a member of the controlling group and has special responsibilities described in paragraph (1)(a) or (f); and

(c) provide that where a member does not have throughout the whole of a year any such special responsibilities as entitle him to a special responsibility allowance, his entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

(3) The scheme may specify that where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of special responsibility allowance payable to him in respect of the responsibility or duties from which he is suspended or partially suspended may be withheld by the authority.

9. The Panel when making its deliberations were advised that The Leicestershire County Council Local Government Pension Scheme (the Fund), is administered by Leicestershire County Council and has over 100,000 scheme members. The Fund is currently valued at around £6.3 billion with around 200 employers whose employees are

members of the Fund. The governance of the Fund is carried out by the Local Pension Committee and Local Pension Board.

10. The Panel noted the following:-

That the Local Pension Committee is the scheme manager of the Fund and has decision making powers, delegated from Leicestershire County Council who is the Administering Authority, and has the responsibility to safeguard and manage both the employers' and employees' assets held by the Fund, which are for the purpose of ensuring that pensions and lump sum benefits can be paid to Fund members.

That the Local Pension Board does not have decision making powers but is responsible for assisting and supporting the Administering Authority in its role as Fund Manager ensuring effective governance and administration of the Fund, securing compliance with the LGPS Regulations and other legislation relating to the governance and administrative of the Fund, particularly the Pensions Regulator.

11. The Panel were also advised that both the Local Pension Committee and Local Pension Board are non-political forums and draw their membership from a range of organisations. Both forums have been in existence for some time. Originally the work of both bodies was not that onerous and this is the reason the Panel has not been asked to consider whether a SRA should be allocated to the Chairmen before. However, in the last few years the requirements around the management of the Local Government Pension scheme have become more contentious and more complex.

12. The Panel had its attention drawn to the fact that Members of the Local Pension Committee and the Local Pension Board are subject to a comprehensive programme of training to achieve the minimum level of skills and knowledge which members are required to have to discharge their responsibilities and to properly understand the technical implications of their decisions. For the Committee this required members to be able to fulfil their role as quasi-trustees for the scheme. Continuous and ongoing training, skills and knowledge attainment are a statutory requirement for both roles.

13. In terms of chairing the Local Pension Committee and Board the Panel noted that this had become increasingly complex and challenging as there is an increased level of scrutiny and public interest in whether the funds are invested in an ethical and environmentally friendly manner. The Panel noted that there is greater responsibility upon the Chairmen, to ensure decisions balance this responsibility with the financial duties of the Committee and Board, in ensuring benefits can be paid to scheme members.
14. The Panel were also advised that the County Council has established a subcommittee of the Local Pension Committee called the Investment Subcommittee which meets more regularly to decide on investment and divestment proposals and this is chaired by the Chairman of the Local Pension Committee.
15. The Panel also noted for the Fund to deliver the pooling of financial assets the Fund is an owner of the Local Government Pension Scheme Central Limited which is owned equally by the Pension Funds from Cheshire, Derbyshire, Leicestershire, Nottinghamshire, Shropshire, Staffordshire, West Midlands and Worcestershire. The Chairman of the Local Pension Committee is appointed as the Fund's shareholder on this Company. The Chairman also represents the Fund at meetings of the Joint Committee which provides oversight of the delivery of the objectives of the pool, the delivery of client service, the delivery against the LGPS Central business case and to deal with common investor issues.
16. The Panel after being advised of the above, carefully deliberated whether the Chairmen of the Local Pension Committee and Local Pension Board should receive a SRA and it concluded they should. However, the Panel noted the significant difference in responsibility between that of the Chairman of the Local Pension Committee and that of the Chairman of the Local Pension Board.
17. The Panel when making its recommendation on the amount of SRA payable to the Chairmen were mindful of the current level of all SRAs within the Members' Allowance Scheme. The Panel therefore concluded that the Chairman of the Local Pension Committee should receive the same allowance as that of a Chairman of an Overview and Scrutiny Committee i.e. £5,209.00 per annum, and that the Chairman of the Local Pension Board should receive the same allowance as the

Chairman of the Corporate Governance Committee and Development Control and Regulatory Board i.e. £2,318 per annum.

18. The Panel also recommended that the SRAs for the Chairman of the Local Pension Committee and Pension Board should be index linked in accordance with the level of indexation in the Members' Allowance Scheme as set out below:

“The Basic and Special Responsibility Allowances be increased on annual basis from 1st April 2024 to 31st March 2028 equivalent to the percentage increase that those officers on Grade 15, spinal column point 43, receive as part of the annual employee pay award. The increase will be implemented as soon as practicable after the pay award has been agreed and where applicable back dated to 1st April of that year.”

19. **The Panel recommends to Council that:-**

The Chairman of the Local Pension Committee receive a Special Responsibility Allowance of £5,209.00 per annum.

The Chairman of the Local Pension Board receive a Special Responsibility Allowance of £2,318.00 per annum

The new Special Responsibility Allowances for the Chairmen of the Local Pension Committee and Board be index linked on an annual basis in accordance the level of indexation set out in the Members' Allowance Scheme.

B. Travel and Subsistence

20. The Panel reviewed the Travel and Subsistence allowances and concluded no changes to the scheme were necessary.

The Panel noted that for the financial year 2023/24 that the amount of mileage and subsistence that had been claimed was minimal.

The Panel recommends to Council that:-

The current levels of Travel and Subsistence allowances remain unchanged.

Summary of Recommendations

The Panel recommends to Council that:-

- i. The Chairman of the Local Pension Committee receive a Special Responsibility Allowance of £5,209.00 per annum.**
- ii. The Chairman of the Local Pension Board receive a Special Responsibility Allowance of £2,318.00 per annum.**
- iii. The new Special Responsibility Allowances for the Chairmen of the Local Pension Committee and Board be index linked on annual basis in accordance the level of indexation set out in the Members' Allowance Scheme**
- iv. The current levels of Travel and Subsistence allowances remain unchanged.**

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CONSTITUTION COMMITTEE - 25 FEBRUARY 2025

COUNTY COUNCIL ELECTIONS 2025 - SCALE OF ELECTION EXPENSES

REPORT OF THE CHIEF EXECUTIVE

Purpose

1. The purpose of this report is to seek the Constitution Committee's approval with regard to a Scale of Fees to be used at the County Council elections in May 2025.

Background

2. The Chief Executive is the Returning Officer for elections of County Councillors and, as such, is responsible for conducting the elections in accordance with statutory rules. Officers of the District Councils are appointed as Deputy Returning Officers and the majority of the election work is carried out by their staff.
4. The County Council meets the fees and expenses of the elections, subject to these not exceeding a scale fixed by the Council for the purpose. The Scale of Fees which the County Council adheres to is normally one which is used by all the districts and in line with a set of pay bands set out by the Ministry of Housing, Communities and Local Government Elections Claim Unit.
5. In the past it has been the County Council's practice for members to agree the Leicestershire Scale of Fees for a general election of councillors and for the Returning Officer to be authorised to approve amendments to the scheme for any intervening by-elections.

Financial Implications

5. It is calculated that the total expenditure for the County Council election will be within the budget figure set of £1.8million.
6. The Director of Corporate Resources has been consulted on the resource implications of this report.

Decisions Required

7. The Council's functions relating to elections are exercised by this Committee and this would normally include agreeing the Scale of Fees to apply to County Council elections. It has been the practice for the scale to be fixed by

Members for a general election of Councillors and for the Returning Officer to be authorised to fix a scale for intervening by-elections (to enable the scale to be updated for inflation).

Equality and Human Rights Implications

8. The County Council, in conjunction with the District Councils, will ensure that everyone who wishes to and is eligible is able to vote
9. All polling stations will be kept under review, in accordance with the Electoral Commission's guidance, to ensure they are accessible to the whole of the Leicestershire community.
10. Various sections of the community will be employed in the discharge of the elections across the County.

Recommendations

10. That the Constitution Committee agree:-
 - (a) that the attached scale of expenses be used at the County Council elections to be held on 1st May 2025 and for any subsequent by-elections held before 31st March 2026.
 - (b) that the Chief Executive be authorised to fix a scale for the purpose of by-elections occurring between 1st April 2026 and the next County Council elections.

Background Papers

None.

Circulation Under Local Issues Alert Procedure

None.

Officer to Contact

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Appendix

Recommended scale of fees.

²¹
**LEICESTERSHIRE SCHEDULE 2 RECOMMENDED SCALE OF FEES AND
EXPENSES PAYABLE TO RETURNING OFFICERS AT LOCAL ELECTIONS –
01.04.25 TO 31.03.26**

(COUNTY COUNCIL ELECTIONS 2025)

DESCRIPTION OF DUTIES	GROSS
Deputy Returning Officer fee (Lead DRO) (including all disbursements and expenses not otherwise provided for in this scale) in the case of a contested election for all duties preparatory to taking the Poll and Counting of the votes and making the return of the election for each 500 local government electors or part thereof on the Register of Electors for each division separately returning a Councillor or Councillors	£24.90 per 500 electors. (Minimum £2500 per District/Borough)
Deputy Returning Officer's fee (Lead DRO) in the case of an uncontested election – for each division separately returning a Councillor or Councillors	£56.98 per division
Deputy Returning Officers' fee for supporting DRO with full powers to be a matter of local determination. Authorities in calculating the amount that DROs receive are advised to take into account the level of duties actually undertaken, current budgetary constraints and any other payment made to the DRO arising out of their duties in connection with the election	Discretionary but recommended equivalent to 50% of the Lead DRO fee
County Council fees for services of staff engaged in election duties	Discretionary but up to a maximum of 30% of the Lead DRO fee
All equipment to be purchased, hired, altered or repaired	Actual and necessary cost
Hire and fitting up of Polling Stations including heating, lighting, cleaning and damages and expenses paid in respect thereof	Actual and necessary cost
Stationery at Polling Stations	Actual and necessary cost
Printing and providing nomination forms, notices, ballot papers and other forms and documents required in and about the election or poll	Actual and necessary cost
Returning Officers' travelling expenses and those of Presiding Officer's and Poll Clerks	Casual Users' rate as laid down by the N.J.C. or local agreement
Each Presiding Officer	Local Discretion but up to a maximum of £310.00
Each Poll Clerk standalone	Local Discretion but up to a maximum of £220.00

DESCRIPTION OF DUTIES 22	GROSS
<p>Remuneration of persons employed as follows:-</p> <ul style="list-style-type: none"> • Casual admin support • Polling station - ballot box/equipment issuing assistants <ul style="list-style-type: none"> • Postal vote - prep and issue assistant • Postal vote - opening and checking assistant <ul style="list-style-type: none"> • Poll clerks • Poll card - prep and issue assistant <ul style="list-style-type: none"> • Ballot box receipt assistant • Count setup/take down assistant • Count and verification assistants <ul style="list-style-type: none"> • Count security • Postal vote security • Reception staff • Poll card – printing • Printing coordinator (e.g. printing of letters) 	<p>Local Discretion within each District but within the pay band of £12.21 to £15.50 per hour</p> <p>Rates in line with the s Elections Claims Unit pay bands</p> <p>Where verification is over night the above bands will be uplifted by a factor of 1.5</p>
<p>Remuneration of persons employed as follows:-</p> <ul style="list-style-type: none"> • Polling station - ballot box/equipment issuing supervisors <ul style="list-style-type: none"> • Postal vote - prep and issue supervisor • Postal vote - opening and checking supervisor <ul style="list-style-type: none"> • Ballot box receipt supervisor • Poll card - prep and issue supervisor <ul style="list-style-type: none"> • Count staff - IT support • Postal vote - IT support (signature verification) <ul style="list-style-type: none"> • Count setup/take down supervisor • Count and verification team leader • Unused ballot papers checking and verification <ul style="list-style-type: none"> • Collection and prep of equipment 	<p>Local Discretion within each District but within the pay band of £13.78 to £18.37 per hour</p> <p>Rates in line with the Elections Claims Unit pay bands</p> <p>Where verification is over night the above bands will be uplifted by a factor of 1.5</p>
<p>Remuneration of persons employed as follows:-</p> <ul style="list-style-type: none"> • Count and verification supervisor <ul style="list-style-type: none"> • Staff payments/payroll • Poll card, postal votes and ballot papers - running data, checking and proofing <ul style="list-style-type: none"> • Postal vote - signature adjudicators • Top table assistant/data officer <ul style="list-style-type: none"> • Media handling/comms 	<p>Local Discretion within each District but within the pay band of £16.07 to £20.09 per hour</p> <p>Rates in line with the Elections Claims Unit pay bands</p> <p>Where verification is over night the above bands will be uplifted by a factor of 1.5</p>
<p>Remuneration of persons employed as follows:-</p> <ul style="list-style-type: none"> • Count Manager • Polling Station Inspector • Postal Vote Opening Session Manager 	<p>Local Discretion within each District but within the pay band of £17.22 to £29.85 per hour</p> <p>Rates in line with the Elections Claims Unit pay bands</p> <p>Where verification is over night the above bands will be uplifted by a factor of 1.5</p>

DESCRIPTION OF DUTIES	GROSS
For the production and printing of postal ballot packs	Actual and necessary cost
For printing and providing Official Poll Cards	Actual and necessary cost
For general stationery, postages and miscellaneous expenses	Actual and necessary cost

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

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