

County Buildings, Stafford DDI (01785) 276135 Please ask for Julie Plant Email: julie.plant@staffordshire.gov.uk

Property Sub-Committee

Thursday, 2 January 2020 12.00 pm Oak Room, County Buildings, Stafford

NB. Members are requested to ensure that their Laptops/Tablets are fully charged before the meeting.

> John Tradewell **Director of Corporate Services** 20 December 2019

(Pages 39 - 42)

AGENDA

PART ONE

- 1. **Apologies**
- 2. **Declarations of Interest**
- 3. Minutes of the Meeting held on 4 December 2019 (Pages 1 - 4)
- 4. **Review of the Property Sub-Committee Terms of Reference and** (Pages 5 - 18) Schedule of Decision-making Levels
- Land at Amington, Tamworth Proposed Transfer of (Pages 19 - 24) 5. **Site/Subsequent Lease to Academy**
- **Exclusion of the Public** 6.

The Chairman to move:

'That the public be excluded from the meeting for the following item(s) of business which involves the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 indicated below'

County Farm Holding No. 35 Haughton House- Proposed Letting

PART TWO

7.	Walton Hall School -Grant of Licence of Land (exemption paragraph 3)	(Pages 25 - 30)
8.	Victoria Community School Nursery Unit Annex- Proposed Transfer of Land (exemption paragraph 3)	(Pages 31 - 38)

10. County Farm Holding No. 5 Manor Farm - Proposed Letting of Core Dairy Unit (exemption paragraph 3)

(Pages 43 - 46)

Membership

Philip Atkins, OBE (Chair)
Mark Deaville
Alan White (Vice-Chairman)

Philip White Mark Winnington

Note for Members of the Press and Public

Filming of Meetings

The Open (public) section of this meeting may be filmed for live or later broadcasting or other use, and, if you are at the meeting, you may be filmed, and are deemed to have agreed to being filmed and to the use of the recording for broadcast and/or other purposes.

Recording by Press and Public

Recording (including by the use of social media) by the Press and Public is permitted from the public seating area provided it does not, in the opinion of the chairman, disrupt the meeting.

Minutes of the Property Sub-Committee Meeting held on 4 December 2019

Present: Philip Atkins, OBE (Chair)

Alan White (Vice-Chairman) Mark Winnington

Also in attendance: Alan Dudson

Apologies: Mark Deaville and Philip White

PART ONE

203. Apologies

204. Declarations of Interest

There were no declarations of interest on this occasion.

205. Minutes of the Meeting held on 6 November 2019

RESOLVED – That the minutes of the meeting held on 6 November 2019 be confirmed and signed by the Chairman.

206. Proposed Leases to Academies

Proposals were submitted to lease the sites of three Academies to their Trusts for a 125 year period at a peppercorn rental in line with the expectations of the Department for Education for these schools converting to Academy status.

RESOLVED – That approval be given to the grant of 125 year leases at a peppercorn rental, to the three Academies detailed in the schedule to the report.

207. Land off Bramshall Road, Uttoxeter - Proposed Transfer of Site/Subsequent Lease to Academy

The Sub-Committee considered proposals to transfer land of Bramshall Road, Uttoxeter from St Modwen Developments Limited to Staffordshire County Council in accordance with the terms of the s106 Agreement to provide a site for a Primary School and to subsequently grant a 125 year Lease of the Site following the construction of the Primary School to the Academy Trust.

The Sub-Committee were advised that the Lease would be for a 125 year period at a peppercorn rent.

The Sub-Committee discussed the planning process for the school development and the merits of the application being made to East Staffs Borough Council or Staffordshire County Council.

RESOLVED – (a) That the land of Bramshall Road, Uttoxeter be transferred from St Modwen Developments Limited to Staffordshire County Council and a 125 year Lease of the site be granted following the construction of a Primary School on the Site.

208. Exclusion of the Public

RESOLVED – That the public be excluded from the meeting for the following items of business which involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 indicated.

209. Land at Former Aelfgar School, Rugeley - Proposed Sale (exemption paragraph 3)

The Sub-Committee considered an offer from Cannock Chase District Council to purchase the of the site owned by Staffordshire County Council. The history of the site and its proposed joint marketing by the District and County Councils was briefly summarised.

As the Local member for the site, Mr Dudson attended the meeting and spoke in favour of the development of the site for the benefit of the residents of the area.

RESOLVED – That the offer from Cannock Chase District Council to purchase the site be accepted; the final terms of the sale be delegated to the Head of Commercial and Assets in consultation with the Cabinet Member for Commercial.

210. Chasewater Country Park, Brownhills- Sports Facility - Proposed Surrender of Lease and Grant of New Lease (exemption paragraph 3)

The Sub-Committee considered proposals submitted by the current leaseholder to surrender the existing lease of Chasewater Country Park, Brownhills and enter into a new 21-year lease to facilitate a small extension to the existing building to enable expansion of their business activities.

RESOLVED – That Staffordshire County Council accepts a surrender of the existing lease and grants a new 21- year lease; the final Terms of the lease to be approved by the Head of Commercial and Assets.

211. Lot 1, Holding No. 43 Canwell Estate, Drayton Bassett, Tamworth - proposed Sale (exemption paragraph 3)

Details were submitted of the terms for the proposed sale of Lot 1 Holding No. 43 Canwell Estate, Oak Tree Farm, Tamworth in accordance with the County Farms Review Programme included in the Medium Term Financial Strategy.

RESOLVED – That approval be given to the sale of Lot 1 Holding No. 43 Canwell Estate, Oak Tree Farm, Tamworth on the Terms indicated in the report.

TO AVOID ANY DELAY IN PROGRESSING TRANSACTIONS, THE CHAIRMAN AGREED TO THE FOLLOWING ITEMS BEING DEALT WITH AS URGENT

212. County Farms - Proposed Sale of Various Sites (exemption paragraph 3)

Details were submitted of the terms for the proposed sale of the sites listed below in accordance with the County Farms Review Programme included in the Medium-Term Financial Strategy:

RESOLVED – That approval be given to the following sales on the Terms indicated in the reports.

Holding details	Proposed purchaser
Holdings No. 2 and 6 Old Wood	Mr P William, Mr J Wilson and Ms S
Estate, Rugeley	Wilson
Holding No.4 Old Wood Estate,	High Speed Two Ltd (HS2)
Rugeley	
Holding No. 3 Rue Barn Estate,	Mr G D Stubbs
Eccleshall	
Holding No. 5 Upper Woollaston	R Swift and Sons
Estate, Church Eaton	

THE CHAIRMAN AGREED TO THE FOLLOWING ITEM BEING DEALT WITH AS URGENT TO AVOID ANY DELAY IN PROGRESSING THE LEASE ARRANGEMENTS

213. Alderwood Surgery - Proposed Lease of Surplus Pharmacy Space (exemption paragraph 3)

The Sub-Committee considered the proposal to lease surplus Pharmacy Space at the Longford Centre, Cannock to the on-site GP Practice. This new lease will supplement the existing lease the GP Practice has with Staffordshire County Council.

RESOLVED – That the surplus Pharmacy Space at the Longford Centre be leased to Alderwood Medical Practice for a period of 25 years at market rent; the final terms of the proposed lease to be delegated to the Head of Commercial and Assets.

Chairman

Property Sub-Committee – Thursday 02 January 2020

Review of Terms of Reference and Schedule of Decision Making Levels

Recommendation

I recommend that Sub-Committee consider whether any changes are needed to their Terms of Reference and/or the Schedule of Decision Making Levels for property and land transactions.

Report of The Director for Corporate Services

Background

- 1. The December 2019 meeting of the Audit and Standards Committee considered a detailed report of an in depth audit of Strategic Property Governance and Asset Management. Recommendations contained in that report, and supported by the Audit and Standards Committee, included references to this Sub-Committee.
- 2. Most specifically it was recommended that the Sub-Committee should review its Terms of Reference at least every 2 years.
- 3. The Sub-Committee was established in December 2017 hence the first review is required.
- 4. The Terms of Reference are attached for consideration. Note that they also include the detailed schedule of decision making levels/authority. Members are asked to consider whether any changes are needed.
- 5. An issue to highlight is that; separately, the Audit report noted that contrary to this Sub Committees Terms of Reference, the Property Strategy was submitted to full Cabinet in Autumn 2019 for approval, without the Sub-Committee being given the opportunity to comment. In that instance, due to the time needed to pull together the first Strategy it was felt expedient to report directly to Cabinet. In future the Strategy will be channelled through the agreed process with the Sub-Committee inputting into the final draft to Cabinet.

Equalities Implications - None

Legal and Risk Implications –Clear and Detailed decision making authority avoids the risk of challenge

Resource and Value for Money Implications- None

Climate Change Implications - None

Contact Details

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Property Sub-Committee

Membership and Terms of Reference

Purpose:

- 1. To exercise full delegated executive powers to consider and make decisions on all land and property transactions where the County Council has an interest and the value of that transaction is between £200,000 and £2million as defined in the schedule of decision making authority appended to these Terms of Reference.
- 2. To advise the Cabinet on the contents of the property strategy for the use of land and property in which the County Council has an interest, including Economic Regeneration Sites, County Farms and Enterprise Centres

Meetings Arrangements

The Sub-Committee will be convened in accordance with the Access to Information Rules and will meet at monthly intervals on dates published in advance in the County Council's calendar of meetings

The Director of Strategy, Governance and Change, as Monitoring Officer, shall be the Proper Officer for the purpose of administering the Sub-Committee

The provision for County Councillors to attend Cabinet meetings in accordance with the 'Local Member' provisions in the Constitution will be extended to permit attendance at Sub-Committee meetings.

Membership

The Sub- Committee will comprise:

The Leader of the Council

The Deputy Leader of the Council

Cabinet Member for Commercial

Cabinet Member for Economic Growth

The Cabinet Support Member for Learning and Employability shall be invited to attend and participate in all meetings but shall not have the right to vote. Now a full member with voting rights (Updated - 4/9/2018)

Chairman

The Sub-Committee will be chaired by the Leader of the Council

Quorum

No business shall be considered or transacted unless either the Leader or Deputy Leader of the Council are present. In circumstances where both the Leader or Deputy Leader are unable to participate in discussions on an item (eg. due to non-attendance or the need to declare an interest), that item will be referred to Cabinet for determination.

The meeting will be adjourned if, having been quorate at the start, the Leader and/or Deputy Leader leave the meeting resulting in the meeting no longer being quorate and a reconvened meeting will be arranged or the remaining business will be carried over to the next scheduled meeting.

Any business which cannot wait until the reconvened or next meeting will be forwarded to cabinet for consideration if a meeting of the cabinet is scheduled prior to the reconvened or next scheduled Sub-Committee meeting.

Voting

Decisions will be made by majority vote. Where the votes cast are equal the chairman shall have a second or, casting vote.

Sub-Committee Decisions

The Sub-Committee may consider items referred to it from other levels in the decision making structure appended to these Terms of Reference and may also refer to full Cabinet any issue within the Sub-Committees remit, on which it requires a wider view.

The Proper Officer shall decide whether a matter should be submitted to the Sub-Committee.

Any reports on which a member of the Sub-Committee has a conflict of interest shall be referred to full Cabinet for consideration

Decisions made by the Sub-Committee shall relate to the responsibilities of the Executive only and are subject to the County Council's Budget and Policy Framework Rules, Call-in provisions, Access to Information Rules and Financial Regulations.

All decisions shall be taken on the basis of detailed written reports from the Cabinet Member and Lead Officer for Property Matters, such reports shall include relevant advice from other County Council Officers including, where appropriate, the Head of Scrutiny.

All decisions of the Sub-Committee shall be formally recorded and submitted to the next meeting of the Cabinet for information.

SCHEDULE OF DECISION MAKING LEVELS FOR PROPERTY MATTERS (December 2017)

TRANSACTION	CABINET	PROPERTY SUB CTTEE * see note 3	OFFICERS
			Director of Corporate Services
			Director of Economy, Infrastructure and skills
			(see notes 1, 2 and 3 below)
Acquisitions	All acquisitions at market value of £2m or above.	All acquisitions at market value of between £200,000 and £2m Final Terms and any variation in Terms	All acquisitions at market value of up to £200,000, and all Terms for
	Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder	for ALL transactions to be approved by relevant Portfolio Holder	those transactions
Disposals			
1 Freehold –at best consideration	All disposals for best consideration at a market value of £2m or above.	All disposals for best consideration, at a market value between £200,000 and below £2m	All disposals for best consideration, at a market value of
	Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio	Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder	below £200,000, and all Terms for those

TRANSACTION	CABINET	PROPERTY SUB CTTEE * see note 3	OFFICERS
			Director of Corporate Services
			Director of Economy, Infrastructure and skills
			(see notes 1, 2 and 3 below)
2 Freehold –at undervalue	Holder Any disposal of a freehold at an undervalue, where the undervalue value is £2M or more	Any disposal of a freehold at an undervalue, where the undervalue value is £2m or less	transactions
	NB: For an undervalue of £2m or more approval by the Secretary of State is required under Section 123 of the Local Government Act 1972 and General Disposal Consent 2003		
	Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder	Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder	
3 Leasehold at best		All leasehold disposals for best	
consideration(Granting or surrendering (including farm	All leasehold disposals for best consideration at a total rent over the term or a premium plus the total rent	consideration at a total rent over the term or a premium plus the total rent of between £200,000 and below £2m	All leasehold disposals for best

TRANSACTION	CABINET	PROPERTY SUB CTTEE * see note 3	OFFICERS
			Director of Corporate Services
			Director of Economy, Infrastructure and skills
			(see notes 1, 2 and 3 below)
business tenancies) 4 Leasehold at undervalue	of £2m or above. Final Terms and any variation in Terms, including Right of Renewal, for all transactions to be approved by the relevant Portfolio Holder Any disposal of a leasehold interest in land for a term of 7 years or more where the undervalue value is £2M or more.	Final Terms and any variation in Terms, including Right of Renewal, for all transactions to be approved by the relevant Portfolio Holder Any disposal of a leasehold interest in land for a term of 7 years or more where the undervalue value is £2m or less	consideration at a total rent over the term or a premium plus the total rent of below £200,000, and all Terms for those transactions, including Right of Renewal
	NB: For an undervalue of £2m or more approval by the Secretary of State is required under Section 123 of the Local Government Act 1972 and General Disposal Consent 2003. However, disposals by way of a short tenancy (which is granted	Final Terms and any variation in Terms, including Right of Renewal, for all transactions to be approved by the relevant Portfolio Holder	

TRANSACTION	CABINET	PROPERTY SUB CTTEE * see note 3	OFFICERS
			Director of Corporate Services
			Director of Economy, Infrastructure and skills
			(see notes 1, 2 and 3 below)
	for seven years or less, or the assignment of a term, which has not more than seven years to run) do not need consent.		
	Final Terms and any variation in Terms, including Right of Renewal, for all transactions to be approved by the relevant Portfolio Holder		
	Any disposal of a leasehold interest in land for a term of 7 years or more where the undervalue value is £2M or more.		
	NB : For an undervalue of £2m or more approval by the Secretary of State is required under Section 123 of the Local Government Act 1972		

TRANSACTION	CABINET	PROPERTY SUB CTTEE * see note 3	OFFICERS
			Director of Corporate Services
			Director of Economy, Infrastructure and skills
			(see notes 1, 2 and 3 below)
	and General Disposal Consent 2003. However, disposals by way of a short tenancy (which is granted for seven years or less, or the assignment of a term, which has not more than seven years to run) do not need consent. Final Terms and any variation in Terms, including Right of Renewal, for all transactions to be approved by the relevant Portfolio Holder		
Easements an Wayleaves	Any Easement or Wayleave where the total premium, consideration and/or rent over the term is £2m or more	Any Easement or Wayleave where the total premium, consideration and/or rent over the term is between £200,000 and below £2m	Any Easement or Wayleave where the total premium, consideration and/or rent over

TRANSACTION	CABINET	PROPERTY SUB CTTEE * see note 3	OFFICERS
			Director of Corporate Services
			Director of Economy, Infrastructure and skills
			(see notes 1, 2 and 3 below)
			the term is below £200,000
Charges – to be granted to SCC over land disposed of with payments by instalments	Where land is disposed of with payment of a consideration in instalments in the future with a <i>total</i> value of £2m or more	Where land is disposed of with payment of the consideration in instalments in the future with a <i>total</i> value of below £2m	
Leases(where SCC is the Tenant) - Taking or surrendering	Any lease where the total rent over the term or a premium plus the total rent is £2m or more	Any lease where the total rent over the term or a premium plus the total rent is between £200,000 and below £2m	Any lease entered into where the total rent over the term or a premium plus the total rent is below £200,000
Licences (and tenancies at will) – Taking or granting	Any licence where the total licence fee over the licence period is £2m or more	Any licence where the total licence fee over the licence period is between £200,000 and below £2m	Any licence where the total licence fee over the licence period

TRANSACTION	CABINET	PROPERTY SUB CTTEE * see note 3	OFFICERS
			Director of Corporate Services
			Director of Economy, Infrastructure and skills
			(see notes 1, 2 and 3 below)
			is below £200,000.
Appropriations of Land	All Appropriations as authorised under section 122 of the Local Government Act 1972 (or any subsequent re-enactment thereof) including land for planning purposes as defined in section 246(i) of the Town and Country Planning Act 1990 (or any subsequent re-enactment thereof)		
Other Transactions		County Council which contains overage or see but escalated to Cabinet if required.	r clawback should
Notices to Terminate a Lease Rent Review) To be covered by general delegations to Director of Finance and Resources (Head of Property) and Director of Economy Infrastructure and Skills)		
Authorised Guarantee	Any departure from the policy of SCC	of not entering into Authorised Guarantee	Agreements in

TRANSACTION	CABINET	PROPERTY SUB CTTEE * see note 3	OFFICERS
			Dinastan of
			Director of
			Corporate
			Services
			Director of
			Economy,
			Infrastructure
			and skills
			and Skiiis
			(see notes 1, 2
			and 3 below)
Agreements (where	the capacity of Tenant – to be reported	ed to Property Sub-Committee for initial co	,
SCC is the tenant)			
Dilapidations- Settling	Any claim totalling £2m or above	Any claim totalling between £200,000	Any claim
of claims where SCC		and below£2m	totalling below
has been the tenant			£200,000
Acquisition of land by		a compulsory purchase order to be delega	
private treaty in	Director in accordance with the origin	nal cabinet authority for the compulsory pu	rchase order
connection with a			
Compulsory Purchase			
Order		T	
Development	-	All [but escalated to Cabinet if	-
Agreements		required]	
Joint Use Agreements	Covered in main Scheme of Delegation		
Removal of	Any removal where the payment is	Any removal where the total payment	Any removal
Restrictive Covenants	£2m or more	is between £200,000 and below £2m	where the total
			payment is below
			£200,000
Exclusivity/Lock out	-	All [but escalated to Cabinet if	-
Agreements		required]	

TRANSACTION	CABINET	PROPERTY SUB CTTEE * see note 3	OFFICERS
			Director of Corporate Services
			Director of Economy, Infrastructure and skills (see notes 1, 2
			and 3 below)
Memorandum of Understanding	Covered in main Scheme of Delegation	on to SLI members	
Pre-emptions and Options	Where the total value of the property is £2m or above	Where the total value of the property is between £200,000 and below £2m	Where the total value of the property is below £200,000

Notes

- 1 The Director of Economy, Infrastructure and Skills' authority to take decisions relates ONLY to Economic Regeneration Properties including Physical Regeneration Schemes, County Farms and Enterprise Centres.
- 2. Officers are reminded that before exercising any of the delegated powers consideration should be given to whether there are any wider issues which should be taken into account which make it more appropriate for the decision to be made at member level.

To assist the following criteria is provided as a guide (although not exhaustive):

Officer Decision	Uncontroversial
	Covered by the sub scheme of delegation
	In accordance with agreed policy and budget provision

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	Related to current/existing service provision
Member Level Decision	Controversial
	Direct impact on 'Customers'
	Politically Sensitive
	Not covered by policy or budget provision
	Related to new service provision/innovation

3. All decisions can be referred to a higher tier in the decision making structure

Property Sub-Committee – 2 January 2020

Recommendations by Cllr Mark Deaville - Cabinet Member for Commercial

Site:

Amington, Tamworth as shown edged in red on the enclosed plan

Location/Electoral Division

Tamworth, Staffordshire

Proposed Transaction

The transfer of the Site from Redrow Homes Limited to Staffordshire County Council in accordance with the terms of the s106 Agreement dated the 21 January 2016, as varied, and the grant of a 125 year Lease of the Site following the construction of the primary school on the Site by Staffordshire County Council.

The Lease will be granted at a peppercorn rent and are therefore not for value. It will be a standard form Lease in accordance with the requirements of the Department of Education (DFE).

There is no statutory obligation to enter in the Lease but it is the DFE's expectation that a Lease of the Site will be granted to the Academy sponsor identified by the DFE following construction of the school which is expected to be completed in two phases with the first phase completed around September 2024.

The consent of the Secretary of State has to be obtained before any Lease is completed.

Recommendations

The completion of the transfer of the Site from Redrow Homes Limited to Staffordshire County Council in accordance with the terms of the s106 Agreement dated the 21st January 2016, as varied, and the grant of a 125 year Lease of the Site following the construction of the primary school on the Site by Staffordshire County Council.

Decision Level/Authority/Officer Delegation Scheme number

Property Sub-Committee decision as undervalue transaction.

Details

1.Current Use and Owner/Occupier/Lessee etc

The Site is currently owned by Redrow Homes Limited

2.Proposed Use

Staffordshire County Council intend to construct a two form entry primary school on the Site following the Transfer of the Site to Staffordshire County Council from Redrow Homes Limited

3. Proposed Purchaser/Lessee/Lessor/tenant etc...

Following construction of the school on the Site, a standard 125 Academy Lease will be granted to the Academy Sponsor identified by the DFE

4. Estimated Value/Cost/Rental Income

No valuation has been undertaken

5. Proposed transaction sale price/outline terms

Not for value as referred to above.

6. Implications of transaction for County Council (Risks)

(a) Strategic: To include contribution transaction makes to outcomes listed in the Strategic Plan *

None

(b) Financial:

Capital costs/income Revenue costs/income Change in Property running costs

Separate approval is held for the cost of the construction of the school on the Site.

From completion of the Lease the Site will be the responsibility of the Academy who will be responsible for maintenance of the Site during the term of the Lease.

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None

(d) Legal:

None as the whole of the Site will be occupied by the Academy following completion of construction and no part thereof will be used by any third parties or any other part of the community

7.Background Information:

- (a) site history/details of negotiations etc
- (b) Consultations carried out/required
- (c) Alternative options for site
- (d) Reasons for recommended option
- (e) Rationale for acceptance of lower offer (where applicable)
- (f) Relevance of Section 123 of the Local Government Act 1972/General Disposal consent Order 2003
- (g) Resource/VFM Analysis

As stated above, it is a requirement/expectation of the DFE that Staffordshire County Council grant a Lease to an Academy in the standard form following construction of the school. The consent of the Secretary of State is required prior to completion of the Lease.

9.Community Impact (eg, reference to particular communities or service users affected by the proposal)

It is anticipated that the addition of a new school will benefit the local community

10.Comment by Local Member

Not consulted

11. Comments by SLT Members

None

12. Proposal supported by the Head of Commercial and Property

Signed Ian Turner

Date 10.12.19

13. Valuer/Officer advising on this transaction

Signed Stuart Lane

Date 10.12.19



AMINGTON GARDEN VILLAGE - SCHOOL BOUNDARY



awing Status	PRELIMINARY	
	PLANNING	
	CONSTRUCTION	

Development	AMINGTON GOLF COURSE			
Location	TAMWORTH			
Marketing Name	Amington Garden Village			
Drawing Title	SCHOOL BOUNDARY			
Drawing Number	1671-08-1	0-400		
Revision	-	Scale @A2	1:1250	
Drawn By	ВА	Date Started	AUG 2019	



Legal Disclaimer TBC

This layout has been designed after due consideration of our Context & Constraints Plan

Agenda Item 7

Not for publication by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972