

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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**Interim Chief Executive**  
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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Democratic Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

26 February 2024

To: MEMBERS OF THE CABINET  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Cabinet to be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 5th March, 2024 commencing at 7.30 pm.

Members of the Cabinet are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

**(NB: Background papers to items referred from Scrutiny Select Committees and Committees have been omitted from printed agenda packs.)**

Yours faithfully

ADRIAN STANFIELD

Interim Chief Executive

## A G E N D A

1. Guidance for the Conduct of Meetings

5 - 8

## **PART 1 - PUBLIC**

2. Apologies for absence 9 - 10
3. Declarations of interest 11 - 12

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

4. Minutes 13 - 22

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 13 February 2024

### **Matters submitted for Information**

5. Decisions taken by Cabinet Members 23 - 24

A record of the decisions taken by portfolio holders since the last meeting of Cabinet are attached.

6. Notice of Forthcoming Key Decisions To Follow

The Notice of forthcoming key decisions to be taken during March/April is due to be published on 5 March 2024 and will be circulated in advance of the meeting of Cabinet.

7. Urgent Items 25 - 26

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

### **Matters for consideration in Private**

8. Exclusion of Press and Public 27 - 28

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

## **PART 2 - PRIVATE**

### **Decisions to be taken in accordance with Part 3 of the Constitution**

#### **Executive Non-Key Decisions**

9. Windmill Lane Gypsy and Traveller Site 29 - 36  
  
(Reasons - LGA 1972 - Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.)  
  
The report detailed option in respect of the management of the gypsy and traveller site at Windmill Lane, West Malling.
  
10. Urgent Items 37 - 38  
  
Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## MEMBERSHIP

Councillor M D Boughton, (Leader)  
Councillor R P Betts, (Climate Change, Regeneration and Property)  
Councillor M A Coffin, (Transformation and Infrastructure)  
Councillor D Keers, (Community Services)  
Councillor K B Tanner, (Finance and Housing)  
Councillor M Taylor, (Planning)

Members of the Council who are not members of the executive may attend meetings of the Cabinet. With the agreement of the Leader, any such Member may address the Cabinet on any item on the agenda but may not vote.

## **GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED**

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on [committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk) in the first instance.

### **Attendance:**

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact [committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk) for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

### **Ground Rules:**

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

### **Voting:**

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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Apologies for absence

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Declarations of interest

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### CABINET

### MINUTES

Tuesday, 13th February, 2024

**Present:** Cllr M D Boughton (Chair), Cllr R P Betts, Cllr M A Coffin, Cllr D Keers, Cllr K B Tanner and Cllr M Taylor

Cllr Mrs A S Oakley was also present pursuant to Access to Information Rule No 23.

### PART 1 - PUBLIC

#### **CB 24/20 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **CB 24/21 MINUTES**

**RESOLVED:** That the Minutes of the ordinary and extraordinary meetings of the Cabinet held on 9 January and 10 January 2024 respectively be approved as a correct record and signed by the Chair.

### MATTERS FOR RECOMMENDATION TO THE COUNCIL

#### **CB 24/22 SETTING THE BUDGET 2024-25**

Further to the reports to the Overview and Scrutiny Committee earlier in the cycle, the joint report of the Interim Chief Executive, Director of Finance and Transformation, the Leader and Cabinet Member for Finance and Housing updated the Cabinet on issues relating to the Medium Term Financial Strategy (MTFS) and gave details of the necessary procedure to be followed in order to set the budget for 2024/25.

Members noted that, as at the time of publishing the report the final settlement had not been confirmed, all figures contained in the report were based on the provisional local government financial settlement received in December 2023, which was better than anticipated and saw an overall funding increase on 2023/24 of £416,000 (7.7%).

The Director of Finance and Transformation advised that the final local government finance settlement figure was now confirmed as detailed in the supplementary report published in advance of the meeting. Whilst, the final settlement was more than the provisional settlement by

£175,850 all councils were now required to prepare and submit a productivity plan by July 2024 setting out how they intended to 'improve performance and reduce wasteful expenditure'. It, therefore, seemed appropriate to transfer the additional funding to the earmarked 'Transformation Reserve' on the grounds of supporting the preparation and delivery of a productivity plan and one of the core values set out in the Corporate Strategy.

As a result of increased NNDR receipts, the release of NNDR appeals provision and the better-than-expected settlement the Borough Council had a balanced budget for 2024/25 and had been able to set aside funds in earmarked reserves for key priorities identified within the Corporate Strategy. However, the Settlement Funding Assessment (SFA) was for one year only and the Fair Funding Review deferred to a future date. This further prolonged the uncertainty over local government funding and it was predicted that future funding was likely to be lower. Members recognised that the current global economic conditions had also added to the uncertainty in the scale of the funding gap over the past twelve months. As reported to the Overview and Scrutiny Committee in January 2024, the latest projected funding gap was £1,705,000 over the medium term. This represented new savings that needed to be identified and delivered.

With regard to the Capital Plan, it was reported that the Borough Council was currently debt free. It was noted that, based on current projections, from 2029/30 the Borough Council might need to borrow to fund expenditure (as detailed in 1.7.8). Four schemes had been identified for fast track evaluation and these were food waste collections at communal properties, wetside changing room refurbishment and installation of air source heat pumps at Larkfield Leisure Centre and replacement boilers at the Angel Centre.

The report then described the remaining procedure to be followed in setting the budget for 2024/25 and calculating the council tax. For the purposes of preparing the budget papers and updating the MTFs a council tax increase of 3% for 2024/25 had been assumed followed by the higher of 2% or £5 each year thereafter. This meant a council tax increase for Band D property for 2024/25 of £238.16, which equated to a cash increase of £6.93 per annum.

The Cabinet deliberated on the most appropriate guidance to offer the Council as the way forward for updating the MTFs for the next ten year period and setting the council tax for 2024/25. Members were advised of details of special expenses for the same period.

An updated copy of the Savings and Transformation Strategy was presented, including revised outline targets and timescales for each of the themes totalling £1,705,000 (as detailed in Annex 10b)

Finally, the Director of Finance and Transformation explained the basis on which the statement to the Robustness of the Estimates and Adequacy of the Reserves had been made, including an understanding that the required savings and transformation contributions based on the latest projections in the sum of £1,705,000 together with the initiatives already built into the MTFs (i.e. the scaling back of office accommodation in the sum of £200,000 and reductions in the use of Temporary Accommodation of £400,000) are delivered in the timeframe assumed in the Medium Term Financial Strategy. Reference was also made to the calculation of the Borough Council's council tax requirement as outlined in 1.16 and attached at Annex 17.

**\*RECOMMENDED:** That

- (1) the Revenue Estimates, as presented to the Overview and Scrutiny Committee earlier in the cycle, together with the earmarked reserve contributions (set out at 1.5.2), with the subsequent adjustments detailed at paragraph 1.5.3, be endorsed and adopted by the Council;
- (2) the Capital Plan be updated, as set out in paragraph 1.7.13, and adopted by the Council;
- (3) the Capital Strategy, as presented to the Overview and Scrutiny Committee earlier in the cycle, be endorsed and adopted by the Council;
- (4) the prudential indicators listed in paragraphs 1.8.7, including the new liability benchmark indicator, and 1.8.11 be endorsed and adopted by the Council;
- (5) for the financial year 2024/25 the Borough Council's annual minimum revenue provision be noted as 'nil';
- (6) the updated MTFs, set out at Annex 10a be noted and endorsed;
- (7) the updated Savings and Transformation Strategy, attached at Annex 10b, including the proposed scale and timing of each of the required savings and transformation contributions, as set out at paragraph 1.11.4, be noted and endorsed;
- (8) the special expenses calculated in accordance with the Special Expenses Scheme and set out at Annex 13b, be endorsed;
- (9) the Statement provided by the Director of Finance and Transformation as to the Robustness of the Estimates and the Adequacy of the Reserves, as set out at Annex 16a, be noted and endorsed;

- (10) the calculation of the Borough Council's council tax requirement at Annex 17 be noted;
- (11) the additional funding of £175,850 allocated through the Final Local Government Finance Settlement be noted;
- (12) the transfer of this additional funding to the earmarked Transformation Reserve be endorsed; and
- (13) the new requirement to submit a productivity plan by July 2024 be noted.

**\*Recommended to Council**

**CB 24/23 SETTING THE COUNCIL TAX 2024-25**

The joint report of the Interim Chief Executive, Director of Finance and Transformation, Leader of the Council and Cabinet Member for Finance and Housing set out the requirements under the Local Government Finance Act 1992 for a billing authority to set an amount of council tax for each category of dwelling in its area. Members were advised of the position concerning the determination of their respective precepts for 2024/25 by the major precepting authorities.

Consideration was given to a draft resolution (attached at Annex 2) identifying the process to be undertaken in arriving at the levels of council tax applicable to each part of the Borough. The resolution and further information regarding the precepts of the other authorities would be reported to Council on 20 February 2024.

**\*RECOMMENDED:** That

- (1) the draft resolution, which would be completed and presented to the Council, be noted; and
- (2) the Council be recommended to approve a 3% or £6.93 per annum increase in the Borough Council's element of the council tax for 2024/25, representing a notional 'average' charge at Band D of £238.16

**\*Recommended to Council**

**CB 24/24 LOCAL COUNCIL TAX REDUCTION SCHEME 2024-25**

Consideration was given to the Draft Local Council Tax Reduction Scheme 2024/25 (attached at Annex 1 to the report) which had been revised to bring it in line with statutory prescribed requirements, housing benefit and other national benefit rates and increases to income bands where uplifts to the National Living Wage, a component of the income



band level calculation, had been taken into account. The Scheme applied to working age households.

Members noted that for pension age households the separate Government Scheme prescribed maximum help up to 100% of council tax liability, a minimum requirement of a pension age scheme.

For information, Members were advised that the council tax support fund for 2023/24 to mitigate increases in council tax for low income households ended on 31 March 2024 and currently there was no indication for a renewed Scheme for 2024/25.

**\*RECOMMENDED:** That the draft Local Council Tax Reduction Scheme 2024/25 (attached at Annex 1) be commended to the Council for adoption.

**\*Recommended to Council**

#### **CB 24/25 REVENUE ESTIMATES 2024/25**

All budgetary matters were considered in detail in the substantive item on Setting the Budget 2024/25 (Minute Number CB 24/22). However, the recommendations from the meeting of the Overview and Scrutiny Committee of 25 January 2024 in relation to the formulation of initial draft proposals in respect of the Budget, including Revenue Estimates (Minute Number OS 24/9) were given due consideration as part of the substantive discussion.

#### **CB 24/26 CAPITAL PLAN REVIEW 2023/24**

All budgetary matters were considered in detail in the substantive item on Setting the Budget 2024/25 (Minute Number CB 24/22). However, the recommendations from the meeting of the Overview and Scrutiny Committee of 25 January 2024 in relation to the formulation of initial draft proposals in respect of the Budget, including the Capital Plan (Minute Number OS 24/10) was given due consideration as part of the substantive discussion.

#### **CB 24/27 RISK MANAGEMENT**

Consideration was given to recommendation AU 24/4 of the Audit Committee in respect of risk management.

Cabinet had due regard to the views of the Committee, the review undertaken by Zurich Risk Management, the financial and value for money considerations and the legal implications.

**\*RECOMMENDED:** That

- (1) the Risk Management Health Check be reviewed and the Management response to the recommendations made be considered and approved;
- (2) the Risk Management Strategy and accompanying Risk Management Guidance be reviewed, and subject to any amendments required, be recommended to Full Council for adoption;
- (3) (the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as RED, as well as the general positive 'direction of travel', be noted; and
- (4) the responsible owner of the implementation of the Agile software system be invited to attend a future meeting of the Audit Committee to discuss the risk

**\*Recommended to Council****CB 24/28 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2024/25**

Consideration was given to recommendation AU 24/5 of the Audit Committee of 15 January 2024 in respect of treasury management.

Due regard was given to the views of the Audit Committee, the details of investments undertaken and return achieved in the first eight months of the current financial year, the financial and value for money considerations and the legal implications.

**\*RECOMMENDED:** That

- (1) the treasury management position as at 30 November 2023 be noted; and
- (2) the Treasury Management and Annual Investment Strategy for 2024/25 (presented to the Audit Committee at Annex 5) be adopted.

**\*Recommended to Council**

## **DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION**

### **EXECUTIVE KEY DECISIONS**

#### **CB 24/29 RECYCLING BRING SITES**

(Decision Notice D240020CAB)

Consideration was given to recommendation CE 24/4 of the Communities and Environment Scrutiny Select Committee of 7 February 2024 in respect of arrangements for recycling bring sites.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications and recognised that, in terms of cost per tonne of recycle, the collection of glass, plastics paper and card and cans from the kerbside provided better value for money than collection from bring sites.

**RESOLVED:** That all remaining sites be removed due to the reasons detailed at section 1.2 of the report.

### **EXECUTIVE NON-KEY DECISIONS**

#### **CB 24/30 DISCOUNT SALE AFFORDABLE HOME OWNERSHIP POLICY**

(Decision Notice D240021CAB)

Approval was sought for a new policy outlining the Borough Council's approach to affordable home ownership properties under the Discount Open Market Value and First Homes Schemes. The Policy (attached at Annex 1) set out eligibility criteria for affordable home ownership including local connection and outlined the process for sales.

Careful consideration was given to the local criteria and approach (outlined in 1.2) proposed, the financial and value for money considerations and legal implications. On the grounds that a Policy would help formalise the Borough Council's approach to discount home ownership sales and prioritise homes towards meeting local need, the Cabinet Member for Finance and Housing welcomed the Policy set out at Annex 1. This initiative was supported by the Cabinet.

**RESOLVED:** That

- (1) the Discounted Sale Affordable Homes Policy be approved and adopted; and
- (2) delegated authority given to the Director of Planning, Housing and Environmental Health, in liaison with the Cabinet Member for

Finance and Housing, to approve any minor changes to the Policy and related or supporting documents (such as procedure).

**CB 24/31 CLIMATE CHANGE GAP ANALYSIS OF PROGRESS TOWARDS CARBON NEUTRAL 2030**

(Decision Notice D240022CAB)

Consideration was given to recommendation OS 24/11 of the Overview and Scrutiny Committee of 25 January 2024 in respect of the progress being made towards Carbon Neutral 2030.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications and recognised that whilst good progress had initially been made by the Borough Council in reducing emissions the total emissions from the organisations estate and operations were no longer reducing. The difficulties associated with achieving carbon neutral by 2030 were also recognised.

**RESOLVED:** That

- (1) climate change be included as a mandatory heading for all Committee and Scrutiny Select Committee report templates (as set out in 1.3.5 to 1.3.8);
- (2) an assessment of the potential of each Directorate and Portfolio to contribute to achieving carbon neutral by 2030 should be carried out (as set out in 1.3.9 and 1.3.10);
- (3) the 2024/25 climate change action plan be prepared with significant further ambition and new commitments (as set out in 1.3.11); and
- (4) the corporate climate change function support teams in the delivery of recommended actions.

**CB 24/32 REVIEW OF PEST CONTROL SERVICE**

(Decision Notice D240023CAB)

Consideration was given to recommendation CE 24/6 of the Communities and Environment Scrutiny Select Committee of 7 February 2024 in respect of the pest control service.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications and recognised that whilst there was no statutory requirement to provide a pest control service this had to be balanced with the needs of residents, especially the availability of subsidised treatments to assist

vulnerable households. On the grounds of ensuring value for money and appropriate budget setting given the Borough Council's financial position, Cllr Boughton proposed that expenditure should be up to the current budget subsidy identified. This was seconded by Cllr Coffin and supported by the Cabinet.

Finally, the Director of Planning, Housing and Environmental Health committed to exploring all options to ensure that service efficiencies were identified and that the process was easy to access.

**RESOLVED:** That

- (1) a pest control service where residents could be referred too and agreed treatments subsidised for those in receipt of Council Tax Reduction up to the current budget subsidy from November 2024 (Option 3) be tendered for; and
- (2) delegated authority be given to the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Climate Change, Regeneration and Property should a tender be unsuccessful.

#### **MATTERS SUBMITTED FOR INFORMATION**

##### **CB 24/33 DECISIONS TAKEN BY CABINET MEMBERS**

Details of the Decisions taken in accordance with the rules for the making of decisions by executive members, as set out in Part 4 of the Constitution, were presented for information.

##### **CB 24/34 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.26 pm

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Executive Decisions Record - February 2024

| Decision Number  | Title   | Cabinet Member                    | Date of Decision | Date Published | Call-in period ends | Called in | Scrutiny Committee Consideration | Referred back to Cabinet | Referred back to Council | Council referred to Cabinet | Date Decision Effective |
|------------------|---|-----------------------------------|------------------|----------------|---------------------|-----------|----------------------------------|--------------------------|--------------------------|-----------------------------|-------------------------|
| D240014MEM       | KCC Draft Pre-Submission Kent Minerals and Waste Local Plan (KMWLP) 2024 - 2039 (Reg 19) consultation | Planning                          | 05.02.24         | 06.02.24       | 13.02.24            |           |                                  |                          |                          |                             | 14.02.24                |
| D240015MEM       | Rural Rate Relief - Rural Settlement List   | Finance and Housing               | 06.02.24         | 07.02.24       | 14.02.24            |           |                                  |                          |                          |                             | 15.02.24                |
| D240016MEM       | Fixed Penalty Notices - Littering and Fly Tipping Offences  | Transformation and Infrastructure | 07.02.24         | 09.02.24       | 16.02.24            |           |                                  |                          |                          |                             | 17.02.24                |
| D240017MEM       | Consultation Draft - Tonbridge Racecourse Sportsground Management Plan                                | Community Services                |                  |                |                     |           |                                  |                          |                          |                             |                         |
| D240018MEM       | Taddington Valley - Woodland Management Plan  | Community Services                |                  |                |                     |           |                                  |                          |                          |                             |                         |
| D240019MEM       | East Malling Community Worker   | Community Services                | 12.02.24         | 12.02.24       | 19.02.24            |           |                                  |                          |                          |                             | 20.02.24                |
| D240020CAB       | Recycling Bring Sites   | Cabinet                           | 13.02.24         | 15.02.24       | 22.02.24            |           |                                  |                          |                          |                             | 23.02.24                |
| D240021CAB       | Discount Sale Affordable Home Ownership Policy  |                                   |                  |                |                     |           |                                  |                          |                          |                             |                         |
| D240022CAB       | Climate Change Gap Analysis of progress towards Carbon Neutral 2030                                   |                                   |                  |                |                     |           |                                  |                          |                          |                             |                         |
| D240023CAB       | Review of Pest Control Service  |                                   |                  |                |                     |           |                                  |                          |                          |                             |                         |
| Decision pending | Call in period  | Key Decision                      | Private          | Urgent         |                     |           |                                  |                          |                          |                             |                         |
|                  | Subject to call in  |                                   |                  |                |                     |           |                                  |                          |                          |                             |                         |

URG - outside of budget and policy framework

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|-----------------------------|---|
| Number of monthly call-ins: | 0 |
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# Agenda Item 7

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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# Agenda Item 8

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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# Agenda Item 10

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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