

# Public Document Pack



Hinckley & Bosworth  
Borough Council

**Bill Cullen** MBA (ISM), BA(Hons) MRTPI  
Chief Executive

**Date: 10 May 2024**

**To: Members of the Ethical Governance and  
Personnel Committee**

Cllr A Pendlebury (Chair)  
Cllr E Hollick (Vice-Chair)  
Cllr MB Cartwright  
Cllr MA Cook  
Cllr MJ Crooks

Cllr WJ Crooks  
Cllr C Harris  
Cllr KWP Lynch  
Cllr LJP O'Shea

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE** in the De Montfort Suite, Hinckley Hub on **MONDAY, 20 MAY 2024** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen  
Democratic Services Manager

## Fire Evacuation Procedures

- On hearing the fire alarm, leave the building **at once** quickly and calmly by the nearest escape route (indicated by green signs).
- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
- Proceed to **Willowbank Road car park**, accessed from Rugby Road then Willowbank Road.
- **Do not** use the lifts.
- **Do not** stop to collect belongings.

## Recording of meetings

At HBBC we are open and transparent about how we make decisions. We allow recording, filming and photography at all public meetings including Council, the Executive and Planning Committee as long as doing so does not disturb or disrupt the proceedings. There may occasionally be some reports that are discussed in private session where legislation requires this to happen, but this is infrequent.

We also allow the use of social media during meetings, which helps to bring the issues discussed to a wider audience.

Members of the public, members of the press and councillors are hereby informed that, in attending the meeting, you may be captured on film. If you have a particular problem with this, please contact us so we can discuss how we may accommodate you at the meeting.

## Use of mobile phones

To minimise disturbance to others attending the meeting, please switch off your phone or other mobile device or turn it onto silent or vibrate mode.

Thank you

**A G E N D A**

**1. APOLOGIES AND SUBSTITUTIONS**

**2. MINUTES OF PREVIOUS MEETING (Pages 1 - 4)**

To confirm the minutes of the previous meeting.

**3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES**

To be advised of any additional items of business which the Chair decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

**4. DECLARATIONS OF INTEREST**

To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

**5. QUESTIONS**

To hear any questions received in accordance with Council Procedure Rule 12.

**6. COMPLAINTS POLICY (Pages 5 - 16)**

To seek approval of the corporate complaints policy.

**7. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIR DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY**

As announced under item 3.

**8. MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED**

To consider the passing of a resolution under Section 100A(4) of the Local Government Act 1972 excluding the public from the undermentioned items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 10 of Schedule 12A of the 1972 Act.

**9. COMPLAINTS UPDATE**

**10. COMPLAINT 2023/15 (Pages 17 - 30)**

**11. COMPLAINT 2024/10 (Pages 31 - 60)**

**12. COMPLAINT 2023/19 (Pages 61 - 96)**

**13. COMPLAINT 2024/05 (Pages 97 - 112)**

**14. COMPLAINT 2024/09 (Pages 113 - 128)**

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## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

5 MARCH 2024 AT 6.30 PM

PRESENT: Cllr A Pendlebury - Chair  
Cllr RG Allen (for Cllr LJP O'Shea), Cllr SL Bray (for Cllr E Hollick),  
Cllr MB Cartwright, Cllr MA Cook, Cllr MJ Crooks, Cllr WJ Crooks, Cllr C Harris  
and Cllr KWP Lynch

Also in attendance: Mr G Grimes, Independent Person

Officers in attendance: Julie Kenny, Rebecca Owen and Julie Stay

#### 283. **Apologies and substitutions**

Apologies for absence were submitted on behalf of Councillors Hollick and O'Shea, with the following substitutions authorised in accordance with council procedure rule 10:

Councillor Bray for Councillor Hollick  
Councillor O'Shea for Councillor Allen.

#### 284. **Minutes of previous meeting**

It was moved by Councillor Crooks, seconded by Councillor Cartwright and

RESOLVED – the minutes of the meeting held on 22 November 2023 be confirmed as a correct record.

#### 285. **Declarations of interest**

No interests were declared.

#### 286. **Workforce employment monitoring 2022/23**

The committee received the workforce employment monitoring report for 2022/23 which included the positive reduction in the gender pay gap. It was moved by Councillor Cartwright, seconded by Councillor Bray and

RESOLVED – the report and the reduction in the gender pay gap be noted.

#### 287. **Matters from which the public may be excluded**

On the motion of Councillor Bray seconded by Councillor Cartwright, it was

RESOLVED – in accordance with section 100A(4) of the Local Government Act 1972, the public be excluded from the following item of business on the grounds that it involves the disclosure of

exempt information as defined in paragraphs 1 and 10 of Part I of Schedule 12A of that Act.

**288. Complaints update**

The Monitoring Officer updated members on two complaints considered at a previous meeting whereby the requested apologies had not been offered to the complainants and the subject members had not attended the recommended training. Members felt that, given the government's view that members should be accountable to the electorate, the subject members' failure to carry out the requested actions should be publicised so the electorate could make an informed decision. It was moved by Councillor Cartwright and seconded by Councillor R Allen that a report be brought to the next meeting with the options available for publicising. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – a report be brought back to the following meeting.

**289. Complaint 2024/02**

Members gave consideration to a complaint about a parish councillor. In considering the complaint, they had also received copies of emails from the subject member to the Monitoring Officer and expressed concern about the language and threats contained within the emails. The Monitoring Officer confirmed that they did not wish to make a complaint about the content of the emails, however members felt that the matter was so serious that it should be pursued.

In discussing the complaint itself, members considered whether the subject member had been acting in their capacity as councillor at the time and concluded that, given the repeated reference to the parish council in the context of the messages, the code of conduct had been engaged.

It was moved by Councillor Allen and seconded by Councillor Bray that an external investigator be appointed to investigate the complaint and that they also be provided with the emails from the subject member to the Monitoring Officer to include in the investigation. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the complaint be referred for investigation, which would include the emails sent to the Monitoring Officer.

**290. Complaint 2024-01**

The committee considered a complaint about a borough councillor, including a statement from the councillor that was circulated prior to the meeting. Concern was expressed that there were similarities with a previous complaint about the same subject member, but members were advised that this complaint must be considered in isolation. Members highlighted the conflicting statements between the witnesses and the subject member and felt that the matter should be investigated. It was moved by Councillor Bray, seconded by Councillor Allen and

RESOLVED – the complaint be referred for investigation.

291. **Complaint 2023/23**

This complaint was deferred to allow additional time for the subject member to respond.

(The Meeting closed at 7.26 pm)

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CHAIR

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## Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Ethical Governance & Personnel Committee 20 May 2024

Wards affected: All wards

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### Complaints policy

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Report of Monitoring Officer

#### **1. Purpose of report**

- 1.1 To seek approval of the new complaints policy following introduction of the Housing Ombudsman's statutory complaint handling code and the Local Government & Social Care Ombudsman's complaint handling code.

#### **2. Recommendation**

- 2.1 The policy be approved.
- 2.2 Councillor Bray, as Executive member with responsibility for Corporate Services, be appointed as the Member Responsible for Complaints.
- 2.3 The Housing Ombudsman and Local Government & Social Care Ombudsman's complaint handling codes be noted.

#### **3. Background to the report**

- 3.1 Following a consultation period, the Housing Ombudsman Service (HOS) published a new complaint handling code in February 2024 which applies to complaints against the council in its role as landlord. The code is statutory and failure to comply will result in complaint handling failure judgements in the event of a complaint against the authority. The code comes into force on 1 April 2024.
- 3.2 At the same time, the Local Government and Social Care Ombudsman (LGSCO) published their complaint handling code which, whilst not statutory, is guidance to which we are expected to have regard. Failure to comply may

result in complaint handling failure judgements in the event of a complaint against the authority. The code comes into force in April 2025.

3.3 Whilst the two codes have a different statutory bases, they are based on a unified set of principles and requirements. The attached policy has been drafted to cover the requirements of both codes and the same process will be followed for all complaints.

3.4 Based on the new complaint handling codes, the key changes to our arrangements and processes which are outlined within the policy are:

- A member of the governing body will be appointed as the member responsible for complaints (MRC). They will have access to complaint information and to the lead officer responsible for complaints
- A suitably senior lead officer will be accountable for complaint handling
- We will not accept complaints about issues that have occurred more than 12 months previously (or the complainant became aware of the matter 12 months before), however each complaint will be considered on its own merits and in some circumstances it may be appropriate to accept older complaints
- We will allow complainants to have a representative and to be represented or accompanied at any meeting (although the policy includes a note that we can refuse someone to act as a representative if, for example, they are on our persistent complainant list or on the list of potentially violent persons)
- There will be no provision for “informal” complaints as this adds an additional stage to the process. Any complaint must be considered at stage 1 of the process
- We will have five working days to acknowledge and define the complaint
- The response time for stage 1 complaints will remain at ten working days, but this will now start from the date of acknowledgement
- The response time for stage 2 complaints will be increased from ten working days to twenty working days starting from the date of acknowledgement
- Extensions to stage 1 complaints can only be a maximum of ten working days and for stage 2, a maximum of twenty working days
- The annual complaints report will include a self-assessment against the complaint handling code, analysis of performance, list of types of complaints excluded, any findings of non-compliance by the Ombudsmen and service improvements arising from complaints
- The governing body (Ethical Governance & Personnel Committee) will respond to the report and the response will be published alongside the report on the council’s website

#### **4. Exemptions in accordance with the Access to Information procedure rules**

4.1 Report to be taken in public session.

**5. Financial implications (AW)**

5.1 None directly from this report.

**6. Legal implications (ST)**

6.1 None.

**7. Corporate Plan implications**

7.1 This is a corporate policy and as such supports all areas of the corporate plan.

**8. Consultation**

8.1 Consultation with SLT and officers in the housing service who respond to complaints.

**9. Risk implications**

9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) risks

Risk description	Mitigating actions	Owner
Breach of statutory provisions in relation to complaints against the council as landlord	Approve policy, ensure code is followed, train relevant staff	R Owen

**10. Knowing your community – equality and rural implications**

10.1 This new policy does not impact any particular community or group, however it aims to ensure an efficient complaints service and expedient resolution to customer complaints.

10.2 The new policy ensures that complaints are handled fairly and that the process is accessible to anyone who uses the council's services.

## **11. Climate implications**

11.1 This recommendations within this report will not result in any climate implications.

## **12. Corporate implications**

12.1 By submitting this report, the report author has taken the following into account:

- Community safety implications
- Environmental implications
- ICT implications
- Asset management implications
- Procurement implications
- Human resources implications
- Planning implications
- Data protection implications
- Voluntary sector

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Background papers: [Housing Ombudsman's complaint handling code](#)  
[Local Government & Social Care Ombudsman's complaint handling code](#)

Contact officer: Becky Owen, ext 5879  
Executive member: Councillor S Bray



Hinckley & Bosworth  
Borough Council

## Complaints policy

### 1. What is a complaint?

1.1 Effective complaint handling enables individuals to be heard and understood. The starting point for this is a shared understanding of what constitutes a service request and what constitutes a complaint. In most cases, the council should be able to put things right through normal service delivery processes.

1.2 A complaint is defined as

*“an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the council, its own staff, or those acting on its behalf, affecting an individual or group of individuals”.*

1.3 In relation to complaints about the council as landlord, a complaint is defined as

*“an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents”.*

1.4 An individual does not have to use the word “complaint” for it to be treated as such. Whenever an individual expresses dissatisfaction, the council will give them a choice to make a complaint. A complaint that is submitted via a third party or representative will be handled in line with our complaints policy, however we may require consent from the person being represented in accordance with our normal processes. Where third party / representative is a borough councillor or member of parliament who has been approached by the individual, we will deem that to be consent.

1.5 A service request is defined as

*“a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision”.*

A service request is not a complaint, but will be recorded, monitored and reviewed regularly.

- 1.6 A complaint will be raised when an individual expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. The council will not stop its efforts to address the service request if the individual complains.
- 1.7 An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, those completing the survey will be made aware of how they can pursue a complaint if they wish to. Where we ask for wider feedback about our services, we will also provide details of how individuals can complain.

## **2. Exclusions**

- 2.1 We will accept a complaint unless there is a valid reason not to do so. We are unlikely to accept a complaint if:
- The issue giving rise to the complaint occurred over twelve months ago (or the complainant became aware of the issue over twelve months ago)
  - Legal proceedings have started. This is defined as details of the claim, such as the claim form and particulars of claim having been filed at court
  - The issue has previously been considered under the complaints policy.

However, the circumstances of each complaint will be considered and we may exercise discretion to accept complaints even if one of the exclusions applies.

- 2.2 If we decide not to accept a complaint, an explanation will be provided to the complainant setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the relevant Ombudsman.

## **3. Accessibility and awareness**

- 3.1 Individuals may make a complaint in the way most suitable for them. This includes in writing, by email, over the telephone or face to face on appointment. Any member of staff will be able to take a complaint and pass it to the complaints team.
- 3.2 This complaints policy is available on the council's website and can be sent out on request. Information on the Housing Ombudsman and the Local Government and Social Care Ombudsman can also be found on the council's website and can be requested. They will also be sent out in response to a stage 2 complaint and in some circumstances at an earlier stage of the complaints process.

3.3 An individual can have a representative deal with their complaint on their behalf and can be represented or accompanied at any meeting with officers. The complaints manager reserves the right to refuse any person to act as a representative if that person is subject to restrictions in relation to contact with the council via the Persistent and Unreasonable Complainant Policy or if there are any other restrictions on their contact with the council.

#### **4. The complaint handling process**

4.1 Hinckley & Bosworth Borough Council has a two stage complaints process. Where our response is handled by a third party (for example a contractor), it will form part of the two stage process. Third parties will handle complaints in line with this policy.

4.2 When we receive a stage 1 complaint, or a request to escalate a complaint to stage 2, we will acknowledge the complaint, setting out our understanding of the complaint and the outcomes the complainant is seeking. We call this the “complaint definition”. If any aspect of the complaint is unclear, we will ask for clarification.

4.3 If there are some aspects of the complaint that are not the responsibility of the council, we will make that clear in the acknowledgement.

4.4 We will:

- Deal with complaints on their merits, act independently and have an open mind
- Give the complainant a fair chance to set out their position
- Take measures to address any actual or perceived conflict of interest
- Consider all relevant information and evidence carefully.

4.5 Where a response to a complaint will fall outside the timescales set out in this policy, we will agree with the complainant suitable intervals for keeping them informed about their complaint.

4.6 We will make reasonable adjustments for complainants where appropriate under the Equality Act 2010. We will keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a complainant has disclosed. Any agreed reasonable adjustments will be kept under active review.

4.7 We will not refuse to accept a complaint or to escalate a complaint through all stages of the complaints process unless we have valid reasons to do so. These reasons include:

- The issue giving rise to the complaint occurred over twelve months ago (or the complainant became aware of the issue over twelve months ago)
- Legal proceedings have started. This is defined as details of the claim, such as the claim form and particulars of claim having been filed at court
- The issue has previously been considered under the complaints policy.

4.8 A complaint may be remedied at any stage of the complaint process.

4.9 The council reserves the right to escalate a complaint immediately to stage 2 in certain circumstances, for example when the complaint is about a senior officer.

4.10 Unacceptable behaviour from individuals or their representatives will be managed in accordance with the Persistent & Unreasonable Complainant Behaviour Policy. Reasons for applying any restrictions will be evidenced and kept under review in accordance with the policy.

## **5. Complaint stages**

### Stage 1

5.1 Complaints will be acknowledged, defined and logged at stage 1 of the complaints procedure within five working days of the complaint being received.

5.2 The stage 1 complaint will be investigated and responded to by the officer directly responsible for the service area about which the complaint is made, unless they were involved in making the decision in which case their manager or another senior officer or the complaints manager will investigate and respond.

5.3 A full response to stage 1 complaints will be sent within ten working days of the complaint being acknowledged.

5.4 If we decide that, due to the complexity of the complaint, an extension to the timescale is necessary, we will inform the complainant of the expected timescale for a response. An extension will not be more than ten working days without good reason. The reason will be clearly explained to the complainant.

5.5 When we inform a complainant about an extension to the timescale for a response, we will provide the complainant with contact details for the relevant ombudsman.

5.6 A complaint response will be provided to the complainant when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will still be tracked and actioned promptly with updates provided to the complainant.



- 5.7 All points raised in the complaint definition will be addressed and clear reasons for any decisions provided, with reference to the relevant policy, law or good practice where appropriate.
- 5.8 Where the complainant raises additional complaints during the investigation, these will be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues will be logged as a new complaint.
- 5.9 We will confirm the following to the resident at the completion of stage 1:
- The complaint stage
  - The complaint definition
  - The decision on the complaint
  - The reasons for any decisions made
  - The details of any remedy offered to put things right
  - Details of any outstanding actions
  - Details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.

## Stage 2

- 5.10 If all or part of the complaint is not resolved to the individual's satisfaction at stage 1, it will be progressed to stage 2 of the complaints process. Stage 2 will be our final response.
- 5.11 Requests for a stage 2 will be acknowledged, defined and logged at stage 2 of the complaints process within five working days of the escalation request being received.
- 5.12 Complainants will not be required to explain their reasons for requesting a stage 2 consideration. We will, however, make reasonable efforts to understand why the complainant remains unhappy.
- 5.13 The person who will respond at stage 2 will not be the same person who considered the complaint at stage 1. The manager of the officer who responded to the stage 1 complaint, another senior officer or the complaints manager will investigate and respond at stage 2.
- 5.14 A final response to the stage 2 complaint will be issued within 20 working days of the complaint being acknowledged.
- 5.15 If we decide that, due to the complexity of the complaint, an extension to the timescale is necessary, we will inform the complainant of the expected

timescale for a response. An extension will not be more than 20 working days without good reason. The reason will be clearly explained to the complainant.

5.16 When we inform a complainant about an extension to the timescale for a response, we will provide the contact details of the relevant ombudsman.

5.17 A complaint response will be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the complainant.

5.18 We will address all points raised in the stage 2 complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.

5.19 We will confirm the following at the completion of stage 2:

- The complaint stage
- The complaint definition
- The decision on the complaint
- The reasons for any decisions made
- The details of any remedy offered to put things right
- Details of any outstanding actions
- Details of how to escalate the matter to the relevant ombudsman if the individual remains dissatisfied.

5.20 Stage 2 is our final response.

5.21 If a complainant remains dissatisfied following the conclusion of our complaints process, they may escalate their complaint to the relevant ombudsman. For complaints about the council as landlord, the relevant ombudsman is the Housing Ombudsman. For all other complaints, the relevant ombudsman is the Local Government & Social Care Ombudsman.

5.22 The Housing Ombudsman can be contacted in the following ways:

- By completing the [online complaint form](#)
- By emailing [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)
- By telephoning 0300 111 3000
- By writing to  
Housing Ombudsman Service  
PO Box 1484  
Unit D  
Preston  
PR2 0ET

5.23 The Local Government & Social Care Ombudsman can be contacted in the following ways:

- By completing the [online complaint form](#) (you can read the [step by step process for making a complaint](#) on their website prior to making a complaint)
- By telephoning 0300 061 0614
- By writing to  
Local Government & Social Care Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

5.24 Details of how to contact the relevant ombudsman will be provided as part of the stage 2 response.

## **6. Self-assessment, reporting and compliance**

6.1 We will produce an annual complaints performance and service improvement report which will include:

- The annual self-assessment against the Housing Ombudsman and Local Government & Social Care Ombudsman's complaint handling codes
- A qualitative and quantitative analysis of our complaint handling performance. This will also include a summary of the types of complaints we have refused to accept
- Any findings of non-compliance with the complaint handling code by the relevant ombudsman
- The service improvements made as a result of the learning from complaints
- Any annual report about our performance from the relevant ombudsman
- Any other relevant report or publication produced by the ombudsman in relation to our work.

6.2 The annual complaints performance and service improvement report will be reported to the Ethical Governance & Personnel Committee and will be published on the complaints section of the council's website. The Ethical Governance & Personnel Committee's response to the report will also be published alongside this.

6.3 If we are unable to comply with the complaint handling codes due to exceptional circumstances, we will inform the relevant ombudsman, provide information to complainants who may be affected and publish it on our website. We will also provide a timescale for returning to compliance with the codes.

## **7. Scrutiny and oversight**

- 7.1 Hinckley & Bosworth Borough Council has a positive complaint handling culture which is integral to the effectiveness with which we resolve disputes. We use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.
- 7.2 The Democratic Services Manager is the council's complaints manager and is responsible for the council's complaint handling.
- 7.3 The council will appoint a councillor as the Member Responsible for Complaints (MRC). The MRC will ensure that the Ethical Governance & Personnel Committee receive regular information on complaints which provide an insight into our complaint handling performance. The MRC has direct access to suitable information and staff to be able to perform their role and report on their findings.
- 7.4 The MRC and Ethical Governance & Personnel Committee must receive:
- Regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance
  - Regular reviews of issues and trends arising from complaint handling
  - Regular updates on the outcomes of the ombudsman's investigations and progress made in complying with orders related to severe maladministration findings
  - The annual complaints performance and service improvement report.

May 2024

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