

Document Pack



Mark James LLM, DPA, DCA
Prif Weithredwr,
Chief Executive,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

WEDNESDAY, 29 JUNE 2016

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR RESOURCES** WHICH WILL BE HELD IN THE **DEMOCRATIC SERVICES COMMITTEE ROOM, COUNTY HALL, CARMARTHEN**, AT **10.00 AM**, ON **THURSDAY, 7TH JULY, 2016** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Mark James

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Ms Gaynor Morgan
Telephone (direct line):	01267 224026
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E-Mail:	GMorgan@carmarthenshire.gov.uk
Ref:	AD016-001

A G E N D A

1. DECLARATIONS OF PERSONAL INTEREST.
2. FLYING START (CHILDREN & EDUCATION DEPARTMENT) - MONITORING OFFICER AND SECTION 151 OFFICER EXCEPTION REPORT/FLYING START CHILDCARE PROVISION 3 - 12
3. SALE OF LAND ADJOINING WHITLAND INDUSTRIAL ESTATE 13 - 20
4. TO SIGN AS A CORRECT RECORD THE DECISION RECORD OF THE MEETING HELD ON THE 5TH MAY, 2016 21 - 24
5. REPORTS NOT FOR PUBLICATION
FOLLOWING CONSIDERATION OF ALL THE CIRCUMSTANCES OF THE CASE AND FOLLOWING THE APPLICATION OF THE PUBLIC INTEREST TEST THE EXECUTIVE BOARD MEMBER MAY CONSIDER THAT THE FOLLOWING ITEMS ARE NOT FOR PUBLICATION AS THEY CONTAIN EXEMPT INFORMATION AS DEFINED IN PARAGRAPHS 14 OF PART 4 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT, 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) (WALES) ORDER 2007
6. FORMER TENANT DEBT WRITE-OFF SOCIAL LETTINGS AGENCY 25 - 32

DATE: JULY 7TH 2016

Executive Board Member:	Portfolio:
Cllr. David Jenkins	Resources

Subject: Flying Start (Children & Education Dept) – Monitoring Officer and Section 151 Officer Exception Reports/Flying Start Childcare Provision

Purpose: Approval required to comply with CPR Condition 5.3

Recommendations / key decisions required:

An exemption report (attached) was submitted to S151 officer in April 2016 seeking permission to offer a contract to a 2nd placed nursery provider (Serendipity Nursery) in the new purpose built Flying Start facility in Pembrey, in light of the closure of the 1st placed provider, who ceased to trade. It was also requested that Serendipity Nursery be offered the contract to align to the contract duration of the forthcoming renewal and re-commissioning of the other existing childcare contracts (up to 30th September 2020), but only be extended on an annual basis (subject to availability of grant funding). Moreover, it was requested to allow them the opportunity to review their costs to deliver the Flying Start services, from the new Flying Start childcare facility at Pembrey Primary School (Exception and Waiver to the Requirements of Competition – Contract Procedure Rules, Clause 5.3). The S151 officer and Head of Administration and Law have already tentatively approved this exemption on 09/06/2016.

Reasons:

In order to safeguard the physical asset and prevent claw back to the authority due to the Welsh Government capital grant terms and conditions, which states the venues has to be available to deliver Flying Start services for a minimum of 5 years. Due to the nature of childcare service, in order to open to children all venues are required to become registered by Care and Social Services Inspectorate for Wales (CSSIW), which is a lengthy process in normal circumstances. However, following many delays the registration process for this venue took longer, and was not opened until 18 months from the contract being awarded. Subsequently the agency ceased trading after only being open for one month, on 29th January 2016, this year. Contingency arrangements have already had to take place to continue to offer care to children off site, without a gap in service, and a re-tender would further delay the award of contract. This also lengthens the time the purpose built childcare facility remains empty and unused, which could also increase the risk of claw back by Welsh Government funders. Additionally, it could potentially limit the childcare entitlement of 2-3 year olds in the Pembrey ward, should we have to undertake a length re-tender for this ward. This would have a direct impact on the monitoring of the programme and potentially the revenue grant awarded to the authority to fund the childcare element. These are further outlined in exemption report (re-attached).

Directorate Education & Children Name of Head of Service: Stefan Smith Report Author: Nia McIntosh	Designation Flying Start Planning & Performance Manager	Tel No. 01554 742447 (2468) E Mail Address: NMclntosh@carmarthenshire.gov.uk
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Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

(If the answer is yes exact details are to be provided below :)

DECISION MADE:

Signed:

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY

Executive Board Member for Resources – Decisions Meeting 7th July 2016

Flying Start, Children and Education – Monitoring Officer & Section 151 Officer Exception Reports/Childcare Provider Exemption

- The Flying Start programme procures the childcare services in order to deliver the key entitlement of the wider programme, free sessional childcare for 2-3 year olds in Flying Start wards across the county, for 2.5 hours a day, 5 days a week, for up to 42 weeks of the year.
- An exemption was requested seeking permission to offer a contract to a 2nd placed nursery provider (Serendipity Nursery) in the new purpose built Flying Start facility in Pembrey primary School, in light of the closure of the 1st placed provider, who ceased to trade, who were appointed via an open and transparent competitive tender exercise previously.
- The existing arrangements which cover the procurement of the current childcare services are due to expire in September 2016 and approval is sought to extend the existing arrangements with Serendipity Nursery to align to the contract duration of the forthcoming renewal and re-commissioning of the other existing childcare contracts (up to 30th September 2020), but only be extended on an annual basis (subject to availability of grant funding).
- It was also requested to allow Serendipity the opportunity to review their costs to deliver the Flying Start services, from the new Flying Start childcare facility at Pembrey Primary School (Exception and Waiver to the Requirements of Competition – Contract Procedure Rules, Clause 5.3).

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Nia McIntosh

Flying Start Planning & Performance Manager

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	NONE	YES	NONE	YES	NONE	YES

1. Finance

- Relocating the childcare into the Flying Start facility would reduce the overheads and revenue spent in respect of this Flying Start ward, as currently we have to pay all the maintenance and upkeep of the empty facility, in addition to childcare charge which is currently being delivered off site, thus making it not cost effective whilst it remains empty and gives no value for money.
- The overall cost per child will decrease when the provider is located in the purpose built facility, as we would not be expected to pay towards the rental, utility charges in the private venue as we currently are (on top of the running costs of the empty Flying Start cabin). This would avoid duplication and streamline the costs, evidencing value for money.
- The ability to being exempt from re-commissioning services for this area, would reduce costs, and would ensure no more delays to the occupation of the facility to deliver the core entitlement of the Flying Start children in Pembrey.

2. Risk Management Issues

- Failure to occupy the purpose built Flying Start facility could result in claw back to the authority in relation to the Welsh Government capital grant used to create the establishment.
- If agreed, CSSIW registration could be progressed, with a view to the venue being open to children from Autumn 2016 school term. If we delay and coincide with the re-commissioning tender (due from 1st October 16), and progress CSSIW registration from the contract award stage, at that time), we would expect to see the facility being empty and a longer delay in providing services until at least early 2017.

3.Physical Assets

- Failure to adequately adhere to Welsh Government capital terms and conditions in relation to the physical asset could jeopardise the risk of claw back to the authority.
- Would ensure the venue is adequately maintained, to ensure that it is kept in a good state of repair and is fit for purpose. Failure to maintain this asset could lead to deterioration of the venue, and affect the value of the establishment. Also children' care will be delivered from an off site venue, thus not maximising the potential of the purpose built facility for 2-3 year olds, which is designed to aid their child development.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Nia McIntosh

Flying Start Planning & Performance Manager

1. Scrutiny Committee

N/A

2.Local Member(s)

N/A

3.Community / Town Council

N/A

4.Relevant Partners

N/A

5.Staff Side Representatives and other Organisations

N/A

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

There are none

Title of Document	File Ref No.	Locations that the papers are available for public inspection

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22nd April 2016

To: Section 151 Officer, Carmarthenshire County Council

EXEMPTION AND WAIVER TO REQUIREMENTS OF COMPETITION - REPORT

*This is a Request for an Exception and Waiver to the Requirement of
Competition (Section 5) - Contract Procedure Rules/Quotation
Procedure Rules in relation to:-*

The FLYING START CHILDCARE SERVICE: Flying Start Carmarthenshire (Carmarthenshire County Council) seek permission to offer a contract to a 2nd placed nursery provider, in light of the closure of the 1st placed provider, who has ceased to trade.

In accordance with CPR Condition:

5.3 Monitoring Officer and Section 151 Officer Approval followed by relevant Executive Board Member Decision

5.3 Any other exceptions to these Contract Procedure Rules shall only be given in exceptional circumstances and will be authorised by the relevant Executive Board Member following consideration of a report from the Lead Officer which details the reasons for the exception and which is supported by the Section 151 Officer and the Monitoring Officer.

Summary & Background

1. In 2014 a tender exercise was undertaken on Sell2Wales to source a childcare/nursery provider to run a newly built childcare facility, on Pembrey Primary School site. This facility was created and funded by the Flying Start capital grant to support the expansion of the Flying Start service locally, which offers free childcare services to eligible parents living in the locality who have 2-3 year old children. The Flying Start programme offers this free childcare service as a key element of the national programme, funded directly by Welsh Government in the form of an annual revenue grant.

2. An open and transparent procurement exercise saw 2 agencies successfully pass the process, however, only one was to be appointed as there was a requirement

to be based within the new purpose built facility, rather than purchase childcare places at an existing Nursery. **Cylch Meithrin Pembrey** were awarded the contract as 1st placed provider. **Serendipity Nursery** were placed in the 2nd position and therefore not offered the contract to run the new childcare facility.

3. Despite supporting the Cylch Pembrey to open the provision, which took 18 months from contract award (May 14 to September 15), we saw significant delays and numerous hurdles, and unfortunately only opened for only one month (September 2015) before they had to reduce their 2 sessions a day to 1, due to limited income. The next 3 months saw Flying Start heavily supporting the Cylch, with business support, childcare provision support and mentorship. Yet despite best efforts they remained unable to generate further income and took the decision to cease trading and closed on 29th January 2016, this year.

4. Eligible Flying Start children were at this stage receiving childcare from the newly built venue, therefore contingency plans were put in place immediately, on a temporary basis, to continue to offer the childcare service (funded by Flying Start) from the nearby venue of the 2nd placed provider; Serendipity Nursery, who have continued to provide a good quality service since that time, in difficult circumstances. The Procurement Dept advised this arrangement was acceptable in the circumstances as the 1st provider had ceased trading. **Unfortunately, this means we now have an empty unused purpose built childcare facility on Pembrey Primary School.**

Proposal & Approval Required

5. The basis of this Exemption Report therefore, is to request permission to offer Serendipity Nursery the contract to deliver services from the newly built Flying Start facility, in order to utilise the purpose built venue and meet terms and conditions of the Flying Start capital grant; the 5 year clause states the venues has to be available to deliver Flying Start services for a minimum of 5 years.

6. It is also requested that the Serendipity Nursery be offered the contract to align to the contract duration of the forthcoming renewal and re-commissioning of the other existing childcare contracts (up to 30th September 2020), but only be extended on an annual basis (subject to availability of grant funding). Eg initial contract to be awarded on the completion of CSSIW registration for the new venue approx:

- Sept/Oct 16 to 31st Mar 17, if grant continues, extend contract from:
- 1st April 17 to 31st March 18, extended subject to grant funding from:
- 1st April 18 to 31st March 19, extended subject to grant funding from:
- 1st April 19 to 31st Mar 2020, extended to 30th September 2020 when re-commissioning will be due

Time delays

7. The reasons for this request are further supported by the regulatory requirements for registering new venues for sessional childcare (2.5 hrs) enforced by Care and Social Services Inspectorate for Wales, a process of which can take up to 14 weeks. If this exemption is agreed, Serendipity Nursery could progress CSSIW registration of the facility, with a view to being open to children from September 2016. If we delay and co-incide with the re-commissioning tender (due from 1st October 16), and progress CSSIW registration from the contract award stage, at that time), we would expect to see the **facility being empty** and a longer delay in providing services until early 2017. The reasons are further supported by Welsh Government's key aims for the Flying Start childcare service, in that children are required to be ready for school on leaving the service. Paramount to this is the emotional wellbeing of 2 year olds to respond and build key relationships with the existing staff, who can provide continuity of care, as the adult child interactions and attachments built with those staff are key to aid their development, in order to be ready for school. Adding to this further, it is felt, that knowing the local market, that we would not expect any other interest in this contract, having already been to tender once with only the two named providers coming forward previously – no new agencies are known to have been developed since the last tender

Costs

8. The ongoing service costs for the Flying Start childcare service will continue to be funded through the Flying Start Revenue grant from Welsh Government. Current expected value of this childcare service for the small number of 10-12 children, is expected to be approximately £30-33,000 annually (x 4 years = £120-£132,000). However, as costs per child submitted through the tender process are now over 2 years old, these costs are no longer viable due to increases in inflation and introduction of new national living wages for employees, which would include childcare workers. We would therefore, also seek approval that the Nursery be given the opportunity to review their costs and that new rates are offered in line with cost of living, which would be subject to approval by the Flying Start management and subject to available grant funding.

Request to Proceed

10. I therefore, seek approval to proceed with the exemption to award a contract to Serendipity Nursery up to September 2020, and to allow them the opportunity to review their costs to deliver the Flying Start services, from the new Flying Start childcare facility at Pembrey Primary School (Exception and Waiver to the Requirements of Competition – Contract Procedure Rules, Clause 5.3)

Nia McIntosh
Flying Start Planning & Performance Manager
22nd April 2016

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7TH JUNE 2016

Executive Board Member:	Portfolio:
Cllr. David M Jenkins	Chief Executives

Sale of land adjoining Whitland Industrial Estate

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

The sale of land adjoining Whitland Industrial Estate on terms to be agreed.

REASONS:

The land has not been offered on the open market by the Council for the reasons outlined in the Executive Summary. To agree an “off market sale” in principle, subject to the terms being ratified by the District Valuer.

<p>Directorate</p> <p>Name of Head of Service: Wendy Walters</p> <p>Report Author: Richard V Evans</p>	<p>Designation Assistant Chief Executive</p>	<p>Tel No. 01267 246260</p> <p>E Mail Address: rvevans@carmarthenshire.gov.uk</p>
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Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

DECISION MADE:

Signed:

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	



EXECUTIVE SUMMARY

EXECUTIVE BOARD MEMBER DECISIONS MEETING

Sale of Land alongside Whitland Industrial Estate

Whitland Engineering Limited wish to acquire land adjacent to their site in order to expand their existing facility and create new jobs in the process.

The main trading activity of the company is delivering specialist engineering and project management services throughout the UK with in house design, fabrication and turnkey ability.

The land concerned is shown edged red on the attached plan and is outside development limits in the adopted Local Development Plan. It forms part of the Education portfolio being adjacent to Ysgol Dyffryn Taf and has been considered a potential access point for either the extension of the secondary school or an access to a possible replacement site for Ysgol Llys Hywel the primary school in Whitland. There are no immediate plans to move forward either of these proposals that should affect the sale and development of this site.

There are however proposals under consideration to develop bus bays at the rear of the site in order to alleviate congestion and safety issues at their present location on North Street. The bus bays proposal has been declined funding through the Safe Routes grant and the scheme funding is uncertain, therefore the proceeds from this sale could be retained as a contribution to the scheme.

Working with the Council's Design Section a layout has been agreed that would allow both developments to proceed whilst still retaining flexibility to create a new access to land alongside the Secondary School playing fields should it be required in the future.

Whitland Engineering have agreed to this proposal and approval is now required for an "off market" sale on a Subject to Planning basis.

The Planning Department has indicated a favorable response in principle to the inclusion of this site within development limits subject to the detail of the application being acceptable.

OTHER OPTIONS AVAILABLE AND THEIR PROS AND CONS

There is a lack of suitable available employment land for immediate development in Whitland for this or indeed any company and the sale of this site is essential to keep them in the area and consolidate the significant investment already made. This is therefore their only realistic option without incurring the significant cost of relocation. The company's staff are mostly local and a relocation would have a detrimental effect on the company. The nearest suitable available site in Carmarthenshire is Crosshands East Strategic Development Site.

DETAILED REPORT ATTACHED ?

NO



IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Wendy Walters**

Assistant Chief Executive

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	YES	YES	NONE	NONE	NONE	YES /

Legal

The transfer of legal interest in land to Whitland Engineering Ltd.

Finance

The sale would result in a capital receipt to the Authority.

Physical Assets

The transfer of the legal ownership in land.



CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Wendy Walters

Assistant Chief Executive

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Cllr Sue Allen has been supportive and encouraged the sale to the company.

3. Community / Town Council

NA

4. Relevant Partners

NA

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

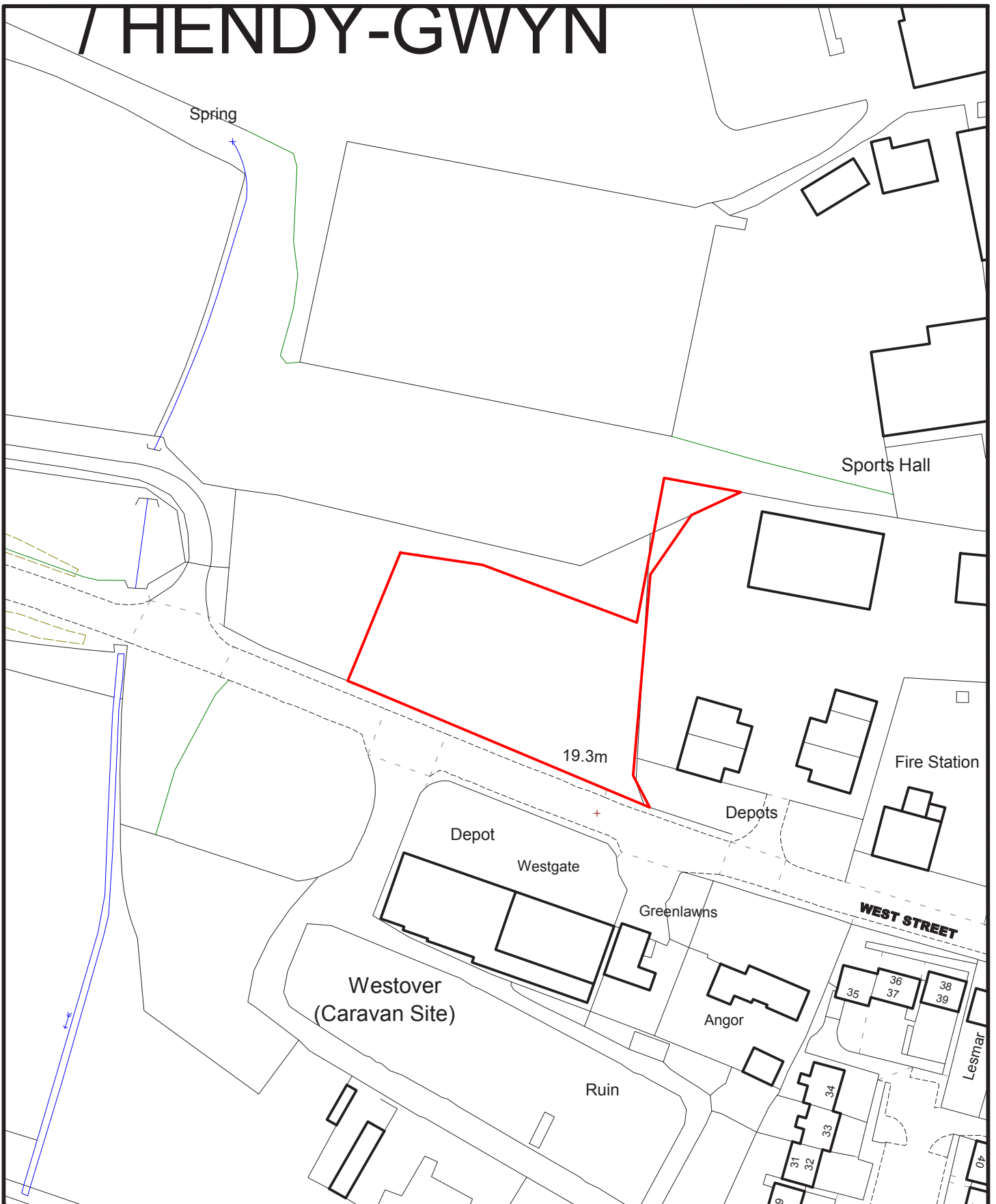
THESE ARE DETAILED BELOW OR THERE ARE NONE (Delete as applicable)

Title of Document	File Ref No.	Locations that the papers are available for public inspection



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/ HENDY-GWYN



Land alongside Whitland Engineering

Ref. - CR/RVE

Date/Dyddiad - 28/04/2016

Scale/Graddfa - 1:1250



Eiddol/Property
Adeilad 8/Building 8
Parc Dewi Sant/St. David's Park
Caerfyrddin/Carmarthen
SA31 3HB

Mae'r map hwn yn seiliedig a deunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi © Hawffraint y Goron. Mae atgynhyrchu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil.
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Agenda Item 4

**EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR
RESOURCES**

Thursday, 5 May 2016

PRESENT: Councillor D.M. Jenkins (Executive Board Member)

The following Officers were in attendance:

J. Gravelle, Revenue Services Manager

K. Thomas, Democratic Services Officer

Democratic Services Committee Room, County Hall, Carmarthen - 10.00 - 10.50 am

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interest.

2. TO SIGN AS A CORRECT RECORD THE DECISION RECORD OF THE MEETING HELD ON THE 24TH MARCH 2016

RESOLVED that the decision record of the meeting held on the 24th March, 2016 be signed as a correct record.

3. REPORTS NOT FOR PUBLICATION

RESOLVED pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007 that the following items were not for publication as the reports contained exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A to the Act.

4. FORMER TENANT DEBT WRITE-OFF SOCIAL LETTINGS AGENCY

Following the application of the public interest test it was **RESOLVED** pursuant to the Act referred to in minute 3 above not to publicise the content of the report as it contained exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) (Paragraph 14 of Part 4 of Schedule 12A to the Act).

The public interest test in this matter related to the fact that the report included personal data relating to former social letting tenants, including details of their rent arrears. The publication of individual debts was unwarranted and would prejudice the rights and freedoms of the relevant data subjects. Accordingly, the public interest in disclosure was outweighed by the public interest in maintaining confidentiality.

The Executive Board Member in considering the report requested that further information be provided in relation to the debtors.

RESOLVED that consideration of the report be deferred to the next meeting

5. NON DOMESTIC RATES - DISCRETIONARY RELIEF

Following the application of the public interest test it was **RESOLVED** pursuant to the Act referred to in minute no. 3 above not to publicise the content of the report as it contained exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) (Paragraph 14 of Part 4 of Schedule 12A to the Act).

The public interest test in this matter related to the fact that the report contained information regarding the individual ratepayers' recent financial history and/or personal information. Although public disclosure of the report would promote accountability for public finances, it would release confidential financial information. On balance, therefore, the public interest in disclosure at this time was outweighed by the public interest in maintaining confidentiality.

The Executive Board Member considered three applications for Hardship Relief under the provisions of Section 49 of Local Government Finance Act 1988 as amended.

RESOLVED

- 5.1 That application reference 80019259 be awarded a 50% reduction of the balance of the rates owed for the 2015/16 financial year, together with a 50% discount on the rates payable for the first quarter of the 2016/17 financial year up to the end of June 2016
- 5.2 That application reference 80020606 be awarded a 25% discount in respect of the 2016/17 financial year
- 5.3 That application reference 80014557 be awarded a 50% discount in respect 2016/17 financial year
- 5.4 That application reference 80013791 be refused.

6. COUNCIL TAX - DISCRETIONARY REDUCTIONS

Following the application of the public interest test it was **RESOLVED** pursuant to the Act referred to in minute no. 3 above not to publicise the content of the report as it contained exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) (Paragraph 14 of Part 4 of Schedule 12A to the Act).

The public interest test in this matter related to the fact that the report contained information regarding individuals that were liable to pay Council Tax. Although public disclosure of the report would promote accountability for public finances, it would release confidential financial information that was not in the public domain and would not normally be disclosed to third parties. On balance, therefore, the public interest in disclosure at this time was outweighed by the public interest in maintaining confidentiality.

The Executive Board Member considered a report detailing applications which had been received for discretionary reduction of Council Tax.

It was noted that regulations had been introduced with effect from April 2004

giving local authorities discretionary powers to grant locally determined Council Tax discounts or reductions, over and above existing statutory reductions.

RESOLVED

- 6.1 That application reference numbers 60292364, 40032658 and 60294623 be refused;
- 6.2 That application reference 6026598 be awarded a 50% discount for period 1 April 2010 and 30 June 2014 when the property was subject to Council Tax and not otherwise exempt”

CHAIR

DATE

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Agenda Item 6

By virtue of paragraph(s) 14 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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By virtue of paragraph(s) 14 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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