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County Hall
Rhadyr
Usk
NP15 1GA

Wednesday, 23 August 2023

Notice of Extraordinary Meeting

County Council

Thursday, 31st August, 2023 at 2.00 pm,
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Apologies for absence	
2.	Declarations of interest	
3.	REPORT OF THE PEOPLE SCRUTINY COMMITTEE: CALL-IN OF SECTION 106 FUNDING FOR CALDICOT	1 - 14
4.	Date of next meeting - Thursday 21st September 2023	

Paul Matthews

Chief Executive / Prif Weithredwr

**MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY**

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillor Rachel Buckler	Devauden;	Welsh Conservative Party
County Councillor Laura Wright	Grofield;	Welsh Labour/Llafur Cymru
County Councillor Tony Kear	Llanbadoc & Usk;	Welsh Conservative Party
County Councillor Catrin Maby	Drybridge;	Welsh Labour/Llafur Cymru
County Councillor Jan Butler	Goetre Fawr;	Welsh Conservative Party
County Councillor Ian Chandler	Llantilio Crossenny;	Green Party
County Councillor Sara Burch	Cantref;	Labour and Co-Operative Party
County Councillor Alistair Neill	Gobion Fawr;	Welsh Conservative Party
County Councillor Su McConnel	Croesonen;	Welsh Labour/Llafur Cymru
County Councillor Mary Ann Brocklesby	Llanelly Hill;	Labour and Co-Operative Party
County Councillor Fay Bromfield	Llangybi Fawr;	Welsh Conservative Party
County Councillor Jane Lucas	Osbaston;	Welsh Conservative Party
County Councillor Emma Bryn	Wyesham;	Independent Group
County Councillor Peter Strong	Rogiet;	Welsh Labour/Llafur Cymru
County Councillor Meirion Howells	Llanbadoc & Usk;	Independent
County Councillor Paul Griffiths	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru
County Councillor Jackie Strong	Caldicot Cross;	Welsh Labour/Llafur Cymru
County Councillor Rachel Catherine Garrick	Caldicot Castle;	Labour and Co-Operative Party
County Councillor Maria Stevens	Severn;	Welsh Labour/Llafur Cymru
County Councillor Steven Garratt	Overmonnow;	Welsh Labour/Llafur Cymru
County Councillor Angela Sandles	Magor East with Undy;	Welsh Labour/Llafur Cymru
County Councillor Ben Callard	Llanfoist & Govilon;	Welsh Labour/Llafur Cymru
County Councillor John Crook	Magor East with Undy;	Welsh Labour/Llafur Cymru
County Councillor Tomos Dafydd Davies	Llanfoist & Govilon;	Welsh Conservative Party
County Councillor Dale Rooke	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru
County Councillor Catherine Fookes	Town;	Welsh Labour/Llafur Cymru
County Councillor Sue Riley	Bulwark and Thornwell;	Welsh Labour/Llafur Cymru
County Councillor Jayne McKenna	Mitchel Troy and Trellech United;	Welsh Conservative Party
County Councillor Jill Bond	West End;	Welsh Labour/Llafur Cymru
County Councillor Louise Brown	Shirenewton;	Welsh Conservative Party
County Councillor Lisa Dymock	Portskewett;	Welsh Conservative Party
County Councillor Tony Easson	Dewstow;	Welsh Labour/Llafur Cymru
County Councillor Christopher Edwards	St. Kingsmark;	Welsh Conservative Party
County Councillor Martyn Groucutt	Lansdown;	Welsh Labour/Llafur Cymru
County Councillor Simon Howarth	Llanelly Hill;	Independent Group
County Councillor Richard John	Mitchel Troy and Trellech United;	Welsh Conservative Party
County Councillor David Jones	Crucorney;	Independent Group
County Councillor Penny Jones	Raglan;	Welsh Conservative Party
County Councillor Malcolm Lane	Mardy;	Welsh Conservative Party
County Councillor Phil Murphy	Caerwent;	Welsh Conservative Party
County Councillor Paul Pavia	Mount Pleasant;	Welsh Conservative Party
County Councillor Maureen Powell	Pen Y Fal;	Welsh Conservative Party
County Councillor Frances Taylor	Magor West;	Independent Group
County Councillor Tudor Thomas	Park;	Welsh Labour/Llafur Cymru

County Councillor Armand Watts
County Councillor Ann Webb

Bulwark and Thornwell;
St Arvans;

Welsh Labour/Llafur Cymru
Welsh Conservative Party

Public Information

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Watch this meeting online

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Welsh Language

Mae'r Cyngor yn croesawu cyfraniadau gan aelodau'r cyhoedd trwy gyfrwng y Gymraeg neu'r Saesneg. Gofynnwn yn barchus i chi roi rhybudd digonol i ni er mwyn darparu ar gyfer eich anghenion. The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with adequate notice to accommodate your needs.

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

Kindness: We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.

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SUBJECT: REPORT OF THE PEOPLE SCRUTINY COMMITTEE: CALL-IN OF SECTION 106 FUNDING FOR CALDICOT

MEETING: Council

DATE: 31st August 2023

DIVISION/WARDS AFFECTED: All

1. PURPOSE:

- 1.1 To provide Council the opportunity to consider the decision taken by Cabinet on 26th July concerning the use of section 106 funding for Caldicot. This follows the call-in of the decision and the subsequent recommendation of the People Scrutiny Committee to refer the matter to full Council.

2. RECOMMENDATIONS:

- 2.1 That Council considers the discussion held at the People Scrutiny Committee and makes a decision whether to:
- i) Accept the Cabinet Decision; or
 - ii) Refer the Decision to Cabinet for reconsideration (with reasons)

3. KEY ISSUES:

- 3.1 The Council's Constitution gives scrutiny committees the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet. This is one of the ways in which the executive can be held to account.
- 3.2 The Constitution requires that a Scrutiny Meeting is held within 15 working days of the receipt of a call-in of an Executive decision to consider the call-in request. Following debate of the issue, the Committee can either:
- Accept the Cabinet decision; or
 - Refer the matter back to the Cabinet with reasons; or
 - Refer the matter to full Council for consideration with reasons.
- 3.3 On 26th July Cabinet considered a report recommending that £439,286 of section 106 funding received from the development of the Sudbrook Paper Mill site be used to increase the capacity and improve accessibility at Castle Park Primary School. The report outlined that the selection of this site was influenced by the need to spend the funding within 2023. The report committed to future section 106 funding being used to carry out work at Archbishop Rowan Williams Church in Wales School. This would follow a feasibility study and ARW school to identify how funding could be used most effectively at that school and, if necessary to allow consultation to take place.
- 3.4 The decision made by Cabinet was:

- That Cabinet agrees that a budget of £439,286 is created in 2023/24 Capital Programme to fund adaptations at Castle Park Primary School to improve accessibility and increase the school capacity from 210 to 261 pupil places with effect from 1st September 2024.
- The £439,286 will be funded by a S106 contribution from the development of the Sudbrook Paper Mill Site. This funding has been received into the Council's budget.
- The remaining S106 funding due from two other housing developments in the Caldicot area, Church Road and Crick Road, will be used to fund improvement works at Archbishop Rowan Williams VA School as and when the funding is received into the Council's budget.

3.5 The decision was subsequently called in for the following reasons:

“This decision is contrary to the consultation carried out in 2021 and now proposes to fund a school with surplus places instead of an oversubscribed school in desperate need of additional places. Castle Park is neither the catchment or nearest (or even second nearest school) for the Paper Mill development and it is wrong that Archbishop Rowan Williams Church in Wales Primary will not get a penny of the section 106 funding from this estate.”

- 3.6 The Special People Scrutiny Committee held on 10th August 2023 considered the call-in of this decision and the Members who called in the decision outlined their reason for doing so. The Cabinet Member for Education attended and provided his response.
- 3.7 The Cabinet decision report provides full context of the key issues relating to the decision taken on 26th July 2023, outlined in section 3 together with an options appraisal provided under section 4, accessed via <https://democracy.monmouthshire.gov.uk/documents/s35508/3.%20Castle%20Park%20S106-.pdf>
- 3.8 The Committee Members discussed the pupil numbers at the schools concerned: Castle Park primary having 190 pupils with a capacity of 210 pupils and Archbishop Rowan Williams School having 206 pupils with a capacity of 210 pupils.
- 3.9 Some Members of the Committee suggested that Archbishop Rowan Williams School would benefit more from the Section 106 monies and would have local mitigating need and that the decision was illogical. Other Committee Members felt that given the close proximity of the schools, the money could be used to secure immediate benefit for Castle Park primary and suggested monies could be utilised at a later date for Archbishop Rowan Williams School at a future date.
- 3.10 In terms of the legality of the decision, the Deputy Monitoring Officer confirmed that schools within the cluster could benefit from the funding as stated in the Section 106 agreement.
- 3.11 Relating to the specific matters raised in the calling-in of the decision, officers advised that the recommendation was influenced by timing to ensure funding can be spent within the required timescales, given that agreements are drawn up long in advance of monies being received. The Cabinet Member confirmed that section 106 money from the Church Road scheme would go towards improvements Archbishop Rowan School.

- 3.12 Appendix 1 provides the formal minute of the call-in and a fuller account of the debate being available via <https://democracy.monmouthshire.gov.uk/ieListDocuments.aspx?CId=304&MId=5857>
- 3.13 The debate that took place led the committee to confirm its intention to refer the decision for reconsideration, and following a vote, the majority agreed to refer the decision to full council for the following reason:

- It's unfair to Archbishop Rowan School and the community of Portskewett.

4.0 EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

- 4.1 There are no direct considerations from this report.

5. EVALUATION CRITERIA

- 5.1 Not applicable.

6. REASONS:

- 6.1 To refer the decision taken on 26th July 2023 on Section 106 monies Caldicot to full Council, following scrutiny undertaken by the People Scrutiny Committee on 10th August 2023.

7. RESOURCE IMPLICATIONS:

- 7.1 There are no direct resource implications arising from this report.

8. CONSULTEES:

Chief Officer People, Performance and Partnerships
Chief Executive
Deputy Monitoring Officer

9. BACKGROUND PAPERS:

Appendix 1: Extract of the draft Minutes of the People Scrutiny Committee held on 10th August 2023 on the Section 106 monies for Caldicot.

10. AUTHOR:

Hazel Ilett, Scrutiny Manager

11. CONTACT DETAILS:

Tel: 01633 644233, E-mail: hazelilett@monmouthshire.gov.uk

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5. Call-in of the decision taken by Cabinet on 26th July 2023 in relation to Section 106 Agreements for Caldicot

The Scrutiny Manager explained the Call-in process, as outlined in the Council's Constitution. Councillor Dymock spoke as the Call-in Lead, detailing the reasons for calling in the decision, as stated in the Call-in request. Cabinet Member Martyn Groucutt responded to the points of the call-in and Joanne Chase, Deputy Monitoring Officer provided clarification on the legality of the Section 106 agreement. Councillor Groucutt, Joanne Chase and Cath Saunders answered the members' questions.

Key points raised by Members:

- A member queried whether Section 106 monies had to be spent in the local area. The Deputy Monitoring Officer confirmed that schools within the cluster could benefit, as stated in the Section 106 agreement and that this was legal.
- Members discussed the pupil numbers at the schools concerned: Castle Park primary having 190 pupils with a capacity of 210 pupils and Archbishop Rowan School having 206 pupils with a capacity of 210 pupil.
- Some Members suggested that Archbishop Rowan School would benefit more from the Section 106 monies and would have local mitigating need and that the decision was illogical. Other Members felt that given the close proximity of the schools, the money could be used to secure immediate benefit for Castle Park primary and suggested monies could be utilised at a later date for Archbishop Rowan School at a future date.
- Officers advised that this was a matter of timing and ensuring monies can be spent within the timescale, given that agreements are drawn up long in advance of monies being received. The Cabinet Member confirmed that the second transfer of money from Church Road would go to Archbishop Rowan School.

Formal Outcome of the Scrutiny:

Following significant debate which can be accessed via the live stream, the Committee proceeded to a vote:

Four Members agreed to accept the Cabinet decision.

Five Members agreed to refer the decision to full Council, reasons cited as being unfair to Archbishop Rowan School and the community of Portskewett.

The decision to refer the matter to Council was carried.

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SUBJECT: S106 Funding Caldicot
MEETING: CABINET
DATE TO BE CONSIDERED: 7th June 2023
WARDS AFFECTED:

1. PURPOSE

- 1.1 To recommend to full Cabinet the inclusion of capital funding generated from S106 agreements in the 2023/24 Capital Budget

2. RECOMMENDATIONS

- 2.1 Cabinet agrees that a budget of £439,286k is created in 2023/24 Capital Programme to fund adaptations at Castle Park Primary School to improve accessibility and increase the school capacity from 210 to 261 pupil places with effect from 1st September 2024.
- 2.2 The £439,286 will be funded by a S106 contribution from the development of the Sudbrook Paper Mill Site. This funding has been received into the Councils budget.
- 2.3 The remaining S106 funding due from two other housing developments in the Caldicot area, Church Road and Crick Road, will be used to fund improvement works at Archbishop Rowan Williams VA School as and when the funding is received into the Councils budget.

3. KEY ISSUES

- 3.1 S106 funding is allocated as part of the housing development at the former Sudbrook Paper Mill, to Castle Park Primary School and Archbishop Rowan Williams (ARW) Church in Wales Primary School
- 3.2 There is currently pressure on the school places within the Caldicot town area and the potential growth previously anticipated from this development into ARW Primary School has not yet materialised, due to the pace of the developments.
- 3.3 ARW is a Voluntary Aided School and is the nearest school to the housing development. Castle Park Primary School is the nearest non-denominational School to the housing development and therefore also included in the S106 agreement.
- 3.4 Castle Park Primary School currently has 2 classrooms that are not included within their current 210 capacity. These classrooms have been surplus to requirements for several years and used as designated art and music rooms.

- 3.5 The amount of funding received from the Sudbrook Mill development will enable the LA to refurbish these two classrooms and enhance other facilities at Castle Park School which will then release the current pressure on pupil places in the town schools.
- 3.6 If the funding is split equally between both Castle Park and ARW schools, the amount of money would not allow for any substantial work to be undertaken and would not alleviate the existing pressure on school places and therefore not the best use of funding.
- 3.7 There are two additional housing developments in the area, Crick Road (£811k) and Church Road (£345k). Both developments have ARW and Castle Park named as beneficiaries of S106 funding. It is proposed that if the Sudbrook Paper Mill funding is used for Castle Park the other two funding streams are earmarked for ARW when received.
- 3.8 The S106 agreement for Sudbrook Paper Mill specifies that the funding must be spent by end of 2023. The remodelling and refurbishment project at Castle Park Primary School will ensure this is adhered to.
- 3.9 Work required at ARW is more substantial than the proposal at Castle Park and maybe subject to Statutory Consultation under the Schools Standards and Organisation (Wales) Act 2013.
- 3.10 A feasibility study is currently being undertaken on ARW School to determine the best use of the funding, so that when the Council is in receipt of it, work can commence.

4.0 OPTIONS APPRAISAL

Option	Benefit	Risks
1. Take no action and return the money to the developers with no additional or improved educational facilities.	<ul style="list-style-type: none"> There are no benefits to this option 	<ul style="list-style-type: none"> There will continue to be a shortage of pupil places within the Caldicot town area. Pupils being admitted to their next nearest school could result in the need to provide additional home to school transport.

		<ul style="list-style-type: none"> • Pupils will not be educated in their local community.
<p>2 Split the funding (£439k) from Sudbrook Paper Mill development equally between the two schools.</p>	<ul style="list-style-type: none"> • Each school will have equal amounts of funding from the development 	<ul style="list-style-type: none"> • The amount of funding this will realise for each school will not allow for any substantial remodelling or refurbishment of the two schools. • Same risks as above in option 1
<p>3 Allocate the Sudbrook Paper Mill funding to Castle Park Primary School to relieve the pressure on pupil places in the schools in the Caldicot town area, and in future allocate the funding from Crick Road and Church Road to Archbishop Rowan Williams VA School</p>	<ul style="list-style-type: none"> • There will be an opportunity to address the lack of school places within the Caldicot town area. • Pupils living in the area will be able to attend their local school. • There will be no requirement for home to school transport. • The combined funding from the two other housing developments will achieve more at Archbishop Rowan Williams • Provides for those who may not wish for a Church education 	<ul style="list-style-type: none"> • The developments at Church Road and Crick Road may not generate the S106 funding if developers review proposals due to market conditions.
<p>4 Allocate the Sudbrook Paper Mill funding to Archbishop Rowan Williams VA School</p>	<ul style="list-style-type: none"> • The funding will enable some remodelling work to be undertaken at ARW but nothing significant 	<ul style="list-style-type: none"> • The amount of funding will not provide any significant impact on

	that will address future capacity issues	<p>places available.</p> <ul style="list-style-type: none"> • There will still be pressure on Caldicot town schools. • Some parents may not wish for their children to have church education, so places will be required elsewhere in Caldicot. • Undertaking a statutory process at this stage will result in possible loss of funding.
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5. REASONS

- 5.1 To ensure the funding from Sudbrook Paper Mill is available in the Council's 2023/2024 capital budget.
- 5.2 To ensure the Section 106 funding received from the developer is used effectively to enhance education provision in the local area and relieve pressure on pupil places.

6. RESOURCE IMPLICATIONS

The S106 funding identified in this report has been received to improve education facilities in the local area, so the works proposed will not impact on existing capital.

The total floor and ground area of the school will not increase therefore the delegated funding for premises costs will remain the same. As the number of pupils increase this will generate further funding for staffing and resources via the Section 52, however these pupils would have attended schools in Caldicot and therefore the funding will be directed to Castle Park instead. There may also be a saving for transport as pupils will be able to attend their nearest school.

7. WELL BEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING & CORPORATE PARENTING)

See attached at **Appendix A.**

8. CONSULTEES

Senior Leadership Team
Cabinet Members
Local Member
Section 106 Working Group
Assistant Head of Finance/Section 151 Officer
Headteachers Castle Park Primary School and ARW Primary School

9. BACKGROUND PAPERS

Section 106 Agreements:

Sudbrook Paper Mill

Crick Road

Church Road - Caldicot

10. AUTHOR

Cath Saunders – Sustainable Communities for Learning Programme Manager

Email – Cathsaunders@monmouthshire.gov.uk.

Nikki Wellington – Support Services Manager

Email: Nicolawellington@monmouthshire.gov.uk

**CABINET
DECISION RECORDING LOG**

DECISION DETERMINED ON: Wednesday, 26 July 2023

DECISION WILL COME INTO EFFECT ON: Thursday 3rd August 2023

Decisions made by full cabinet and individual cabinet members are subject to "Call-in" by the appropriate Select Committee. Should a decision be subject to call-in it will not take effect as stated above and will be presented again at a later date.

CABINET MEMBERS PRESENT:

County Councillors Mary Ann Brocklesby, Sara Burch, Ian Chandler, Rachel Garrick, Martyn Groucutt, Catrin Maby and Angela Sandles

OTHER ELECTED MEMBERS PRESENT:

County Councillors Richard John, Frances Taylor, Jane Lucas, Lisa Dymock and John Crook

OFFICERS PRESENT

Paul Matthews, Jane Rodgers, Frances O'Brien, Will McLean, Peter Davies, Jonathan Davies, Richard Williams, Matthew Gatehouse, Ian Saunders, Cath Saunders, Ben Davies and Nicholas Keyse

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Item Number	Title	Purpose, Consultation & Author	Declaration of Interests	Decision
	Apologies for Absence			
3	IMPLEMENTATION OF THE MY DAY, MY LIFE REVIEW RECOMMENDATIONS	As set out in the report		RESOLVED: That Cabinet considers the findings of the Practice Solution's review, the review recommendations, public feedback received and the implementation plan. That Cabinet accepts the recommendations in the Practice Solution review in full.
Additional Information:				
4	S106 FUNDING CALDICOT	As set out in the report	County Councillor Rachel Garrick declared a personal and Prejudicial interest in respect of agenda item 4 - S106 Funding Caldicot as she has a child who is a pupil at Castle Park and Councillor Garrick is governor at this school. Councillor Garrick left the meeting taking no part in the decision or voting thereon.	RESOLVED: That Cabinet agrees that a budget of £439,286 is created in 2023/24 Capital Programme to fund adaptations at Castle Park Primary School to improve accessibility and increase the school capacity from 210 to 261 pupil places with effect from 1st September 2024. The £439,286 will be funded by a S106 contribution from the development of the Sudbrook Paper Mill Site. This funding has been received into the Council's budget. The remaining S106 funding due from two other housing developments in the Caldicot area, Church Road and Crick Road, will be used to fund improvement works at Archbishop Rowan Williams VA School as and when the funding is received into the Councils budget.
Additional Information:				

5	MEETING GYPSY & TRAVELLER PITCH NEEDS - LAND IDENTIFICATION	As set out in the report		<p>RESOLVED: That Cabinet defers consideration of the report to the September 2023 meeting to allow officers to undertake further work in respect of this matter.</p>
Additional Information:				
6	2023/24 REVENUE BUDGET PROGRESS - EARLY UPDATE	As set out in the report		<p>RESOLVED:</p> <p>That Cabinet notes the early signalling of pressure against the Council's revenue budget of £2.6m following a review of material pressures and savings and the potential mitigations that can be applied.</p> <p>That Cabinet notes the ongoing financial risks continuing to manifest in the current difficult operating environment where:</p> <ul style="list-style-type: none"> - inflation is continuing to remain resolutely high with a consequential impact of rising interest rates; - the ongoing cost of living crisis and further impact that rising interest rates will have housing costs; - the likelihood for the UK economy to enter recession; - a shortage of staff linked to the ongoing tight labour market; - continuing supply chain issues that require more costly alternative or expedited arrangements; - the impact the above is having on the increasing demand for supportive Council services and reducing demand for income generating services. <p>That in considering the above, and as part of the mitigations outlined in 2.1 of the report, that Cabinet approves the budgeted use of £2.5m of useable revenue reserves to increase the Council's overall level of inflation contingency budget for 2023/24 to a total of £3m. The use of a further £2.5m equates to the amount of reserves that were originally anticipated to be required to support the 2022/23 budget outturn position, but were not ultimately called upon.</p> <p>That in light of the severity of the current financial position and the continuing financial headwinds as outlined in this report, that Cabinet requires the Strategic Leadership Team to engage in immediate mitigating action to bear down on avoidable cost and identify all potential further income opportunities.</p> <p>That Cabinet requires officers to develop the structured approach to tackling the budgetary pressures presenting, leading up to a more detailed Month 4 financial forecast being brought forward in September 2023.</p>
Additional Information:				