

# Local Service Delivery Committee (Macclesfield) Agenda

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**Date:** Friday, 25th November, 2011  
**Time:** 9.30 am  
**Venue:** Macclesfield Library, Jordangate, Macclesfield, SK10 1EE

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1. **Apologies**

To receive apologies for absence.

2. **Minutes** (Pages 1 - 6)

To approve the minutes as a correct record.

3. **Declarations of Interest**

To provide an opportunity for Members to declare any personal and/or prejudicial interests in any item on the agenda.

4. **Public Speaking/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the meeting. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

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For requests for further information

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5. **Local Service Delivery - Transfer and Devolution** (Pages 7 - 18)

To make a recommendation to Cabinet on the level of service and related budgets the Committee wishes to see continue to be provided in the unparished area of Macclesfield, potentially leading to the levying on a relevant charge.

6. **Date of Next Meeting**

**CHESHIRE EAST COUNCIL****Minutes of a meeting of the Local Service Delivery Committee  
(Macclesfield)**

Held on Tuesday, 1st November, 2011 at the Heritage Centre, Macclesfield

**PRESENT**

Councillors C Andrew, L Brown, K Edwards, D Druce, M Hardy and L Roberts

**Participating/Local Ward Members**

Councillors J Jackson, L Jeuda, B Murphy and D Neilson.

**In attendance**

Councillor W Livesley

**Officers in attendance**

Vivienne Quayle – Head of Performance and Capacity

Chris Allman - Project Manager East

Paul Goodwin - Finance Lead Places

Mark Wheelton – Leisure Services and Greenspace Manager

John Leach – Market Manager

Rob McGarry – Streetscape and Technical Support Manager

Jez Goodman – Economic Development Manager

**Apologies**

Councillor A Harewood

**8 APPOINTMENT OF CHAIRMAN****RESOLVED**

That Councillor D Druce be appointed as Chairman for the Municipal Year 2011/12.

(Councillor Edwards abstained from voting).

**9 APPOINTMENT OF VICE-CHAIRMAN**

That Councillor L Roberts be appointed as Vice-chairman for the Municipal Year 2011/12.

(Councillor Edwards abstained from voting).

**10 MINUTES OF THE MEETING HELD ON 27 SEPTEMBER 2011****RESOLVED**

That the minutes be approved as a correct record.

## **11 DECLARATIONS OF INTEREST**

(Note – This item was considered as the first item on the agenda).

There were no declarations of interest at this point in the meeting. However, Cllr Edwards declared a personal interest at minute 13 (sub-heading “Town Centre Management”), by virtue of being a member of Bollington Town Council, when reference was made to the role of the Town Centre Manger and potential charges to other communities, such as Bollington.

## **12 PUBLIC SPEAKING/OPEN SESSION**

There were no members of the public in attendance, wishing to use the public speaking facility.

## **13 LOCAL SERVICE DELIVERY - TRANSFER AND DEVOLUTION**

The Committee considered the joint report of the Director of Finance and Business Services and the Head of Performance, Customer Services and Capacity together with appendices, which provided detailed information to support the costs associated with the list of assets that could potentially form the calculation for a special expense levy for 2012/13.

This information was intended to assist Members in making an informed decision on those existing services that they wish to see provided in the currently unparished area of Macclesfield (consistent with those transferring to parished areas) and the associated budgets that related to those services.

The Committee was requested to make a recommendation to Cabinet on the level of service and related budgets it wished to see continue to be provided in the unparished area of Macclesfield, potentially leading to the levying a relevant charge. It was noted that the process would be for Cabinet to then make a recommendation to Council.

Officers explained the need to be fair and consistent in the provision of discretionary services across Cheshire East. Members sought clarification in respect of a number of issues and made a number of comments. They expressed views about the concept of a special expenses levy and some Members felt it would lead to double taxation on the people of Macclesfield and that, as there was not a Town Council for Macclesfield, there was no legal body for the services to be transferred to. Officers explained the thinking in terms of consistency with the parished areas relating to the assets approved for transfer in the 5<sup>th</sup> September cabinet report. In addition officers clarified that no assets would transfer as the Committee is a body of the Council and not a separate entity.

Officers in attendance provided a summary of each of the areas under consideration and Members asked a number of detailed questions and raised the following issues :-

### **Allotments**

Members commented that miscellaneous expenses appeared to be high and requested further detailed information for the next meeting, in respect of the following -:

- How many individual plot holders were there in the Macclesfield area and where do they live.
- What was the current waiting list for each site and a breakdown of where those on the waiting list lived.
- What percentage of the allotments were currently unoccupied, where were the vacant allotments and what was the consequent loss in income.
- To what extent was the Council complying with its legal duty, in terms of statutory provision.
- What formal relationship did the Council have with the local Allotment Associations, in terms of legal agreements and what annual return did they make to the Council.
- Detailed and accurate draft budget figures, with a line by line focus for each item, to enable Members to compare the various costs.
- A general tidying up of the generic titles for the budget figures.

### **Senior Citizens Hall**

- It was questioned whether this item should be considered when the hall fell within the Macclesfield Town Centre Development area.

### **Weston Community Centre**

- It was felt that the Centre needed to be brought up to a reasonable standard
- It was considered that responsibility for the Centre should not be transferred to the Committee, when there were other community facilities being used within the centre, including a well used library. Officers explained that no assets were being transferred to the Committee. The issue to be debated was as to whether a special expense levy should be charged to cover the cost of running these assets to be consistent with parished areas.
- It was suggested that a proviso should be included, to say that the Committee was not in a position to transfer the asset, legally.

### **Markets**

- Members queried the high cost of overtime and felt that paying staff on a permanent rate was unacceptable. However, this was an issue for the Council to resolve.
- Members noted the cost of insurance and queried whether any future Town Council would be able to obtain its own insurance, rather than using Cheshire East Council's. (It was noted that the information had been presented in order to be consistent with that provided for the existing Town and Parish Councils and it was confirmed that a Town Council would be free to obtain its own insurance if it wished to do so).
- It was suggested that responsibility for markets should not be transferred to the Committee, but that the Committee should monitor the cost structure, with a view to improving the facilities for the people of Macclesfield.
- Clarification was sought in respect of the figures for car parking charges.
- Members requested a breakdown of all the costs and explanation as to where all the figures came from. (These details would be included in the comments box for consideration at the next meeting).
- It was requested that there be separate accounts for the indoor market and outdoor market.

### **Town Centre Management**

- Further details were requested as to what was meant by Town Centre Management and what would be the benefits to Macclesfield.
- It was considered that it should be emphasised that Macclesfield was a strategic/lead town in the North of the Borough and was a major shopping centre.
- It was suggested that it seemed reasonable for town centre management to be the responsibility of the Council and that it should not result in an additional tax on the people of Macclesfield.
- It was considered that town centre management and car parking could not be separated and as the Committee had not been offered the opportunity to take on responsibility for car parking this was not equitable.

- The Committee requested further details as to how the role of the Town Centre Manager was perceived and how this reflected the requirements of the people of Macclesfield. It was noted that the current Town Centre Manager worked with other communities, such as Bollington and concern was expressed that costs would be passed onto these communities.

### **Christmas Lights**

- It was noted that the Macclesfield Charter Trustees had budgeted £16,000 for new Christmas lights, in addition to the Council's budget provision of £20,000 and that the £20,000 was not just for lights but also for events in the town.
- It was suggested that it would be appropriate for Christmas lights to be the responsibility of a Committee such as this and for the Charter Trustee budget to be transferred. However, there was a counter argument that, unless the Committee was given total budgetary control, then they should remain the responsibility of the Council.
- Concern was expressed that currently there were no additional costs for the management of the money held by the Charter Trustee's and if the Council was responsible for the lights there would be a charge for managing the costs and the Charter Trustees would lose control as to how the money should be best spent.
- It was suggested that that, as the lights benefited local trade, then the cost should be shared between the Council and local businesses. (It was reported that local businesses already made a contribution).

### **Toilets**

- Clarification was sought regarding overtime costs and it was agreed that information would be provided at the next meeting regarding this and other reallocated costs, which were held centrally.
- It was suggested that there were two options, that either the transfer of the public conveniences should be accepted or that consideration should be given to closing them and paying an amount of money to suitable local shops, to enable use of their toilets by the public. However, this would be for the Council to consider and not the Committee.
- It was suggested that the cost of the Churchill Way Public conveniences should be offset against car parking income.

- Additional information, including figures for the maintenance and refurbishment were requested for the next meeting.
- Information was also requested, for consideration at the next meeting, in respect of the status of the Public Conveniences on Churchill Way and whether it was proposed that they would be taken over, as part of the town centre redevelopment and whether they had originally been provided by way of a Section 106 Agreement and what the legal position would be in respect of any transfer.
- Information in respect of the condition of the Public Conveniences was also requested for the next meeting.

**RESOLVED**

That the additional information requested by Members be provided, for consideration at the next meeting, to enable the Committee to make a recommendation to Cabinet.

(Councillor Edwards voted against the motion).

**14 DATE OF NEXT MEETING**

The next meeting would take place at 9.30am, on Friday 25 November 2011, at Macclesfield Library.

The meeting commenced at 9.30 am and concluded at 1.05 pm

Councillor D Druce

## CHESHIRE EAST COUNCIL

### Local Service Delivery Committee - Macclesfield

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<b>Date of Meeting:</b>	25 November 2011
<b>Report of:</b>	Vivienne Quayle:- Head of Performance, Customer Services and Capacity
<b>Subject/Title:</b>	Update on Local Service Delivery
<b>Portfolio Holder:</b>	Cllr Rachel Bailey Cllr David Brown Cllr Michael Jones

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#### 1.0 Report Summary

- 1.1 The report and appendices are intended to provide members of the committee with responses to the main issues raised at the previous meeting and provide further clarification on the most up to date financial issues
- 1.2 It is acknowledged that the role of the Committee encompasses the monitoring of performance and a forum for debate about those services. However, the focus for the next two meetings leading up to a recommendation to cabinet needs to be focused on the issues relating to special expenses payment.
- 1.3 Based on the information previously provided and the current position, members of the Committee alongside the views of ward members present, need to make an informed recommendation on those existing services that they wish to see be provided in the currently unparished area of Macclesfield (consistent with those transferring to parished areas).

#### 2.0 Decision Requested

- 2.1 The Committee is asked to agree a recommendation to Cabinet on the level of service and related budgets they wish to see continue to be provided in the unparished area of Macclesfield.

#### 3.0 Reasons for Recommendations

- 3.1 Macclesfield is currently an unparished area and as such has no local Council at present to represent the area. In order to ensure that the area of Macclesfield has similar opportunities and choices as the other parished areas and that all areas of Cheshire East are treated consistently, it has been necessary to set up specific committees to carry out the functions as outlined in the Terms of Reference.

- 3.2 A prime role of the Committee is to make a recommendation to cabinet (and ultimately Council) on the level of service in the unparished area and any enhancements leading to a special expenses levy. This is part of the overall framework for Council Tax setting and, will therefore be finally agreed in the February cycle of meetings alongside the Council's budget and Council Tax decisions. This Committee has an opportunity to influence that decision within the Macclesfield unparished area
- 3.3 Previous meetings have given background information and financial analysis. This is a changing picture as financial assumptions are being made across the authority in all services in order to formulate the overall Cheshire East budget. It is important to position this Committee's work in the context of the overall business planning process and acknowledge that the draft budget is not yet finalised. Therefore, all figures are at this stage the most accurate position that can be provided but may be subject to changes in the context of the overall budget position. Clearly the Committee will be kept up to date on any necessary changes.

#### **4.0 Wards Affected**

- 4.1 Macclesfield West and Ivy
- 4.2 Macclesfield Hurdsfield
- 4.3 Broken Cross and Upton
- 4.4 Macclesfield South
- 4.5 Macclesfield Central
- 4.6 Macclesfield Tytherington
- 4.7 Macclesfield East

#### **5.0 Local Ward Members**

- 5.1 All Macclesfield members

#### **6.0 Policy Implications including – Carbon Reduction - Health**

- 6.1 This initiative aligns with the first priority of the Sustainable Community Strategy “nurturing strong communities” and is part of Cheshire East's stated drive to ensure that working locally is at the heart of what we do.
- 6.2 National policy is designed to decentralise government and give communities power to make a difference in their area. This initiative clearly aligns with this national drive.

#### **7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

- 7.1 At the last meeting members asked for a detailed explanation around a number of items: The up to date financial figures are still being considered and will be circulated prior to the meeting. The following

points are in response to the specific queries raised and are those of the service leads:

### **Support services Cost**

This will be provided to members prior to the meeting as further work needs to be undertaken alongside the budget setting process.

### **Markets**

Overtime is used to bridge the gap between contracted hours and the hours required to manage the market. Additionally payments to erect the outdoor markets are overtime as the personnel involved have other contractual employment in the authority.

Grosvenor Centre Service Charge – This is a legacy agreement, which determined that the markets pay 2/3rds of the charge and the car parking service the remaining third. The reasoning behind this is not known however if it is based entirely on surface area then a further redistribution would be required.

### **Vacant Stalls**

Currently 2 out of 50 indoor stall are vacant. The outdoor market is subject to more fluctuation although trader numbers are generally around 10% down during this financial year.

### **Income**

The current trend in market trading performance is in line with the National Trend, namely the market is suffering and in particular the Indoor market is facing very challenging retail conditions. Against this financial setting it is anticipated that market performance will remain challenged. Local investment and measures to increase the vitality and visibility of the market could help to improve this position.

### **Toilets**

Overtime is used to bridge the gap between contracted hours and the hours required to clean the facilities over a 7 day period.

### **Allotments**

Appendix A gives members detail clarification around the question raised in relation to allotments and Appendix B provides further background information on the allotments in Macclesfield and is split into 3 parts:

- Illustrates tenancy & catchment area of tenants on site.
- A brief summary of charges.

- A summary of the breakdown of charges last year (2010/2011) and indicators of discounts given to tenants on our sites.

## **8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 The position on legal implications was provided at the first meeting of this Committee in recognition of the context for setting a special expenses levy.
- 8.2 Since this advice there is a further consideration which is the announcement of a Council Tax freeze. As any special expenses levy is part of Council Tax legislation and conditions we await the definitive view of the Department for Communities and Local Government on the detailed conditions for a Council Tax freeze and the consequent grant to fund the freeze. This may affect the Council's ability to set a special expenses levy.

## **9.0 Risk Management**

- 9.1 There is a potential risk that inconsistencies could occur where there are parished and unparished areas within the authority. This Committee has been set up to ensure that consistency issues are properly considered and also to give the unparished area a voice given that there is no Town or Parish Council to provide this function. If these issues are not tackled there is a risk that parished areas could unfairly fund services that continue to be funded in unparished areas.
- 9.2 There is a risk that the DCLG guidance on the Council Tax freeze will prevent the setting of a special expenses levy for 2012/13 and that any enhancements to services recommended by this Committee become a further pressure on Cheshire East's overall budget. This will be closely monitored and we are awaiting clarity on this issue from DCLG.
- 9.2 There is a risk that any charge on the people of Macclesfield is unclear given the potential for a special expense and a charter trustee level as well as the usual Council Tax. This is part of the reason for setting up this Local Delivery Committee and communication of the agreed position will focus on giving clear information to residents.

## **10.0 Background and Options**

- 10.1 At the second meeting of Local service delivery committee for Macclesfield, Members of the committee asked for further detailed financial information on the services that will form the special expense payment.
- 10.2 As part of Cheshire East Council's initiative to transfer and devolve services to Town and Parish Councils, Full Council agreed that Local Service Delivery Committees are required to represent the unparished

areas in the Borough to determine the level of local services required by communities. This decision was taken in November 2010.

- 10.3 The list of such services in this area is as the report to Cabinet on 5<sup>th</sup> September 2011. (The report was circulated to Members of the Committee prior to the last meeting)
- 10.4 In order to be consistent with the overall Cheshire East policy un parished areas need an assessment of the cost of the relevant services and consideration by this local service delivery committee. This may result in a special expense levy on the CEC Council Tax bill. This is designed to be an equivalent to a precept for local services provided by a Town or Parish Council.
- 10.5 If and when a Town or Parish Council is established in these areas, the local service delivery committee will no longer be required.

#### **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Vivienne Quayle

Designation: Head of Performance, Customer Services and Capacity

Tel No: 01270 685859

Email: [Vivienne.quayle@cheshireeast.gov.uk](mailto:Vivienne.quayle@cheshireeast.gov.uk)

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## Appendix A

**Allotment Queries Macclesfield****1. How many individual plot holders are there in the Macclesfield area and where do they live?**

As we are concerned over data protection, we have produced figures to identify them within the localities. Using the 10 sites within the area - summary of 295 tenants actually on site is:

Macclesfield	89.5%
Bollington	2.4%
Hurdsfield	0.7%
Henbury	1.0%
Rainow	0.3%
Sutton	5.4%
Gawsworth	0.7%
<u>Total 295 Tenants</u>	<u>100.0%</u>

These figures are slightly different from previous data as they were produced from actual figures produced at the end of April 2011 - some tenants have changed already due to withdrawals & new tenants coming in, for this we have used updated tenant information rather than giving the retrospective picture. Further, the 295 figure does now include the prospective 12 new tenants that are on standby for the newly refurbished Springfield Road site.

Macclesfield town allotments (those sites that would not fall into a parish), do hold tenants who live in the parishes. Tenants from parishes with no allotment provision are from; Henbury, Rainow and Gawsworth. There are also only limited plots in Bollington. The following sites are currently classed as Macclesfield town but do fall within a parish area; Springhill in Higher Hurdsfield and Lyme View in Sutton. But most of the tenants on these sites are from the Macclesfield town area.

**2. To what extent are we complying with our legal duty in terms of statutory provision?**

Cheshire East Council, in taking over from the former Districts has endeavoured to meet its statutory duty by providing a reasonable level of service.. Our aim has been to manage the sites successfully, encourage productivity, deal with problem tenants, have tenancy agreements and respond to groups if they approach us asking for us to look for additional plots. The main requirement is to provide sufficient allotments to meet demand.

**3. What formal relationship do we have with the local associations in terms of legal agreements and what annual return do they make to us.**

The Associations hold a tenancy agreement with us. Generally on non association sites, the plot holders are the tenant and have individual tenancy agreements. The tenancy agreements with associations tend to be old and do vary from site to site. They outline the responsibilities of the association and those of the local authority. Some, but not all associations, then also require the individuals on their sites to enter into an agreement with the association. Some of these are of their own creation; some are based on the CEC tenancy agreement. Generally we expect all tenants, whether on an association site or not, to comply with the same standards and protocols as outlined in the CEC tenancy agreement. The self managing associations take on some tasks and management of tenancies and in

return have the rental for the site reduced, and so they build up their accounts. The income we generate from allotments is after that deduction is made.

Appendix B Performance Measures North gives more detail around this.

**4. How many individual plot holders were there in the Macclesfield area?**

The analysis refers to period 2010/2011. In addition, included are the figures for the rents covering period 2011/2012 for your reference.

Springfield Road Allotment is being developed from Capital. Once completed, calculations of the plot sizes & projected rent will be carried out.

An issue to be aware of relates to site water costs; We only have water costs for the Birtles Road site - despite many having stand-pipes on the sites, these do not appear to have been billed. We are raising this with United Utilities so that the costs can be fully understood.

**5. What was the current waiting list for each site and a breakdown of where those on the waiting list lived?**

Appendix B gives a detail breakdown of sites and waiting lists.

**6. What percentages of the allotments are currently unoccupied, where are the vacant allotments and what was the consequent loss in income?**

Appendix B gives further details of vacant plots and sites.

Allotment site (Association managed sites marked (A) )	Number of Vacant Plots	APPLICANTS - Catchment Area							APPLICANTS - Catchment Area						
		Number of Requests For Site From Waiting List	Macclesfield	Bollington	Sutton / Langley	Gawsworth	Rainow	Prestbury	Number of Requests For Site From Waiting List	Macclesfield	Bollington	Sutton / Langley	Gawsworth	Rainow	Prestbury
11. Birtles Rd, Macclesfield (A)	2	57	56			1			57	98.2%			1.8%		
12. Brookfield Lane, Macclesfield (A)	0	69	69						69	100.0%					
13. Laburnam Rd, Macclesfield (A)	0	56	51		5				56	91.1%		8.9%			
14. Byrons St, Maple Ave, Macclesfield	2	13	13						13	100.0%					
15. Park Grove, Macclesfield	2	22	22						22	100.0%					
16. Stamford Rd, Macclesfield (A)	2	28	26		1		1		28	92.9%		3.6%		3.6%	
17. Springfield Rd, Macclesfield		16	16						16	100.0%					
18. Springhill, Hurdsfield, Macclesfield	0	19	16	3					19	84.2%	15.8%				
19. Knowsley Rd, Macclesfield	0	21	20		1				21	95.2%			4.8%		
20. Lyme View, Sutton, Macclesfield	0	35	23		10		1	1	35	65.7%		28.6%		2.9%	2.9%
<b>Summary - As at Nov 2011</b>	<b>8</b>	<b>336</b>	<b>312</b>	<b>3</b>	<b>16</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>336</b>						
			<b>92.9%</b>	<b>0.9%</b>	<b>4.8%</b>	<b>0.6%</b>	<b>0.6%</b>	<b>0.3%</b>	<b>100.0%</b>	<b>92.9%</b>	<b>0.9%</b>	<b>4.8%</b>	<b>0.6%</b>	<b>0.6%</b>	<b>0.3%</b>
Qty Of Individuals Registered On Waiting List - Nov 2011	<b>238</b>														

<b>ALLOTMENT RENTALS - Charges</b>	<b>2011/12</b>
Charge per square metre without water or roads	£0.074
Charge per square metre with either water or roads	£0.116
Charge per square metre with both water and roads	£0.154

<b>ALLOTMENT RENTALS - Discounts</b>	<b>2011/12</b>
Discount reduction for senior citizens	50%
Discount reduction for Allotment Associations	30%

INCOME F/CAST 2011/12				INCOME BREAKDOWN 2010/11				DISCOUNT VALUE GIVEN 2010/11				EXPENDITURE - 2010/2011		
Number of Plots	Water on Site	Path/Road Maint	Rental Income To Be Invoiced for Period 2011/2012	Rental Income Excluding Any Discounts £	ACTUAL Total Rent Invoiced £	ACTUAL Full Price Rents £	ACTUAL Pensioner Rents £	VALUE Pensioner/ Disabled Disc Taken	VALUE Society Discount Taken	VALUE FOC Discount Taken	VALUE Site Rep Payments	Cost Centre (Maintenance/ Expenditure) £	United Utilities Water Charges £	Land Rents Paid Over £
49	✓	✓	£510.14	£1,047.40	£436.73	£140.29	£296.44	£296.44	£314.22	—	—	—	£393.33	—
60	✓	✓	£679.35	£1,404.52	£655.01	£326.86	£328.15	£328.15	£421.35	—	—	—	—	—
47	✓	✓	£647.92	£1,534.76	£624.71	£175.09	£449.62	£449.62	£460.43	—	—	—	—	—
33	✓*	✓*	£427.75	£477.82	£443.30	£406.78	£36.52	£36.52	—	—	—	—	—	—
5	X	X	£46.47	£53.91	£53.91	—	—	—	—	—	—	—	—	—
52	✓**	✓**	£845.14	£1,399.00	£813.17	£647.04	£166.13	£166.13	£419.70	—	—	£56.45	—	—
7	✓	✓	tbc	—	—	—	—	—	—	—	—	—	—	—
3	X	X	£129.15	£124.53	£124.55	£124.55	—	—	—	—	—	—	—	—
31	✓	✓	£633.69	£697.77	£618.64	£539.51	£79.13	£79.13	—	—	—	£148.09	—	—
25	✓	✓	£348.03	£388.35	£335.56	£282.77	£52.79	£52.79	—	—	—	—	—	—
			£4,267.64	£7,128.06	£4,105.58	£2,696.80	£1,408.78	£1,408.78	£1,615.70	£0.00	£0.00	£204.54	£393.33	£0.00

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