*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.		
	8		

TITLE OF REPORT: COUNCIL TAX REDUCTION SCHEME 2017/2018

REPORT OF THE HEAD OF REVENUES, BENEFITS AND INFORMATION TECHNOLOGY EXECUTIVE MEMBER: COUNCILLOR T. W. HONE

1. SUMMARY

1.1 To approve the Council Tax Reduction Scheme (CTRS) for North Hertfordshire for 2017/2018.

2. **RECOMMENDATIONS**

- 2.1 That the Scheme attached at Appendix 1 be approved as the Council Tax Reduction Scheme for North Hertfordshire for 2017/2018.
- 2.2 That in accordance with Section 59A.1 of the Council Tax Reduction Scheme referred to in 2.1, the Council sets the percentage by which each award to each recipient in the Non-Protected Groups is reduced at 25.0% for 2017/2018. This remains the same as 2016/2017.
- 2.3 That the amount to be distributed to the Local Precepting Authorities for Council Tax Reduction Scheme Grant is £38,885 and that this is distributed in proportion to the total awards of CTRS in each Local Precepting area.

3. REASONS FOR RECOMMENDATIONS

3.1 To comply with the requirement to approve any changes to the local Council Tax Reduction Scheme for the coming financial year by the deadline of 31 January.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 Variations to the existing Scheme have been considered by Cabinet and are discussed in this report.

5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 5.1 As part of the consideration of any proposed changes to the Council Tax Reduction Scheme for 2017/2018, the Council is required to consult with the public.
- 5.2 The Council carried out consultation via its web site using a proprietary consultation tool during October and November 2016.
- 5.3 The Council is not considering any structural changes to its Council Tax Reduction Scheme for 2017/2018; however the public's views were sought on three minor proposed changes relating to the Scheme.

5.4 These were:

- Changes to the Temporary Absence Rules as applied to the Prescribed Regulations
- Removal of Severe Disability Premium for persons where Universal Credit (Carers Element) is in payment
- Removal of the Employment Support Allowance Work Related Activity Component for all new Employment Support Allowance Work Related Activity Group claims
- 5.5 The consultation was advertised on the Council's web site and on every piece of correspondence leaving the Revenues & Benefits Office during October and November 2016.
- 5.6 Despite this, the response was very poor with only twelve residents responding. Sadly, the level of interest in these Schemes is very low and poor response rates to consultation are the norm with most if not all Councils.
- 5.7 Of those that did respond, they were significantly in favour of the changes the Council is considering implementing:

Proposal		Against	Don't Know
Changes to the Temporary Absence Rules	11	1	0
Removal of Severe Disability Premium where			
Universal Credit (Carers Element) is in payment	9	3	0
Removal of the Employment Support Allowance			
Work Related Activity Component for all new			
Employment Support Allowance Work Related			
Activity Group claims	10	1	1

5.8 Consultation has also taken place with the Council's Major Precepting Authorities, Hertfordshire County Council and the Police & Crime Commissioner for Hertfordshire. Responses have not yet been received from the Major Precepting Authorities.

6. FORWARD PLAN

6.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 5 August 2016.

7. BACKGROUND

- 7.1 The Local Government Finance Act 2012, abolished Council Tax Benefit (CTB) from 31 March 2013 and replaced this with local Council Tax Reduction Schemes (CTRS) to be designed and administered by individual Billing Authorities, NHDC being one such authority.
- 7.2 Local Authorities are free to design any Scheme they wish, within certain prescribed parameters.

In summary:

 Government support was capped at 90% of the forecast CTB Subsidy levels for 2013/2014. The support for 2014/2015 onwards is not separately identified and is included in the overall financial settlement announced just prior to each Christmas

- Awards will be made in the form of a Discount, rather than Benefit paid
- Existing and future pensioners will be fully protected and will receive the same means tested award as if CTB continued. A pensioner is defined as an individual of pension credit age.
- The Secretary of State reserves the right to designate other "Vulnerable Groups".
- Schemes are expected to support the Government's intention to incentivise work.
- 7.3 The Act places an obligation on Billing Authorities to consult on any proposals to change its Scheme from year-to-year with its Major Precepting Authorities and members of the public.
- 7.4 The main elements of the Council's initial Scheme for 2013/2014 and subsequent years were:
 - Initial calculations to be based on the existing Council Tax Benefit Scheme including retention of Allowances & Premiums, Non-Dependent Deductions, Second Adult Rebate, Capital Limits and Tapers. (A Glossary of terms is at Appendix 2)
 - in addition to those of pensionable age, claimants or their dependents with disabilities are also protected
 - The Earnings Disregards are increased by 50% to incentivise work
 - An across the board percentage reduction be applied to the calculated awards for each claim not in the Protected Groups. For 2013/2014 and 2014/2015 that percentage reduction was 33.13% and for 2015/2016 and 2016/2017 it was reduced to 25%.
- 7.5 In April 2016, Eric Ollerenshaw, a former Member of Parliament reported on an independent review he had carried out, which was commissioned by the Government, into Council Tax Reduction Schemes as required by Section 9 of the Local Government Finance Act 2012.
- 7.6 The report made fourteen recommendations to the Government including the following:
 - Removing the need to set Schemes by 31 January each year and extending this to 31 March
 - Allowing Schemes where there are no changes to roll forward year-on-year without requiring a Council resolution
 - To remove the burden to consult on only minor changes to Schemes
 - Requiring Government to publish changes to the Statutory Scheme earlier
 - Localising at least part of the Statutory Scheme to allow Councils to decide whether Pensioners should be fully protected
- 7.7 There has been no formal response to these or any of the recommendations by the Government.

8. ISSUES

8.1 Cabinet has considered the implications for the fifth year of the Scheme at two meetings on 27 September 2016 and 20 December 2016.

Matters considered by Cabinet on 27 September 2016

8.2 At this meeting Cabinet was advised that the Scheme was projected to run within the proposed budget and that there should be no change to the value of the awards to the

non-protected groups. Cabinet resolved that there should be no substantive changes to the Council Tax Reduction Scheme for 2017/2018 and that public consultation should be carried out on three minor changes that were being implemented in Housing Benefit and were recommended to be also included in CTRS. These were:

- Changes to the Temporary Absence Rules as applied to the Prescribed Regulations and summarised at Appendix 4
- Removal of Severe Disability Premium for persons where Universal Credit (Carers Element) is in payment
- Removal of the Employment Support Allowance Work Related Activity Component for all new Employment Support Allowance Work Related Activity Group claims

8.3 Changes to the Temporary Absence Rules

- 8.3.1 The changes came into effect from July 2016 and relate to absences outside Great Britain and will be put into the Prescribed CTRS Regulations which apply to Pension Credit Age claimants from 1 April 2017.
- 8.3.2 Appendix 4 summarises the changes to the Temporary Absence Rules.
- 8.3.3 In reality Temporary Absence is rarely applied and where it is this is more likely to be pension age claimants spending time abroad, particularly in the winter months. It is difficult to detect such cases unless this is reported to us by an informant.
- 8.3.4 On the basis that these changes will apply to Housing Benefit and the Prescribed Pension Credit Age Scheme, it would be potentially confusing to have different rules apply to the CTRS for working age claimants, especially due to the complexity of the rules. In addition, as it is applied so rarely it would seem reasonable to make the changes to the CTRS for working age claimants.
- 8.3.5 Cabinet was minded, prior to the consultation to recommend to Council that this change be implemented into the Council's CTRS.
- 8.4 Removal of Severe Disability Premium for persons where Universal Credit (Carers Element) is in payment
- 8.4.1 This is a technical change. Under Universal Credit a Carers Element exists for those who are caring for someone. This change moves the recognition of this from the person receiving the care by means of the Severe Disability Premium to the person providing the care in the form of an additional payment. If the Council did not change this rule in line with Housing Benefit, there is a risk that some claimants may benefit from both the premium and the additional Universal Credit payments.
- 8.4.2 Cabinet was minded, prior to the consultation to recommend to Council that this change be implemented into the Council's CTRS.
- 8.5 Removal of the Employment Support Allowance Work Related Activity Component for all new Employment Support Allowance Work Related Activity Group claims
- 8.5.1 This is another technical change applying to a small number of claimants who receive Employment Support Allowance and are able to do some work. Where this applies at present, an additional payment is made to the claimants in the form of the Work Related Activity Component. To ensure that they receive the full benefit of this, their Housing Benefit and CTRS premiums are increased by the same amount. Now that the COUNCIL (19.1.17)

- Government is withdrawing this component, it is necessary to also withdraw the premiums from both Housing Benefit and CTRS.
- 8.5.2 Cabinet was minded, prior to the consultation to recommend to Council that this change be implemented into the Council's CTRS.
- 8.6 All the changes considered in 8.3 to 8.5 will effect very few of the caseload and some are of a very technical nature, which will not actually change the amount of CTRS awarded and are necessary to maintain the integrity and consistency of the Scheme with other welfare benefit changes.

Matters considered by Cabinet on 20 December 2016

- 8.7 At this meeting, Cabinet was advised of the outcome of the consultation and confirmed its intention to recommend to the Council no substantive changes to the CTRS for 2017/2018 and to implement the three minor changes described in 8.3 to 8.5 above.
- 8.8 At the meeting, Cabinet resolved:
 - (1) That the current position of the 2016/17 Council Tax Reduction Scheme be noted;
 - (2) That the current position relating to the Discretionary Council Tax Payments Scheme be noted:
 - (3) That a provision of £50,000 be approved to meet the requirements of the Discretionary Council Tax Payments Scheme for 2017/18;
 - (4) That it be recommended to Council that there be no structural changes to the Council Tax Reduction Scheme for 2017/18;
 - (5) That it be recommended to Council that there be no change to the multiplier by which Council Tax Reduction Scheme awards are reduced for working age claimants and that this remains at 25% for 2017/18:
 - (6) That it be recommended to Council that the amount of Council Tax Reduction Scheme Grant distributed to the Local Precepting Authorities should be reduced by the same percentage as the Council's own Funding Settlement, which is 23.3% and the amount to be distributed should be £38,885;
 - (7) That Cabinet recommends to Council that the following minor changes, which are to be applied to Housing Benefit be incorporated into the Council's Council Tax Reduction Scheme:
 - Changes to the Temporary Absence Rules as applied to the Prescribed Regulations and summarised at Appendix 2;
 - Removal of Severe Disability Premium for persons where Universal Credit (Carers Element) is in payment; and
 - Removal of the Employment Support Allowance Work Related Activity Component for all new Employment Support Allowance Work Related Activity Group claims
 - (8) That Cabinet does not support the following changes to be applied to Housing Benefit for incorporation into the Council's Council Tax Reduction Scheme:

- Back-dating of awards to a maximum of one month for working age claimants rather than six months; and
- Child Premiums limited to two dependent children for new claims from 1 April 2017 or for children born after 1 April 2017

Current position

- 8.9 At both its meetings, Cabinet was given an update on the projected spend of the Scheme for the year and the Council Tax collection rate at the time.
- 8.10 The numbers of claimants and projected spend for the year at the end of November can be found at Appendix 3.
- 8.11 Members will see that at the end of November the projected spend on the Scheme was £621K under the amount expected at the start of the year and this is due to the reduction in the caseload.
- 8.12 £621K represents a contingency of just under 8.6%, which would appear to be a healthy position. However, on 15 December 2016, the Government announced that those Councils responsible for Adult Social Care, such as Hertfordshire County Council will be able to increase their Council Tax by up to 6% over the next three years provided this is ring-fenced for Adult Social Care. This could be done by increasing Council Tax by 3% in each of the next two years and 0% in the third year or any other variation provided it is no more than 6%. This increase will be additional to the already allowable 1.99% increase in Council Tax levels before there is a need for a referendum.
- 8.13 The District Council is also considering a Council Tax increase of £5.00 per annum, which is the maximum allowable before there is a need for a referendum.
- 8.14 At present, there is no indication on whether the County Council will impose the maximum allowable increase in Council Tax for 2017/2018, however if it did the increases in Council Tax detailed at 8.12 and 8.13 will see Band D Council Tax increase by £64.21 or 4.15%.
- 8.15 If the maximum allowable increase in Council Tax is implemented, this will increase the amount of CTRS payable in 2017/2018 by around £275K based on the same caseload. If that level of Council Tax increase were to be sustained for several years, the contingency would soon be exhausted and the Scheme would only stay within budget if the caseload continued to reduce.
- 8.16 When the original Scheme was considered, there was concern that the reduction in support to working age claimants would result in an increase in Council Tax arrears.
- 8.17 Relative collection rates at the end of each month, for the year preceding the introduction of the Scheme and the subsequent three years are as follows:

<u> 2017</u>
02%
39%
79%
04%
28%
61%

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October	67.55%	67.27%	67.03%	66.91%	67.13%
November	77.41%	76.58%	76.16%	76.28%	76.49%
December	86.66%	86.03%	85.69%	85.66%	
January	96.10%	95.33%	94.81%	94.81%	
February	97.75%	97.22%	96.27%	96.60%	
March	98.18%	97.81%	97.84%	98.13%	

- 8.18 Collection rates were reducing slightly compared with those at the corresponding time in previous years; however there has been a general improvement during the current financial year. A direct comparison is difficult because of the statutory right from 2013/2014 to request twelve instalments rather than ten, which means that a proportion of the collectable debit is deferred to February and March. There is a continuing trend from Council Tax Payers to request the additional instalments and this is encouraged by Officers when dealing with customers who are experiencing difficulty in paying.
- 8.19 These are in-year collection figures and of course collection of unpaid Council Tax continues beyond the end of the financial year in question. The ultimate effect on the Collection Fund is therefore difficult to quantify until all avenues of collection have been exhausted, which may be several years after the relevant year.

Considerations for year five of the Scheme

Funding

- 8.20 For 2013/2014 DCLG made specific funding available to each Major Precepting Authority (in the case of North Hertfordshire, the County & District Councils and the Police & Crime Commissioner for Hertfordshire) to support their schemes. This included, where appropriate a specific amount intended to compensate Parish, Town and Community Councils (Local Precepting Authorities) for the reduction in their Tax Bases as a result of the new scheme. This was paid direct to District Councils, who were expected to consult with their Parish, Town and Community Councils on how this should be distributed.
- 8.21 The District Council's allocated funding from the Major Precepting Authorities was £7,249,246 with an additional £90,850 being made available for distribution to the Parish, Town and Community Councils, the formula for distribution of which was agreed at a meeting with those Councils in January 2013.
- 8.22 DCLG had given notice that Council Tax Reduction Scheme funding will not be separately identified in the 2014/2015 and subsequent Financial Settlement and it will be down to each Major Precepting Authority to decide how much it is prepared to fund each scheme and allocate to its Parish, Town and Community Councils.
- 8.23 The Scheme for this year (Year 4) has assumed the same level of funding (in the form of Council Tax forgone) by the Major Precepting Authorities (£7,249,246). This figure is now built into the Council Tax Base.
- 8.24 For 2013/2014 the Council opted to distribute the full allocated amount of £90,850 to its Parish, Town and Community Councils, although there was no requirement to do so. In fact a small number of Councils opted not to allocate any of its funding at all and retained the allocation themselves.
- 8.25 At its meeting on 24 September 2013, Cabinet resolved "that any change in funding in 2014/15 to Parish, Town and Community Councils be in the same proportion as that for COUNCIL (19.1.17)

- the District Council". This principle was re-affirmed for 2017/2018 at the Cabinet Meetings on 27 September 2016 and 20 December 2016.
- 8.26 Any reduction in funding to the Parish, Town and Community Councils will mean that they may have to increase their Council Tax charges to retain the same amount of total income dependant on any fluctuations in the Tax Base.
- 8.27 Cabinet has given a clear indication (see 8.8 (6) above) that this amount should reflect the Council's overall financial settlement, which for 2017/2018 had been estimated as a reduction of 23.3% and this figure was used in the initial consultations with Parish Councils.
- 8.28 A reduction of 23.3% would give an amount of £38,885 to be distributed to the Local Precepting Authorities and in line with 8.8 (6) above, this is the amount recommended.
- 8.29 Applying a 23.3% reduction to the funding to Local Precepting Authorities based on their Precepts for 2016/2017 results in Band D Council Taxes increasing for sixteen Local Precepting Authorities and actually reducing for fourteen. Of the sixteen where an increase would apply, in twelve cases this is less than £1.00 and in the remaining four, the increase is between £1.00 and £2.00.

The Scheme itself

- 8.30 The North Hertfordshire Scheme is very simple in concept in that it takes the previous Council Tax Benefit Scheme and applies an across the board reduction to awards to the non-protected groups.
- 8.31 Reductions in caseload and the subsequent reduction in expenditure, allowed the Council to reduce the 33.13% reduction applied to the non-protected groups to 25% in 2015/2016 and it is recommended that this remains the same in 2017/2018.
- 8.32 At the meeting on 27 September 2016, Cabinet decided not to recommend any structural changes to the Council Tax Reduction Scheme for 2017/2018. The option for the Council to set the percentage reduction to be applied each year is already built into the Council Tax Reduction Scheme and any variation of this does not constitute a change to the Scheme.

Discretionary Council Tax Payments

- 8.33 Members will be aware that for 2015/2016, the Council implemented a Scheme of Discretionary Council Tax Payments to comply with case law supporting the provision of such a fund to assist those cases where there was no clear ability to pay.
- 8.34 In accordance with the case law, access to this fund is restricted to where there is clear evidence that outgoings exceed income and there is a shortfall in the ability to pay Council Tax.
- 8.35 Prior to this year, the Council had not received any requests for remittance of Council Tax on the grounds of inability to pay and therefore it was very much an estimate when a provision of £50,000 was made for this for 2015/2016.
- 8.36 In 2015/2016 a total of £25,891 was awarded in Discretionary Council Tax Payments to 36 different claimants. As at 22 November 2016, £18,473 has been awarded in 2016/2017 for 16 different claimants.

- 8.37 As this provision is funded from underspends in the Council Tax Reduction Scheme, any underspend in the Discretionary Fund will remain as a surplus within the Collection Fund.
- 8.38 It is likely that £50,000 is an over provision but it is not possible to categorically state that at this point in the financial year. As the Discretionary Scheme is funded from underspends within the Council Tax Reduction Scheme and not the General Fund, Officers recommended to and Cabinet endorsed that the provision remains at £50,000 for 2017/2018.

Consideration of the multiplier to be used to reduce the awards to the non-protected groups

- 8.39 For the first two years of the Scheme, this was set at 33.13%. This meant that for working age claimants, who did not qualify for a disability premium, their entitlement to Council Tax Reduction was calculated in the same way as it was previously for Council Tax Benefit and was then reduced by 33.13%. This ensured that all claimants not in the protected groups had the same percentage reduction applied.
- 8.40 For 2015/2016 because of a reduction in claimant numbers and therefore in expenditure on the Scheme, the Council was able to reduce this percentage to 25% and this was also applied to the Scheme in 2016/2017.
- 8.41 Between May 2013 (the first time that the data was recorded) and November 2016, the number of claimants and the value of awards for those in the protected groups have remained fairly stable. However, there has been a significant reduction in both the caseload and value of awards for those in the non-protected groups, indicating that the intention to encourage claimants to move into work is working

May 2013 Nov 2016 Difference % Change No. of Protected Claims -247 -4.51% 5,475 5,228 Value of Protected Claims £5,020,863 £5,076,217 £55,354 1.10% No. of Non-Protected Claims 3,590 2,502 -1,088 -30.31% Value of Non-Protected Claims £2.099.190 £1.551.589 -£547.601 -26.09% 7,730 **Total Number of Claims** 9,065 -1,335 -14.73% £7,120,053 £6,627,806 **Total Value of Claims** -£492,247 -6.91%

- 8.42 At May 2013, the Scheme was already expected to under spend by £129,193 and this in addition to the net reduction in expenditure above of £492,247 means that expenditure is projected at the end of November 2016 to be £621,440 less than allowed for in 2016/2017.
- 8.43 This could give the Council some scope to further reduce the percentage reduction applied to the non-protected groups if it so wished, as was the case for 2016/2017.
- 8.44 However, as explained in paragraphs 8.11 to 8.15 above, it would be unwise to change the percentage reduction applied at this time.

9. LEGAL IMPLICATIONS

9.1 Paragraph 5 (2), Schedule 1A of the Local Government Finance Act 1992 (as amended) requires the Council to adopt any changes to its Council Tax Reduction COUNCIL (19.1.17)

Scheme by 31 January each year; otherwise the existing Scheme will persist. For 2017/2018, the Council is proposing only minor changes to the Scheme, with the uprating of Allowances, Premiums and Deductions in line with those that will apply for the pensioner caseload.

- 9.2 The Council is required to consult on its proposed Scheme, which has been completed and the outcomes considered by Cabinet and identified in this report.
- 9.3 The Scheme has to be adopted by the Council, although Cabinet has considered the matter and its views are contained in this report.

10. FINANCIAL IMPLICATIONS

- 10.1 These have been largely considered in Section 8 of this report.
- 10.2 Section 59A.1 of the Scheme requires the Council to set the percentage by which awards to the non-protected claimants are reduced.
- 10.3 For the reasons covered in this report, Cabinet is recommending no change to the percentage reduction for 2017/2018 and that this should remain at 25%.

11. RISK IMPLICATIONS

- 11.1 Because the Council is required to implement a demand led Scheme with cash limited funding, there is a financial risk should the number of claimants increase significantly.
- 11.2 The Office for Budgetary Responsibility has predicted that caseloads nationally will reduce and this is borne out by the reductions in the Council's caseload in the last three years. However, there is always the risk that this national trend could be bucked locally for example if a local employer closed down its business.
- 11.3 Should the Council fail to agree the minor changes to the Scheme by 31 January 2017, the existing Scheme will persist.

12. EQUALITIES IMPLICATIONS

- 12.1 The Equality Act 2010 came into force on the 1 October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5 April 2011. There is a General duty, described in 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to
 - Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic (age, disability, gender re-assignment, marriage or civil partnership, race, religion and belief, sex, sexual orientation and pregnancy and maternity) and those who do not (this can mean removing or minimising disadvantage; meeting people's needs; taking account of disabilities; encouraging participation in public life).

- Foster good relations between those people who share a protected characteristic and those who do not (such as tackling prejudice and promoting understanding)
- 12.3 The duty is not, however, to achieve in full the three equality aims but to take them into account, and demonstrate that they have been considered, when making a final decision. Therefore the duty does not stop difficult, but justifiable, decisions being made. The Council is required, under the Local Government Finance Act 2012, to protect specific groups of individuals; these are subject to amendment or addition by the Secretary of State. By conducting extensive consultation when the scheme was first implemented, and again in 2015 and 2016, the Council sought to collect information from those who may be potentially affected by these proposals. The public consultation showed broad support for the scheme. By retaining fundamentally the same scheme for 2014/2015, 2015/2016, 2016/2017 and 2017/2018, it is reasonable to assume that the Council has met its obligations under the Equality Act but continuous review of implementation and potential effects will also continue to take place in year.
- 12.4 The decision to provide a suitable 'Discretionary Council Tax Payment Scheme" provides an additional means by which those most in need financially can access such support were it necessary. At outlined at 8.36 above, this provision has been called into use on thirty-six occasions in 2015/2016 and sixteen occasions so far this financial year, which represents a valuable 'safety net' for those in greatest need.

13. SOCIAL VALUE IMPLICATIONS

13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraphs 12.

14. HUMAN RESOURCE IMPLICATIONS

14.1 There are no Human Resource implications in this report.

15. APPENDICES

- 15.1 Appendix 1 Council Tax Reduction Scheme.
- 15.2 Appendix 2 Glossary of Terms.
- 15.3 Appendix 3 Current Costs of the Scheme.
- 15.4 Appendix 4 Summary of Changes to Temporary Absence Rules.

16. CONTACT OFFICERS

16.1 Report Author: Howard Crompton

Head of Revenues, Benefits & IT

Tel: 01462 474247

Email: howard.crompton@north-herts.gov.uk

16.2 Contributors: Norma Atlay

Strategic Director of Finance, Policy & Governance

Tel: 01462 474297

Email: norma.atlay@north-herts.gov.uk

Antonio Ciampa Accountancy Manager Tel: 01462 474566

Email: antonio.ciampa@north-herts.gov.uk

Reuben Ayavoo Policy Officer Tel: 01462 474212

Email: reuben.ayavoo@north-herts.gov.uk

Jeanette Thompson Senior Lawyer Tel: 01462 474370

Email: jeanette.thompson@north-herts.gov.uk

Fiona Timms
Performance & Risk Manager

Tel: 01438 843565

Email: Fiona.timms@hertfordshire.gov.uk

17. BACKGROUND PAPERS

- 17.1 Report to Cabinet Meeting on 27 September 2016.
- 17.2 Report to Cabinet Meeting on 20 December 2016.