

## WRITTEN STATEMENT OF A NON-KEY DECISION CABINET

<b>ITEM:</b>	<b>LOCAL GOVERNMENT FINANCE ACT 1992</b>
Members Present:	Councillors RJ Phillips (Chairman), Mrs O Barnett, Mrs J French, GV Hyde, C Mayson, DW Rule, R Stockton, B Wilcox, M Wilson
Date of Decision:	13th May, 2004
Purpose:	To determine whether or not to challenge the “designation” of the authority pursuant to Section 52D(2)(a) of the Local Government Finance Act 1992 and, if so, to approve the Notice to be issued to the First Secretary of State in the form of the attached Appendix 1.
<b>Decision:</b>	<p><b>THAT (i) the attached draft Notice to the First Secretary of State challenging his proposed budget requirement for the financial year 2004/05 and substituting the higher amount as determined by Council on 5th March, 2004 be approved; and</b></p> <p><b>(ii) the Leader of the Council on the advice of the Chief Executive and County Treasurer be authorised to make detailed amendments to the presentation of the challenge following the receipt of any further advice.</b></p>
Reasons for the Decision:	To determine the Council’s response to the proposed designation of the authority under the Local Government Finance Act 1992.
Options Considered:	<p>There are three basic options available to the Council</p> <p><b>Alternative Option 1</b> To accept the designation and take no further action. This would involve the re-billing of council tax payers once the designation is confirmed by Parliament.</p> <p><b>Alternative Option 2</b> To challenge the proposal of the Secretary of State to designate the Council. This is the course which is recommended.</p> <p><b>Alternative Option 3</b> To challenge the criteria under which the Council has been designated by way of judicial review. This course is not recommended for the reasons set out in the report.</p>
Declaration of Interest:	

<b>RJ PHILLIPS:</b> .....	Date:.....
<b>LEADER OF THE COUNCIL</b>	

