

Report to the Cabinet

Meeting to be held on Thursday, 2 September 2021

Report of the Head of Inclusion

Part I

Electoral Divisions affected:
(All Divisions)

Developing Provision for Children and Young People with Special Educational Needs and Disabilities

(Appendices 'A' - 'D' refer)

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Executive Summary

This report provides an update on the implementation of the Special Educational Needs and Disabilities (SEND) Sufficiency Strategy that was given final approval by Cabinet on 1 October 2020.

It includes the results of formal consultations to create Special Educational Needs (SEN) units at seven mainstream schools and proposals to initiate feasibility studies and start the informal consultation process that would support the development of Special Educational Needs (SEN) units at another nine schools in different locations across the county. This report also provides an update in relation to the Special Educational Needs and Disabilities (SEND) Sufficiency Strategy that was completed in May 2021 and sets out a number of proposals to address the anticipated shortfall in provision in different areas across Lancashire.

This is deemed to be a Key Decision and the provisions of Standing Order C19 have been complied with.

Recommendation

Cabinet is asked to:

- (i) Consider the results of formal consultations following the publication of statutory proposals and make a decision to approve the creation of an SEN unit within the following schools: Morecambe Bay Community Primary School, Barden Primary School, Walverden Primary School, Delph Side Community Primary School, Highfield Community Primary School, Seven Stars Primary School and Ashton Community Science College;
- (ii) Approve funding for building alterations at the above premises where

required to enable the units to be established. Cost estimates are provided in Appendix 'D' to this report;

- (iii) Approve the initiation of feasibility studies and the informal consultation process to establish SEN units at the following mainstream schools: Mossgate Primary School, Fleetwood Chaucer Community Primary School, Fleetwood High School, Alder Grange Community and Technology School, St Augustine's Roman Catholic High School, Colne Primet Academy, St John's Catholic Primary School, Skelmersdale, St Francis of Assisi Roman Catholic Primary School, Skelmersdale, Penwortham Girls' High School;
- (iv) Approve the initiation of a process to seek expressions of interest to expand and increase the number of special school places through the creation of special school satellite provision in different locations across the county;
- (v) Subject to approval of (iii) above, approve the initiation of the informal consultation process to expand and increase the number of special school places through the creation of satellite units across the county where this is required;
- (vi) Approve the initiation of a consultation as part of the process to establish a new free school in an area where it is identified this will be required through the sufficiency strategy and the potential for expansion in existing schools is not possible; and
- (vii) Approve the initiation of a feasibility study and the formal consultation process to expand and increase the numbers of school places at Red Marsh School.

Background and Advice

The Special Educational Needs and Disabilities (SEND) Sufficiency Strategy 2019 - 2024 was developed in response to the increase in demand for specialist provision in particular areas across Lancashire and within the context of increased pressure on the high needs block funding. A copy of the SEND Sufficiency Strategy is set out at Appendix 'A'.

All of the proposals that are included within this report relate to the principles and priorities that were identified within the SEND Sufficiency Strategy and enable the county council to fulfil its statutory duties in relation to the provision for children and young people with special educational needs and disabilities.

The report is divided into three sections. The first of these will provide information about developments in relation to the development of Special Educational Needs (SEN) units attached to mainstream schools. It is anticipated this will support Cabinet to make decisions about whether to approve the initiation of design and construction work for those that have gone through the formal consultation process, and to approve the initiation of feasibility studies and the informal consultation process to

support the development of another nine SEN units at mainstream schools in different locations across the county.

The second section provides an update on the current position in relation to provision for children and young people with special educational needs and disabilities in Lancashire. Proposals have been put forward to try and address the increasing demand for special school places in the medium term. Approval is being sought from Cabinet to take the initial steps that would enable action to be taken to ensure the sufficiency of special school places across the county.

In the final part of this report Cabinet is asked to approve the initiation of a formal consultation process that will allow officers to take the necessary action to address a shortfall in special school places for children in the Fylde area. It is anticipated that this shortfall can be addressed during the Autumn term 2021.

SEN Units

The development of twelve SEN units attached to mainstream primary schools and twelve SEN units attached to mainstream secondary schools are two of the medium-term actions identified in the SEND Sufficiency Strategy. It is anticipated that there will be two primary and two secondary SEN units in each of the target areas identified in the SEND Sufficiency Strategy. These areas are Lancaster/Morecambe, Fleetwood/Lytham, Accrington/Burnley, Colne/Nelson, Preston/Leyland and Ormskirk/Skelmersdale. Unless specified otherwise the SEN units will be for up to 16 pupils with social, communication and interaction needs. The unit places are for children and young people with education, health and care plans.

An overview of the current situation and the approval that is sought for the development of different proposals in relation to the creation of SEN units is provided in tables in the next two sections of this report.

Primary

Area	SEN unit places available from September 2021	Formal consultation completed July 2021	Initiation of informal consultation September 2021
Lancaster/Morecambe		Morecambe Bay Community Primary School	Mossgate Primary School
Fleetwood/Lytham St Annes			Fleetwood Chaucer Community Primary School
Accrington/Burnley	St Leonard's VA CE Primary School	Barden Primary School	
Colne/ Nelson	Barrowford Primary School	Walverden Primary School	

Preston/ Leyland		Highfield Community Primary School Seven Stars Primary School	
Ormskirk/ Skelmersdale		Delph Side Community Primary School	St John's Catholic Primary School St Francis of Assisi RC Primary School

SEN units that will open in September 2021

It can be seen from the table above that the SEN units at Barrowford Primary Schools and St Leonard's VA CE Primary School will be open from September 2021.

SEN units where formal consultation has been completed

Formal consultations in relation to the development of SEN units in the six mainstream primary schools identified above were completed in June and July 2021. The formal consultations were conducted in accordance with the statutory guidance for making prescribed alterations to schools that has been provided by the Department for Education.

Responses were received for all the formal consultations. Generally, the number of responses received ranged between 11 and 30. There were two exceptions to this. Only one response was received in relation to Barden Primary School and 106 were received for Delph Side Community Primary School. Over 80% of respondents to all the formal consultations agreed with the proposed creation of a SEN unit within each of the schools.

Supportive comments made by respondents generally made reference to building on existing good practice within the school. In the consultation responses for the three schools in Preston/Leyland and Ormskirk/Skelmersdale it was considered helpful to increase the range of provision available.

Negative comments, where these were received, related to concerns about potential impact of pupils attending the SEN unit on existing pupils (Seven Stars Primary School), available space within the building (Walverden Primary School) and congestion at the start and end of the school day (Delph Side Community Primary School and Highfield Community Primary School).

The single respondent to the Barden Primary School consultation strongly disagreed with the proposal to create a SEN unit at the school, however this respondent did not provide any comment in relation to this. A more comprehensive overview of the responses obtained for each of these consultations is provided in Appendix 'B'.

As indicated above all these SEN units are for up to 16 pupils with social communication and interaction needs. There are two exceptions to this. The SEN unit at Seven Stars Primary School would be for up to 16 pupils with general learning

difficulties. The SEN unit at Delph Side Community Primary School would be for up to eight pupils with social communication and interaction needs. There is only enough space within the latter school to provide accommodation for one group of eight pupils. It is anticipated there will be in excess of 1,000 surplus primary school places in the Ormskirk/Skelmersdale area within the next few years and therefore it does not seem sensible to build additional accommodation when it is likely to be available in neighbouring schools. The next section of this report sets out details in respect of the development of other SEN units in the Ormskirk/Skelmersdale area.

The equality impact analyses for the changes being proposed to each of these schools, that is the creation of a SEN unit, are provided in Appendix 'C'.

Cabinet is asked to give final approval for the development of an SEN unit in each of these primary schools, which would mean that building work where this is required could be started and the SEN units be able to take pupils as soon as any required works are complete.

SEN units where feasibility studies/informal consultations have not started

A further request for expressions of interest in developing a SEN unit was sent to schools in May 2021. It can be seen from the table above that Cabinet is being asked to approve the initiation of feasibility studies and informal consultation where appropriate, so that it is possible to consider the development of SEN units in another four schools. These schools are Mossgate Primary School in the Lancaster/Morecambe area, Fleetwood Chaucer Community Primary School, St John's Catholic Primary School and St Francis of Assisi Roman Catholic Primary School, both in Skelmersdale.

All these schools are rated good or better by Ofsted. The only exception to this is Fleetwood Chaucer Community Primary School. The Ofsted inspection that took place in December 2019 resulted in judgement that the school requires improvement. Overall, the education attainment of pupils in the school is below the national average. Officers within the Council are supportive of this application and there is evidence to suggest school provides support for more pupils with social, emotional and mental health needs than would fall within the catchment area or admissions criteria for the school. In addition, the school has good links with other specialist providers and teams, and it is the only school to date within Fleetwood that has expressed an interest. Many other schools within that area are also considered to require improvement by Ofsted.

All the above schools have space available on the school site to accommodate pupils within a SEN unit, although some might require building work to make the necessary adaptations.

Cabinet is asked to approve feasibility studies and the initiation of informal consultation process to develop proposals to create two more SEN units in the Ormskirk/Skelmersdale area even though, subject to Cabinet approval above, there will be an SEN unit within Delph Side Community Primary School opening in 2022. It is being proposed there will be a total of three SEN units in the area, as two of these will have a single group of eight pupils (Delph Side Community Primary School and

St Francis of Assisi Roman Catholic Primary School). The consortium of schools within the local area are supportive of this proposal as each will serve a different part of the Ormskirk/Skelmersdale area, thus reducing travel time for pupils, which is one of the strategic priorities of the SEND Sufficiency Strategy. Both these schools have sufficient space to accommodate a single class within a SEN unit rather than two classes which is the model that has been proposed for many of the other units.

Expressions of interest were received from another three mainstream primary schools however approval to progress is not being sought at the current time because they are in areas where two schools have already been identified and/or because there is no available accommodation on the school site, which would mean building work and any additional costs associated with this.

Secondary

Area	Formal consultation completed July 2021	Initiation of informal consultation September 2021
Fleetwood/ Lytham St Annes		Fleetwood High School
Accrington/ Burnley		Alder Grange Community and Technology School St Augustine's Roman Catholic High School
Colne/Nelson		Colne Primet Academy
Preston/Leyland	Ashton Community Science College	Penwortham Girls' High School

No SEN units attached to mainstream secondary schools have been through the formal consultation process or been approved by Cabinet to open, up until now. Early discussions have taken place about the creation of a SEN unit in the Ormskirk/Skelmersdale area however this proposal has not been developed sufficiently for inclusion in this report. There have been no expressions of interest received from schools in the Lancaster/Morecambe area

SEN units where formal consultation has been completed

The formal consultation with respect to the development of a SEN unit at Ashton Community Science College was completed in July 2021 alongside the six consultations for the primary schools identified above.

There were eight responses to this consultation, all of which agreed with the proposal to develop a SEN unit at the school. More information about the results of this consultation can be found in Appendix 'B'.

Cabinet is asked to give final approval for the development of a SEN unit for up to sixteen pupils with social communication and interaction needs at Ashton Community Science College. This would mean the building work required to create

two new classrooms and breakout space needed for this unit can be completed and the SEN unit would be able to take pupils from September 2022.

SEN units where feasibility studies/informal consultations have not started

It can be seen from the table above that Cabinet is being asked to approve the initiation of feasibility studies and informal consultation where appropriate, so that it is possible to consider the development of SEN units in another five secondary schools. These schools are Fleetwood High School, Alder Grange Community and Technology School, St Augustine's Roman Catholic High School, Colne Primet Academy and Penwortham Girls' High School.

All these schools are rated good or better by Ofsted. The only exception to this is Fleetwood High School and further consideration to this application will be provided below. All of these schools demonstrate a commitment to developing high quality provision for pupils with special educational needs.

There is space within the school for the development of a SEN unit at Alder Grange Community and Technology School and therefore the costs associated with this proposal would be limited in comparison with the other three secondary schools where new buildings would be required.

Cabinet is also being asked to give approval for a proposal to expand Colne Primet Academy to increase the pupil admission number in a separate report that is being presented to the meeting on 2 September 2021. The proposal in the current report is to seek approval to create the teaching space required to accommodate up to sixteen pupils with social communication and interaction needs within an SEN unit as part of this larger expansion, subject to the necessary consultation processes that are required to do this.

The most recent Ofsted monitoring visit for Fleetwood High School took place in March 2021. The letter reporting the outcomes of this visit stated leaders were taking effective action and there were positive references to provision for pupils with SEND. Attainment remains below the average nationally. However, there seems to be a real commitment towards developing the provision for pupils with special educational needs across the school that is driven by the senior leadership team. The school has worked with Inclusion Services to develop effective support for pupils with education, health and care plans who presented with significant barriers to learning in terms of social, emotional and mental health needs over the last few years.

There is space available within the school and therefore funding will only be required to make adaptations to existing accommodation. No other expressions of interest have been received from secondary schools in the Fleetwood/Lytham St Annes area.

One other expression of interest was received from a secondary school during the summer term 2021. Unfortunately, this school was also identified as one requiring improvement, is located very close to one of the other schools above and does not have available accommodation within the existing school site. This proposal is not being taken forward at the current time.

Current position – provision for children and young people with special educational needs in Lancashire

In Lancashire in January 2021 3.6% of children have an Education Health and Care Plan which is an increase of 0.2% since January 2020. This is broadly in line with the national figure of 3.7% which also shows an increase since January 2020 of 0.4%. It should be noted that although the proportion of children and young people being educated in special schools is decreasing there has been a slight increase in the actual number of children and young people being educated in specialist provision because of the overall increase in the number of children and young people with plans. There continues to be almost 10% more children and young people with education health and care plans in Lancashire in specialist provision than the national average. More information in relation to this is provided in the table below.

Type of education placement	Percentage of pupils with education, health and care plans attending in January 2020		Percentage of pupils with education, health and care plans attending in January 2021	
	England	Lancashire	England	Lancashire
Mainstream	34.3%	30.5%	35.3%	31.2%
Special educational needs unit/resourced provision	4.7%	0.1%	4.8%	0.3%
State funded special school	32.2%	42.8%	30.7%	39.5%
Independent and non-maintained special school	5.1%	6.6%	5.0%	5.5%
Post 16 provision	2.2%	1.0%	2.2%	1.7%

The table below shows the number and percentage of children and young people aged between 0 and 17 years living in different areas in Lancashire. These numbers represent all children and young people irrespective of whether they have special needs or an education, health and care plan.

	Number of children and young people	Percentage of the 0 to 17 year old population
East	8,8378	35.2%
North	6,1435	24.5%
South	10,1229	40.3%

These percentages have been used to estimate the requirement for special school places in different locations. The total numbers and percentages of children and young people with education, health and care plans and who are attending a special school are presented in the table below. The numbers and percentages include

places in maintained, academy and free special schools and places taken up by children and young people living in Lancashire in independent and non-maintained special schools.

	Total number and percentage of children and young people taking up special school places		
	East	North	South
Primary	550 (40%)	289 (21%)	539 (39%)
Secondary	641 (34%)	501 (26%)	772 (40%)

Within the primary sector there is evidence to suggest that children living in the east area of the county are taking up a greater number of special school places than is indicated from the proportion of children living in that area. Conversely the number of special school places occupied by children living in the north area is slightly lower than would be expected. At secondary level it can be seen that the special school place allocation is broadly in line with what would be expected based on the 0 to 17 year-old populations in each area.

The numbers and percentages for children and young people presenting with either a learning difficulty or a social, emotional and mental health need in each area and at primary and secondary level are presented in the next table. Again, these numbers and percentages relate only to children and young people with education, health and care plans who are attending maintained and non-maintained special schools.

	Learning difficulty			Social, emotional and mental health		
	East	North	South	East	North	South
Primary	455 (41%)	263 (23%)	404 (36%)	95 (37%)	26 (10%)	135 (53%)
Secondary	542 (38%)	320 (22%)	579 (40%)	99 (21%)	181 (38%)	193(41%)

The information presented above indicates that primary aged children with learning difficulties living in the east of the county are taking up more special school places than would be anticipated based on the percentage of the population that live there. There would seem to be a shortfall in the number of places for primary aged children with learning difficulties living in the north and the south of the county.

This is reflected to some extent in the number of places that are commissioned within the independent and non-maintained special schools for children with learning difficulties in the north (20 places) and the south (17 places). These numbers are included in the figures in the table below and while they are relatively low the average cost of a placement in an independent special school is approximately double that of one within a maintained special school.

There are no maintained special schools for primary aged children with social emotional and mental health needs in the north area. This shortfall is addressed to some extent by the 26 independent and non-maintained special school placements that are reported in the table. It is clear however that the percentage of children living in the north area with social, emotional and mental needs and who are attending a special school place is well below that expected based on the population distribution. Conversely the number and percentage of primary aged children attending special

schools for children with social, emotional and mental health needs is much greater in the east and south.

At secondary level it would seem there are slightly more places for children and young people living in the east area and fewer in the north with learning difficulties. Notwithstanding this disparity, the number of children and young people with learning difficulties attending independent and non-maintained special schools is quite high in each area, that is 35 in the east, 44 in the north and 45 in the south.

The situation is different for children and young people of secondary age with social, emotional and mental health needs. More secondary age children with this type of need living in the north and south attend special schools. Again, the reliance on independent and non-maintained special school places is quite significant and particularly in the north. A total of 79 independent and non-maintained special school places are commissioned for children and young people with social, emotional and mental health needs living in the north area, 57 for those living in the south and 30 for those living in the east.

These data when taken together with anticipated demand over the next five years indicates that in the east area there will be a requirement for an additional 60 places for secondary age young people with social emotional and mental health needs living in the east area.

In the north it is anticipated there will be a requirement for 30 more special school places for children and young people with learning difficulties within the primary and secondary sectors. In addition, particularly given the number of special school places being commissioned for both primary and secondary age children and young people with social, emotional and mental health needs within the independent and non-maintained sector it is likely to be helpful to consider the development of this type of provision within the maintained sector. Given the distance and travelling time between Lancaster/Morecambe and Fleetwood/Lytham St Annes consideration should be given to developing social, emotional and mental health provision for primary aged children in the Fleetwood/Lytham St Annes area and similar type of provision for primary and secondary aged children and young people in the Lancaster/Morecambe area.

In the south area it is anticipated that seven more places and 24 more places will be required for children and young people with learning difficulties at primary and secondary level respectively. In addition, the data available to date indicates 27 more places will be need for primary aged children with social, emotional and mental health needs and 22 more for secondary aged children and young people with the same type of need and that these should be made available within Preston/Leyland as they will then be available to a greater number of children and young people within Lancashire.

It is anticipated that some of the additional specialist provision will be provided through the creation of SEN units above. In addition to this it is proposed that some additional places are created through the development of satellite provision to make the most effective use of available funding. Satellite provision can be used to increase the number of special school places within a school by using facilities and

accommodation on another site that is within the vicinity of another school. It is being proposed that special schools offering provision for the special educational needs of children and young people in the areas and locations identified above would develop the satellite provision in a building, that could include schools with surplus places, that is nearby. The child or young person would be on the roll of the special school and the special school would be responsible for the education of all children and young people attending the satellite, and this would include for example the curriculum, staffing and all resources.

Cabinet is asked to give approval for officers to seek expressions of interest from special schools and conduct feasibility studies to create the following:

- satellite provision for children and young people with social, emotional and mental health needs at secondary level in the east area
- satellite provision for children and young people with learning difficulties at primary and secondary level in the north area
- satellite provision at primary and secondary level for children and young people with learning difficulties in the south area
- satellite provision for children and young people with social, emotional and mental health needs at secondary and primary level in Preston or the surrounding area.

The majority of maintained special schools in Lancashire are over-subscribed. It is likely that any expansion of these special schools through the development of a satellite unit will result in an increase in pupil numbers of more than 10%. Any expansion of a school over 10% is a prescribed alteration for a special school and therefore subject to statutory processes.

Cabinet approval is also sought to initiate a consultation as part of the process to establish a new free school in an area where it is identified this will be required through the sufficiency strategy and the potential for expansion in existing schools is not possible.

Thornton Cleveleys Red Marsh School

There is a shortfall in the number of places available for children and young people with learning difficulties in the Fleetwood/Lytham St Annes area at the current time. Cabinet is asked to approve the initiation of a feasibility study to consider the options that are available to expand the school through the addition of two classrooms. Alternatives that could be considered include adding a modular building to the school site or the development of satellite provision at The Haven site, which is co-located with Northfold Community Primary School.

Any expansion of Thornton Cleveleys Red Marsh School will increase the number of pupils on roll by more than 10%. As mentioned above this would be a significant change to the school and therefore it is necessary to go through the statutory process required to implement such a change, which includes a formal consultation.

This provision is required by the end of the Autumn term 2021 and so Cabinet is asked to approve the initiation of the formal consultation process to ensure the

school places become available as soon as possible. This situation has arisen primarily because of the number of children and young people that have moved into the county who have required a special school place in the Fleetwood/Lytham St Annes area.

Equal opportunities

In making any changes to provision the local authority must comply with the Public Sector Equality Duty, which requires 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

The proposed increase in provision available in Lancashire will improve what is available for Children and Young People with special educational needs and disabilities.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

The county council and partners across education, health and care are required to work together to plan for and meet the needs of children and young people who have special educational needs and disabilities, in line with the Special Educational Needs and Disabilities Code of Practice 2014.

If the decision was not to proceed the risk would be insufficient places and potential for increased costs out of area. This proposal mitigates the risk of this and the county council failing in its duty to provide sufficient school places.

Financial

High needs funding within the dedicated schools grant supports provision for children and young people with special educational needs and disabilities. This funding enables local authorities and education providers to meet their statutory duties under the [Children and Families Act 2014](#).

The escalating pressures on the high needs block are not unique to Lancashire. The special educational needs reforms introduced through the Children and Families Act in 2014 placed new statutory duties on all Local Authorities, which included an

extension in the age range from birth to twenty-five years, whilst previously this was up to school leaving age of sixteen for the majority of young people.

Nationally the average spend on high needs has increased and high needs block allocations fall short of existing levels of expenditure, and the net deficit continues to rise. This is despite increased funding and significant 'propping up' of the high needs block.

The Local Government Association and ISOS Partnership recently published a joint piece of research reviewing the funding for children and young people with special educational needs and disabilities. This was a detailed research project drawing on large numbers of local authority databases and with which Lancashire County Council was involved. One of the key findings of this research was that: "If the system were to continue as now, and we project forward the current reported level of deficit, we estimate that there could be a national deficit on high needs spending between £1.2 billion and £1.6 billion by 2021."

The county council has undertaken its own preliminary financial forecast. The findings indicate a potential shortfall of circa. £30 million by 2024/25. This forecast takes into account national and local trends and assumes no additional funding will be made available from the government or through the transfer of funds from the schools' block.

85% of expenditure is on funding places and top-up funding for children and young people with an education, health and care plan and so are committed to individual children/placements. It will be necessary to maintain the majority of these over time, and at the very least until the child or young person reaches the end of a particular phase of their education.

Lancashire's allocation of the Special Provision Capital Funding provided by the government is £3,479,553. £4,724,150 of High Needs Provision Capital allocation funding has also recently been allocated to Lancashire County Council. The purpose of this funding is to help local authorities ensure there are sufficient good school places for all pupils, including those with special educational needs and disabilities. This funding can be used to establish new school places. The costs of the proposals in this report as set out in Appendix 'D', will be funded from SEND sufficiency Strategy programme funding of £10m made up from the Special Provision Capital funding and High Needs Provision funding with the balance funded from School Basic Needs Grant.

Equality and Cohesion

This proposal impacts on both the age (young people) and disability protected characteristics of the Equality Act 2010 and is designed to contribute positively to the Public Sector Equality Duty's general aim of advancing equality of opportunity and its related aim of increasing participation in public life of relevant children and young people, their families and carers. The information contained within the report indicates that there are fewer children and young people educated in mainstream schools in Lancashire than nationally. There are also more children educated in specialist provision and secondary alternative provision than nationally.

The lack of access to supported provision in mainstream schools and to local specialist provision of particular designations and for those with the most complex needs is resulting in some children and young people travelling to schools outside their community.

List of Background Papers

Paper	Date	Contact/Tel
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None		
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Reason for inclusion in Part II, if appropriate

Appendix 'D' is not for publication - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The appendix contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.