

EAST HERTS COUNCIL

ANNUAL COUNCIL – 17 MAY 2006

REPORT BY DIRECTOR OF CORPORATE GOVERNANCE

15. REVIEW OF THE COUNCIL'S DECISION-MAKING STRUCTURE

WARD(S) AFFECTED: All

'D' RECOMMENDATION – that (A) the following Scrutiny Committees, Regulatory Committees, Joint Member/Employee Panel, and Joint Committees be appointed, with the number of voting Members stated:

<u>Committee</u>	<u>No. of Members</u>
Policy Development Scrutiny	12
Performance Scrutiny	12
Development Control	16
Licensing	15
Human Resources	7
Audit	7
Highways Joint Member Panel (6 from Hertfordshire County Council 6 from this Council)	12
Local Joint Panel (4 Members of the Council and 4 representatives of employees drawn from UNISON with substitutes)	8
Royston, Buntingford and Bishop's Stortford Joint PCT Scrutiny Committee (4 non-executive Councillors from this Council)	
South East Herts Joint PCT Scrutiny Committee (2 non-executive Councillors from this Council)	

(B) the allocation of seats on Scrutiny Committees and the Development Control and Licensing Committees be as follows:

<u>Committee</u>	<u>Seats</u>	<u>Cons</u>	<u>Lib Dem</u>	<u>Ind</u>	<u>Vacancy</u>	<u>Total</u>
Policy Scrutiny	12	10	1	1	0	12
Performance Scrutiny	12	10	1	1	0	12
Development Control	16	13	2	1	0	16
Licensing	15	12	1	1	1	15
Human Resources	7	5	1	1	0	7
Audit	7	5	1	1	0	7
Total	69	55	7	6	1	69

(C) the allocation of seats on Sub-Committees to political groups be as detailed in Appendix 'D' to the report now submitted,

(D) the allocation of seats on the Highways Joint Member Panel (6) and Local Joint Panel (4) to political groups be as follows:-

	<u>Cons</u>	<u>Lib Dems</u>	<u>Ind</u>
HJMP	5	1	0
LJP	3	1	0

(E) as a consequence of the decisions at (A) - (D) above, the membership of Scrutiny Committees, Regulatory Committees, Joint Member/Employee Panel and the Highways Joint Member Panel be as set out in the (papers to be tabled), with Members being appointed in accordance with the wishes of the political groups to whom the seats on these bodies have been allocated,

(F) the following Members be appointed as Chairmen (and where specified, Vice-Chairmen) of the bodies detailed:

	<u>Chairman</u>	<u>Vice-Chairman</u>
Policy Scrutiny	J O Ranger	TBA
Performance Scrutiny	D L E Hollebon	TBA
Development Control	R Gilbert	S A Bull
Licensing	M P A McMullen	W Ashley
Human Resources	D A A Peek	-
Audit	TBA	-
Community Voice:		
Bishop's Stortford	TBA	-
Buntingford	TBA	-
Hertford	TBA	-
Sawbridgeworth	TBA	-
Ware	TBA	-

(G) the number of Executive Members to be appointed to the Executive be 5, plus the Leader and Deputy Leader of the Council,

(H) the Council's Standards Committee be appointed for the ensuing civic year consisting of two independent Members (to serve a two year term of office), three District Councillors (of whom one should be from each political party with five or more Members), one Town Council Member, one Parish Council Member and the following individuals be appointed:

District Council

Councillors TBA

Town/Parish

Mrs E Woods (Town) and Mr B Taylor (Parish)

Independents

Mr J Morphew and Mr A Walker

(I) the programme of Council meetings, as detailed at Appendix 'E' to the report now submitted, be approved,

(J) the Director of Corporate Governance (Head of Democratic Services) be authorised to make changes in the standing membership of committees and joint committees in (A) above, in accordance with the wishes of the political groups to whom seats on these bodies have been allocated,

(K) the action to be taken by the Director of Corporate Governance, in consultation with the Leader, under delegated authority, concerning the appointment of representatives to outside bodies, be noted,

(L) the Council's constitution be amended as necessary to take account of the decisions at (A) - (H) and (J) above, and

(M) the Members' Allowances Scheme be amended to provide for the payment of a Special Responsibility Allowance to a Leader of a minority political group on the Council and the level of such an allowance be determined following receipt of a report on this matter from the Council's Independent Remuneration Panel.

1.0 Background

- 1.1 The Council previously adopted a new model for political management in accordance with the requirements of the Local Government Act 2000.
- 1.2 The report has been prepared on the basis that the Council will continue with its existing political management model and constitution, subject to a number of amendments as detailed below and in a separate report (see agenda item 14).

2.0 Contributions to the Council's Corporate Objectives

- 2.1 The proposals set out in this report will support all of the Council's corporate objectives.

3.0 Scrutiny Committees, Regulatory Committees and Joint Committee

3.1 It is proposed to retain the 2005/06 arrangements for the ensuing Civic Year, subject to a number of changes as outlined in the following narrative. It is proposed that two scrutiny committees will be constituted. One of these committees will focus on performance and one on policy. The Policy Development Scrutiny Committee will also be charged with reviewing decisions of the Executive referred to it by Members (previously undertaken by the Call-in Scrutiny Committee).

3.2 The scrutiny committees will comprise the following number of Members:

Performance Scrutiny	12
Policy Scrutiny	12

3.3 A Development Control Committee (comprising 16 Members) and a Licensing Committee (comprising 15 Members) are proposed. These bodies will largely retain the terms of reference of their predecessors. However, human resource issues will no longer be within the remit of the Licensing Committee (as they are to be vested in the Human Resources Committee). In addition, it is proposed that the following Committees, reporting to Council, also be established for 2006/07:

Human Resources Committee (7 Members)
Audit Committee (7 Members)

3.4 Sub-Committees with specific responsibilities relating to licensing and human resources matters will be reconstituted by the Licensing and Human Resources Committees respectively (as the 'parent' committees) at their first meetings in the Civic Year.

3.5 In relation to Joint Committees, it is proposed that the Highways Partnership Panel should be retained throughout the next civic year in accordance with the latest Highways Partnership Agreement. The joint Primary Care Trust (PCT) Scrutiny Committees will also be retained. It is intended that the rules of proportionality should continue not to apply to the joint PCT Scrutiny Committees.

3.6 Council, in November 2001, established a joint Member/employee panel, known as the Local Joint Panel to discuss, essentially, staffing issues and to report thereon to the Executive. It is proposed to retain this body throughout the next Civic Year, but it will report to Council

via the Human Resources Committee.

- 3.7 A schedule detailing the proposed allocation of seats on Sub-Committees, should they be established during the year, is appended to this report at Appendix 'D' (Page 196).

4.0 Political Groups

- 4.1 Where Members of the Council are divided into political groups, the provisions of the Local Government and Housing Act 1989 place a duty on the Council to review the allocation between those groups of seats on its Scrutiny Committees, Regulatory Committees and Joint Committee according to certain principles. The aim is to ensure that the political composition of the Committees etc reflects the composition of the Council. The rules of the proportionality do not apply to the Executive.

- 4.2 There are three duly constituted political groups within East Herts Council. In addition, account must be taken of those Members, if any, who are not Members of political groups on the Council. Those Members are entitled to a proportion of seats in relation to their relative percentage size. It is for Council to appoint such Members to the seats allocated. Details of political group etc sizes are listed below:

Cons:	40	(80%)
Lib Dem:	5	(10%)
Ind:	4	(8%)

There is currently a vacancy on the Council representing 2% of the Authority's size. Council may have to review the allocation of seats pending the outcome of the by-election for this vacancy.

- 4.3 The recommendation at the head of this report identifies the need to allocate seats on the Council's Scrutiny and Regulatory Committees and its Joint Committees to political groups and non-aligned Members as required by legislation.
- 4.4 The Council is obliged to allocate seats to be occupied by its Members to the political groups into which it is divided. Political groups then nominate the Members of the Council whom they wish to see occupy those seats allocated to them. The nominees need not be a member of the political group which nominates them.
- 4.5 Council must appoint the nominees of the political groups to the seats

allocated.

- 4.7 Members of the Executive may not be appointed to serve on Scrutiny Committees. Executive Members may, if the Council so wishes, be appointed to the Regulatory Committees, the Audit and Human Resources Committees, the Local Joint Panel, Standards Committee and Highways Joint Panel (but not the joint PCT Scrutiny Committees).
- 4.8 The Executive has the power to constitute Executive Committees or Panels. Such panels may only comprise Members of the Executive. In the civic year 2005/06, the Executive established the Local Plan Executive Panel comprising two Executive Members. Additionally, representatives of other political groups were invited to attend to participate in the deliberations of this Panel. It is for the Executive to re-establish this Panel for 2006/07.
- 5.0 Membership
- 5.1 Council is invited to note that Sub-Committees may comprise any Member of the Council (save for the exclusion referred to above concerning the Executive Members and Scrutiny Committees and if they were to be established, Sub-Committees of Scrutiny Committees).
- 5.2 For the 2006/07 Civic Year, a “named substitute system” will be in place for Committees. Although a questionable practice, it is understood that two opinions from leading Counsel support the legality of such a system. Any system however needs to ensure that the membership of every relevant committee is known at any given time and that the right Members participate at meetings. It is proposed that up to 6 named substitutes per political group be permitted for committees and joint committees of 12 or more Members and up to 3 named substitutes per political group for committees and joint committees of less than 12 Members. It is also proposed to delegate authority to the Director of Corporate Governance (Head of Democratic Services) to make changes in the standing membership of committees and joint committees, in accordance with the wishes of the political groups to whom seats on these bodies have been allocated. Notice of any changes must be given by political group leaders in writing to the relevant officer prior to a meeting commencing. Political group leaders will need to state the duration of the change (i.e. for a specific meeting or for a longer period).

6.0 Standards Committee

6.1 The Council has previously established a Standards Committee consisting of one District Council Member from each political group of five Members or more, one Parish Council member, one Town Council member and two independent members. It is proposed to re-establish this body as before but with an amendment to its constitution to provide for one District Councillor from each political group of four members or more. Effectively this will retain the status quo.

6.2 At the Annual Council meeting in May 2002, the following two independent Members were appointed for a four year term following a selection and interview process:

Mr A Walker
Mr J Morphew

6.3 It is proposed to appoint these individuals for a further two year term. It should be noted that Council has discretion to determine how long independent representatives sit on its Standards Committee. Guidance recommends that the term of their office should be long enough for them to gain an understanding of the committee, the Authority and its workings, but no so long that they lose their independence. The Director of Corporate Governance is satisfied that they will not lose their independence based on a further two year appointment. Moreover, their developing experience and knowledge is considered to be an asset of the Standards Committee as it faces new challenges through revisions to relevant legislation and new investigatory/hearing requirements.

6.4 The appointment of the Town and Parish Council representatives on the Standards Committee followed an invitation to all such authorities within the district to nominate candidates. It is recommended that the existing representatives be re-appointed.

7.0 Community Voice

7.1 In October 2003, the Council established five Community Voices to provide local residents an opportunity to comment upon issues concerning their community. These were based around the five main towns in the District: - Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware. Council also agreed that rural communities' engagement needs should be dealt with via the convening of the Rural Parish Conference twice a year.

7.2 It is proposed that the five existing Community Voice bodies are retained with the following Chairmen:

Bishop's Stortford	:	TBA
Buntingford	:	TBA
Hertford	:	TBA
Sawbridgeworth	:	TBA
Ware	:	TBA

8.0 The Executive/Leader of the Council/Constitution

8.1 At its Annual Meeting each year the Council is required to approve its constitution (with or without amendment). It is proposed that, at this annual Council meeting, the constitution be amended to reflect the issues detailed in this report. A separate report on this agenda deals with other proposed changes to the Constitution.

8.2 Under the Council's constitution, it is for the Council to appoint the Leader of the Council (and also the Deputy Leader). At its annual meeting in 2003, Councillors M G Carver and H G S Banks were appointed as Leader and Deputy Leader. Subsequently, Councillor Banks resigned and Councillor Jackson was appointed Deputy Leader. Effectively, these appointments are for the "life" of this Council (ie until next District Council elections). The constitution sets out the circumstances when these posts will become vacant.

8.3 In 2006, the Leader resigned and Councillor Jackson was elected as his replacement. Councillor Alexander was subsequently elected as Deputy Leader.

8.4 In terms of the appointment of Members to the Executive, the constitution provides that this is the responsibility of the Leader of the Council once appointed. However, Council determines the number of Councillors to be appointed upon the recommendations of the Leader. The Leader has advised that the size of the Executive proposed for 2006/07 is 5 Members plus the Leader and Deputy Leader.

8.5 Details of the allocation of executive portfolio responsibilities will be tabled at the meeting.

9.0 Appointment of Chairmen

9.1 It is the practice of this Authority, to appoint Chairmen of Scrutiny Committees etc, at the Annual Council Meeting.

9.2 The recommendation at the head of this report details proposed Chairmen of Committees etc for the ensuing civic year.

10.0 Calendar of Meetings

10.1 Council is invited to approve its calendar of meetings for 2006/07 (see Appendix 'E' (pages 196 - 200). Under the Constitution, Council is required to confirm its programme of meetings for 2006/07 as follows:

19 July 2006
20 September 2006
8 November 2006
10 January 2007
21 February 2007
1 March 2007 (Tax setting)
18 April 2007
16 May 2007 (Annual)

11.0 Outside Bodies

11.1 The Council appoints a significant number of people as its representatives on outside bodies. The appointment of such representatives is delegated to the Director of Corporate Governance, in consultation with the Leader of the Council.

11.2 The Head of Democratic Services and Leader will be reviewing the Council's appointments for the ensuing civic year.

11.3 The Director, acting under delegated authority, will make appointments to outside bodies for 2006/07 in the near future.

12.0 Allowances

12.1 The Council's Members' Allowances Scheme provides for the payment of Special Responsibility Allowances (SRA's) for those Councillors who have significant responsibilities.

12.2 As the Council pays SRA's, it is required to make provision for the payment of at least one SRA to a member of a minority group. Previously, this statutory requirement was met by appointing a minority group Member to the post of Chairman of Call-in Scrutiny Committee (which attracted a SRA). As it is not intended to reconstitute the Call-In Scrutiny Committee for 2006/07, Council need to address the question of payment of an SRA to at least one minority group member.

12.3 Many local authorities pay SRA's to Leaders of minority political

groups. Accordingly, Council is recommended to approve the payment of SRA's to leaders of its minority political groups. "Job descriptions" for these posts will be prepared (in consultation with relevant Members) and submitted to the Independent Remuneration Panel for consideration. The Panel will then report on a recommended SRA to Council. Council will determine the actual sum to be paid.

13.0 Consultation

13.1 The appropriate consultation with Group Leaders has taken place.

14.0 Legal Implications

14.1 The proposals set out in this report accord with the statutory provisions for reviewing the Council's decision-making structure.

15.0 Financial Implications

15.1 None.

16.0 Human Resource Implications

16.1 None.

17.0 Risk Management Implications

17.1 The Council needs to establish a robust and clear decision-making structure to enable it to function effectively and make decisions in an expeditious manner which is accountable to the electorate.

18.0 Recommendations

18.1 At the head of this report are several recommendations which seek to bring into effect for the 2006/07 civic year a division of the Council's duties and responsibilities in accordance with the Authority's existing constitution but subject to a number of amendments.

18.2 In advance of this meeting, the Head of Democratic Services has liaised with political group leaders in an order to obtain their nominations to their group seats on various bodies, where relevant. Details of these nominations will be circulated to all Members. Council is invited to note that one of the recommendations before them will enable these nominations to be appointed to the seats allocated to groups.

18.3 Council is invited to adopt the recommendations at the head of this report.

Background Papers

None

Contact Officer: Jeff Hughes, Head of Democratic Services – ext 2170

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APPENDIX 'D'

<u>Seats</u>	<u>Cons</u>	<u>Lib Dem</u>	<u>Ind</u>	<u>Vacancy</u>
3	2	1	0	0
4	3	1	0	0
5	4	1	0	0
6	5	1	0	0
7	6	1	0	0
8	6	1	1	0
9	7	1	1	0
10	8	1	1	0
11	9	1	1	0
12	10	1	1	0
13	11	1	1	0
14	11	2	1	0
15	12	2	1	0
16	13	2	1	0
25	20	2	2	1

APPENDIX 'E' - CALENDAR OF MEETINGS – 2006/2007

All meetings commence at 7.30 pm,
unless otherwise stated

MAY 2006		JUNE 2006		JULY 2006	
Mon 1	BANK HOLIDAY	Thurs 1		Sat 1	
Tues 2	Executive	Fri 2		Sun 2	
Wed 3	Development Control	Sat 3		Mon 3	Buntingford CV
Thurs 4	Bishop's Stortford CV	Sun 4		Tues 4	Executive
Fri 5		Mon 5		Wed 5	
Sat 6		Tues 6		Thurs 6	
Sun 7		Wed 7		Fri 7	
Mon 8	Highways Panel (5.30 pm)	Thurs 8		Sat 8	
Tues 9		Fri 9		Sun 9	
Wed 10	Performance Scrutiny	Sat 10		Mon 10	
Thurs 11		Sun 11		Tues 11	Performance Scrutiny
Fri 12		Mon 12		Wed 12	
Sat 13		Tues 13	Licensing	Thurs 13	Sawbridgeworth CV
Sun 14		Wed 14		Fri 14	
Mon 15		Thurs 15	Ware CV	Sat 15	
Tues 16		Fri 16		Sun 16	
Wed 17	Annual Council	Sat 17		Mon 17	Highways Panel (5.30 pm)
Thurs 18		Sun 18		Tues 18	
Fri 19		Mon 19		Wed 19	Council
Sat 20		Tues 20	Policy Development Scrutiny	Thurs 20	
Sun 21		Wed 21		Fri 21	
Mon 22		Thurs 22	Hertford CV	Sat 22	
Tues 23	Performance Scrutiny	Fri 23		Sun 23	
Wed 24		Sat 24		Mon 24	
Thurs 25	Bishop's Stortford CV	Sun 25		Tues 25	
Fri 26		Mon 26		Wed 26	Development Control
Sat 27		Tues 27	Audit	Thurs 27	
Sun 28		Wed 28	Development Control	Fri 28	
Mon 29	BANK HOLIDAY	Thurs 29	Bishop's Stortford CV	Sat 29	
Tues 30	Executive	Fri 30		Sun 30	
Wed 31	Development Control			Mon 31	

Updated 5 May 2006

AUGUST 2006		SEPTEMBER 2006		OCTOBER 2006	
Tues 1		Fri 1		Sun 1	
Wed 2		Sat 2		Mon 2	
Thurs 3		Sun 3		Tues 3	
Fri 4		Mon 4		Wed 4	Licensing
Sat 5		Tues 5	Executive	Thurs 5	
Sun 6		Wed 6	Audit	Fri 6	
Mon 7		Thurs 7	Sawbridgeworth CV	Sat 7	
Tues 8		Fri 8		Sun 8	
Wed 9		Sat 9		Mon 9	
Thurs 10		Sun 10		Tues 10	Policy Development Scrutiny
Fri 11		Mon 11		Wed 11	
Sat 12		Tues 12	Performance Scrutiny	Thurs 12	
Sun 13		Wed 13		Fri 13	
Mon 14		Thurs 14	Ware CV	Sat 14	
Tues 15		Fri 15		Sun 15	
Wed 16	Licensing	Sat 16		Mon 16	Highways Panel (5.30 pm)
Thurs 17		Sun 17		Tues 17	
Fri 18		Mon 18	Buntingford CV	Wed 18	
Sat 19		Tues 19		Thurs 19	
Sun 20		Wed 20	Council	Fri 20	
Mon 21		Thurs 21	Hertford CV	Sat 21	
Tues 22	Policy Development Scrutiny	Fri 22		Sun 22	
Wed 23	Local Joint Panel (2.30 pm)	Sat 23		Mon 23	
Thurs 24		Sun 24		Tues 24	Executive
Fri 25		Mon 25		Wed 25	Development Control
Sat 26		Tues 26		Thurs 26	
Sun 27		Wed 27	Development Control	Fri 27	
Mon 28	BANK HOLIDAY	Thurs 28	Bishop's Stortford CV	Sat 28	
Tues 29		Fri 29		Sun 29	
Wed 30	Development Control	Sat 30		Mon 30	
Thurs 31				Tues 31	

NOVEMBER 2006		DECEMBER 2006		JANUARY 2007	
Wed 1	Audit	Fri 1		Mon 1	BANK HOLIDAY
Thurs 2		Sat 2		Tues 2	
Fri 3		Sun 3		Wed 3	Audit
Sat 4		Mon 4		Thurs 4	
Sun 5		Tues 5	Policy Development Scrutiny	Fri 5	
Mon 6		Wed 6		Sat 6	
Tues 7		Thurs 7		Sun 7	
Wed 8	Council	Fri 8		Mon 8	
Thurs 9		Sat 9		Tues 9	
Fri 10		Sun 10		Wed 10	Council
Sat 11		Mon 11		Thurs 11	Sawbridgeworth CV
Sun 12		Tues 12		Fri 12	
Mon 13		Wed 13	Licensing	Sat 13	
Tues 14	Performance Scrutiny	Thurs 14		Sun 14	
Wed 15		Fri 15		Mon 15	
Thurs 16		Sat 16		Tues 16	Performance Scrutiny
Fri 17		Sun 17		Wed 17	Development Control
Sat 18		Mon 18		Thurs 18	Ware CV
Sun 19		Tues 19	Executive	Fri 19	
Mon 20		Wed 20	Development Control	Sat 20	
Tues 21		Thurs 21		Sun 21	
Wed 22	Development Control	Fri 22		Mon 22	Buntingford CV
Thurs 23		Sat 23		Tues 23	Policy Development Scrutiny
Fri 24		Sun 24		Wed 24	
Sat 25		Mon 25	CHRISTMAS DAY	Thurs 25	Hertford CV
Sun 26		Tues 26	BOXING DAY	Fri 26	
Mon 27		Wed 27		Sat 27	
Tues 28		Thurs 28		Sun 28	
Wed 29	Local Joint Panel (2.30 pm)	Fri 29		Mon 29	Highways Panel (5.30 pm)
Thurs 30		Sat 30		Tues 30	
		Sun 31		Wed 31	

FEBRUARY 2007		MARCH 2007		APRIL 2007	
Thurs 1	Bishop's Stortford CV	Thurs 1	Council (Tax Setting)	Sun 1	
Fri 2		Fri 2		Mon 2	Buntingford CV
Sat 3		Sat 3		Tues 3	Executive
Sun 4		Sun 4		Wed 4	Licensing
Mon 5		Mon 5		Thurs 5	
Tues 6	Executive	Tues 6		Fri 6	GOOD FRIDAY
Wed 7	Licensing	Wed 7	Development Control	Sat 7	
Thurs 8		Thurs 8		Sun 8	
Fri 9		Fri 9		Mon 9	EASTER MONDAY
Sat 10		Sat 10		Tues 10	
Sun 11		Sun 11		Wed 11	Audit
Mon 12		Mon 12		Thurs 12	Hertford CV
Tues 13	Audit	Tues 13		Fri 13	
Wed 14	Development Control	Wed 14		Sat 14	
Thurs 15		Thurs 15		Sun 5	
Fri 16		Fri 16		Mon 16	
Sat 17		Sat 17		Tues 17	
Sun 18		Sun 18		Wed 18	Council
Mon 19		Mon 19		Thurs 19	Bishop's Stortford CV
Tues 20		Tues 20	Policy Development Scrutiny	Fri 20	
Wed 21	Council	Wed 21		Sat 21	
Thurs 22		Thurs 22	Sawbridgeworth CV	Sun 22	
Fri 23		Fri 23		Mon 23	
Sat 24		Sat 24		Tues 24	Performance Scrutiny
Sun 25		Sun 25		Wed 25	Development Control
Mon 26		Mon 26		Thurs 26	
Tues 27	Performance Scrutiny	Tues 27		Fri 27	
Wed 28	Local Joint Panel (2.30 pm)	Wed 28	Development Control	Sat 28	
		Thurs 29	Ware CV	Sun 29	
		Fri 30		Mon 30	
		Sat 31			

MAY 2007					
Tues 1					
Wed 2					
Thurs 3	DISTRICT COUNCIL ELECTIONS				
Fri 4					
Sat 5					
Sun 6					
Mon 7	BANK HOLIDAY				
Tues 8					
Wed 9					
Thurs 10					
Fri 11					
Sat 12					
Sun 13					
Mon 14					
Tues 15					
Wed 16	Annual Council				
Thurs 17					
Fri 18					
Sat 19					
Sun 20					
Mon 21					
Tues 22					
Wed 23					
Thurs 24					
Fri 25					
Sat 26					
Sun 27					
Mon 28	BANK HOLIDAY				
Tues 29					
Wed 30					
Thurs 31					