



ADUR DISTRICT
COUNCIL

16 December 2021

Interim Director for Communities
Tina Favier
Adur & Worthing Councils
Town Hall, Chapel Road
Worthing, West Sussex BN11 1HA

**Adur Council Meeting
16 December 2021**

7.00 pm

Late Paper Supplement Pack

8 December 2021

ALL MEMBERS OF THE COUNCIL are hereby summoned to attend for the following business:

Part A

8. Recommendations from the Executive and Committees to Council (Pages 1 - 6)

To consider recommendations to the Council, details of which are set out in the attached items as 8. Item 8c and 8d were not available at the time of publication and will follow in a separate pack. Full reports are available on the website as listed below:

	Executive/Committee	Date	Item
8 a	Joint Senior Staff Committee	8 October 2021	JSnSC/012/21-22 Salary review and proposed recruitment process for the post of Head of Legal Services and Monitoring Officer
8 b	Joint Overview and Scrutiny Committee	25 November 2021	JOSC/XX/21-22 Joint Overview and Scrutiny Committee Work Programme for 2021/22
8 c	Joint Strategic Committee	7 December 2021	JSC/XX/21-22 Investing in our Places - Capital Programme 2022/23 to 2024/25
8 d	Joint Strategic Committee	7 December 2021	JSC/XX/21-22 Council Tax Support Schemes for 2022/23

9. Report of the Leader on decisions taken by the Executive (Pages 7 - 18)

To receive a report from the Leader. The report contains executive decisions since the last Council meeting.

There is up to 15 minutes for Executive Members to make any statements on the report.

There is up to 15 minutes for Executive Members to respond to questions on the report; these questions will not be the same as any asked under 'Members Questions under Council Procedure Rule 12'



Tina Favier
Interim Director for Communities

Recording of this meeting

The Council will be live streaming this meeting, including public question time. A recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:

Chris Cadman-Dando
Democratic Services Officer
01903 221364
Email chris.cadman-dando@adur-worthing.gov.uk

For Legal Services enquiries relating to this meeting please contact:

Maria Memoli
Head of Legal Services and Monitoring Officer
01903 22 1119
maria.memoli@adur-worthing.gov.uk



Council
16 December 2021
8C

Extract from the minutes of the Joint Strategic Committee - 7 December 2021

JSC/XX/21-22 Investing in our Places - Capital Programme 2022/23 to 2024/25

The report recommended the investment programmes for both Councils which supported both the strategic ambitions of the Councils, and the vital regular investment toward the upkeep and improvement of their public assets.

For the past few years the Councils had approved a two year capital programme on a rolling basis. This time last year the Councils approved a two-year programme for 2021/22 to 2022/23. However in the light of the pandemic, it was now proposed to review the proposed programme for 2022/23 and only set an indicative programme for 2023/24 which would be reviewed next year in the light of the new Councils strategy which was due to be developed. Members were now asked to approve the new schemes for 2022/23. This report recommended:

- the schemes for inclusion in the overall Capital Investment Programmes for 2022/23; and
- an indicative list of schemes for 2023/24 which would be confirmed next year.

The report also informed the Joint Strategic Committee of the resources available for future capital investment, and updated Members about the financing of the proposed programmes.

The Committee welcomed the report and requested that the following items be starred to ensure consultation as indicated below:-

1. Item 27 - Cemeteries - Lancing and Sompting, hard landscaping of land to be used for the extension and also installation of a new boundary fence - in consultation with the ADC Leader and Executive Member for Resources;
2. Item 28 - Parks and Open Spaces Art Work - in consultation with the ADC Executive Member for the Environment; and

3. Item 37 - Contingency provision for urgent / priority schemes, inflation and unavoidable overspends - in consultation with the ADC Leader.

Decision

The Joint Strategic Committee

- (a) considered the General Fund Capital Investment Programmes for 2022/23 and 2023/24 and confirmed the schemes to be included as detailed in Appendix 2, 3 and 4;
- (b) recommended the full programme detailed at Appendices 5 and 6 for approval by the respective Councils on the 16th December 2021 (Adur) and 14th December 2021 (Worthing); and**
- (c) noted the amendments and additions to the reserve lists as detailed in Appendices 7 and 8.

Extract from the minutes of the Joint Strategic Committee - 7 December 2021

JSC/069/21-22 Council Tax Support Schemes for 2022/23

Members were asked to recommend to their respective Full Councils the Council Tax Support Schemes in respect of 2022/23.

The Leader of Worthing Borough Council noted the report and its recommendations but wished to propose that for Worthing Borough Council, the Committee did not accept the recommendations to keep the Council Tax Support Scheme as proposed but explore a new scheme that did not include the £5 minimum per week for working age households. He therefore wished to propose an amendment to the recommendations if possible.

Officers advised that in relation the timeline for delivering the change, consideration had been given to the delivery in 2022/23. Having assessed the timeline, there was a technical possibility that the change could be implemented in 2022/23 but the advice was that it ran a number of significant risks. They were:-

- notification to precepting authorities would be required by the end of the week (10th December), delivering a notice period of just 14 days;
- the revised scheme and proposed consultation would need to be presented to the Joint Strategic Committee on 11 January 2022, providing a public consultation period of just 14 days;
- a material shock to West Sussex County Council and Police partner budgets and an impact on their budget setting processes;
- the estimated £875k reduction in income would be shared by the County, Police and Borough, with an estimated impact on the County Council of £670k and the Police of £88k;
- a significant impact on partner relations going forward in relation to such an immediate change; and
- the risk of Judicial Review for lack of fair notice.

Therefore, Officers advised the Committee that in light of the risks identified and in order to allow sufficient time to implement the proposed changes, the introduction of a revised Council Tax Support Scheme in 2023/24 be considered. A report would be brought to the Joint Strategic Committee in January 2022 to outline a timeline for the

proposed changes and to explore any other salient matters.

The Leader of Worthing Borough Council proposed the following amendment to the recommendations:-

- c. With respect to the Worthing Borough Council working age Council Tax Support Scheme, that the Joint Strategic Committee:
 - i. Agrees that the £5 weekly restriction be removed as soon as possible;
 - ii. Notes that on the advice of officers that the risks of changing the scheme at this point mean that we cannot now change for 2022/23 due to the timescales available to develop and consult on a revised scheme;
 - iii. Recommends to Worthing Borough Council:
 1. That the discretionary budget to support those in severe financial difficulties should be retained;
 2. Given the inability to change this scheme for 2022/23, that it should be based upon the scheme for 2021/22 with the £5.00 weekly restriction retained; and
 3. No other changes should be made beyond necessary technical amendments required to keep the scheme consistent with the national rules in respect of Housing Benefit
 - iv. Requests that a scheme be developed for 2023/24 which removed the £5.00 weekly restriction and started the consultation process with the precepting bodies as soon as possible.
 - v. Notes that a report outlining the options for the new scheme, the consultation process and associated timescales to be presented to members in January 2022.
 - vi. Requests that officers investigate the feasibility of a discretionary hardship scheme for 2022/23 similar to the current scheme of £150 per household with a report to be presented to the Joint Strategic Committee by March. 2022.
 - vii. Requests officers to investigate other measures to alleviate hardship and consider how to fund this as part of the budget process.

The proposed amendment was seconded by Councillor Elizabeth Sparkes and supported by the Committee.

Decision

That the Joint Strategic Committee

- a. noted the contents of the report;
- b. recommended to Adur District Council that the Council Tax Support scheme for Adur District Council in respect of working age customers for 2022/23
 - i) Should be based upon the scheme for 2021/22 with no restrictions; and
 - ii) No other changes should be made beyond necessary technical amendments required to keep the scheme consistent with the national rules in respect of Housing Benefit.
- c. with respect to the Worthing Borough Council working age Council Tax Support Scheme:-
 - i) agreed that the £5 weekly restriction be removed as soon as possible;
 - ii) noted that on the advice of officers, the risks of changing the scheme at this point meant that we cannot now change for 2022/23 due to the timescales available to develop and consult on a revised scheme;
 - iii) recommended to Worthing Borough Council:
 - 1. That the discretionary budget to support those in severe financial difficulties should be retained;
 - 2. Given the inability to change this scheme for 2022/23, that it should be based upon the scheme for 2021/22 with the £5.00 weekly restriction retained; and
 - 3. No other changes should be made beyond necessary technical amendments required to keep the scheme consistent with the national rules in respect of Housing Benefit
 - iv) requested that a scheme be developed for 2023/24 which removed the £5.00 weekly restriction and started the consultation process with the precepting bodies as soon as possible;
 - v) noted that a report outlining the options for the new scheme, the consultation process and associated timescales be presented to members in January 2022;
 - vi) requested that officers investigate the feasibility of a discretionary hardship scheme for 2022/23 similar to the current scheme of £150 per household with a report to be presented to the Joint Strategic Committee by March 2022; and
 - vii) requested officers to investigate other measures to alleviate hardship and consider how to fund this as part of the budget process.

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Report of the Leader on Decisions taken by Executive Members and the Joint Strategic Committee since the last meeting of Council

A. Decisions Taken by Individual Executive Members

Listed below is a summary of decisions taken by the individual Executive Members since the despatch of the agenda for the last ordinary Council Meeting. Full details can be found on the [Executive Members Decisions webpage](#) .

Leader

Executive Member for Regeneration

REG/004/21-22 Update of the Adur Local Plan
REG/007/21-22 Conservation Area Character Appraisal Reviews

Executive Member for Resources

RES/006/21-22 Irrecoverable Debts - Overpaid Housing Benefit
JAW/011/21-22 Two rooftop solar schemes for Adur
JAW/012/21-22 Compulsory Redundancy
JAW/013/21-22 Mutual Agreement
JAW/014/21-22 Town Centre Improvements Programme - Worthing Town Centre

Executive Member for Customer Services

CSE/005/21-22 Award of Inner Rooms remedial works contract

Executive Member for the Environment

JAW/010/21-22 Award of contract for disposal of commercial waste

Executive Member for Health and Wellbeing

B. Decisions Taken by the Joint Strategic Committee on 9 November 2021

Full details can be found by [clicking on this link](#)

The matters not appearing elsewhere on the agenda:-

JSC/052/21-22 *Supporting the Armed Forces Community Covenant*

Adur & Worthing Councils were committed to supporting the armed forces and as part of this commitment had been signatories to the Armed Forces Community Covenant since 2013. The Covenant aimed to ensure that members of the armed forces community received the support and access to public services they required.

Adur & Worthing Councils had, as part of this work, developed a range of new commitments and actions to uphold the principles of the Covenant by:

- Recognising the sacrifices made by the armed forces community
- Encouraging support for the armed forces community
- Promoting understanding and awareness amongst the public
- Encouraging activities to help the community integrate into local life
- Supporting veterans and service families in employment with the Councils.

The recommendations as set out in the report were unanimously supported.

Decision

The Joint Strategic Committee noted and approved the work being undertaken to uphold the principles of the Armed Forces Community Covenant.

JSC/053/21-22 *Procurement of Services for Civil Parking Enforcement & New Agency Agreement with West Sussex County Council (WSCC)*

West Sussex County Council had agency agreements with Adur District Council and Worthing Borough Council (who acted as agents) for the provision of on-street civil parking enforcement in the council areas. The agreement was due for renewal on 1st April 2022.

Adur District Council and Worthing Borough Council had a joint contract with NSL Services for the provision of decriminalised traffic and parking enforcement services and controlled parking zone management in the council areas. The agreement expired on the 31st March 2022 and a procurement exercise was required in order to procure services to commence 1st April 2022.

By agreeing to enter the new contract with West Sussex County Council and procure enforcement services for 5 years (with the option to extend for a further 2 years) the Councils were ensuring a level of influence over on-street arrangements, and

involving West Sussex County Council in discussions about positively impacting on the regeneration of the town centre.

The report sought approval for the following:

- To enter into a new Agency Agreement to start 1st April 2022 with West Sussex County Council and to act as their parking enforcement agents in relation to Civil Parking Enforcement;
- To procure services for Civil Parking Enforcement; and
- To delegate authority to the Director for Digital, Sustainability and Resources to award the contract to the most economically advantageous supplier and for the contract to start 1st April 2022 for 5 years with the option to extend for a further 2 years.

A member queried whether the contract would be able to address the issue of parking on grass verges. It was noted that the Councils had no legal power to do so at the current time, however, the LGA were lobbying the government to provide that power.

Questions were received from Members in relation to the renewal date of the agency agreement with West Sussex County Council, break clause conditions in the contract with NSL and the cost allocation between Adur and Worthing Councils. Officers confirmed that the renewal date was April 2022, that there were relevant break clauses in the contract and that the cost allocation was attributable to the difference in parking controls across Adur and Worthing.

The recommendations as set out in the report were proposed by Councillor Kevin Boram, seconded by Councillor Ed Crouch and unanimously supported by the Committee.

Decision

The Joint Strategic Committee:

- 1) authorised Adur District Council and Worthing Borough Council entering into a new agency agreement with West Sussex County Council, on the terms set out in this Agreement, for the delivery by the Councils of Civil Parking Enforcement services for West Sussex County Council, to commence 1st April 2022;
- 2) authorised officers to procure services for a Civil Parking Enforcement Supplier to carry out those Services; and
- 3) delegated authority to the Director of Digital, Sustainability & Resources to enter into a contract with the most economically advantageous supplier from the tender process to commence on 1st April 2022 for a term of 5 years with the option to extend for a further 2 years.

JSC/0054/21-22 Transfer of s106 Monies to the Capital Programme for the delivery of Affordable Housing

This report sought to transfer s106 contributions received from the Bayside development to the Capital Programme specifically to deliver affordable housing in the Borough. This funding has to be used towards the delivery of affordable housing under the terms of the legal agreement but this can include the direct delivery of emergency or temporary accommodation or payment to a Registered Provider to deliver additional affordable housing.

A number of options for the use of this funding are being investigated by your Officers and it is recommended that the drawdown of the funding for specific schemes be delegated to the Executive Member for Housing.

It was noted that the figure quoted in paragraph 2.1 of the report, £1,765,800, had been increased through indexing and should be £1,948,268.

Members discussed the take up of properties in developments such as Bayside by registered social landlords (RSLs) and the high service charges associated with seafront developments. It was noted that the Councils claimed money back from developers in circumstances where properties were not taken up by RSLs which would be invested in the provision of affordable housing in Worthing.

The recommendations, as amended, were supported by the Committee.

Decision

The Joint Strategic Committee approved a budget virement of £1,948,268 funded from the s106 monies from the Bayside development to the Worthing Borough Council Capital Programme to increase the budget for the delivery of affordable housing under the portfolios for the Executive Member for Customer Services.

JSC/0056/21-22 Using Sport England Funding to Support Leisure Services in Adur

The purpose of the report was to recommend a way forward for utilising a grant received from Sport England for the reopening of Adur's leisure facilities.

The recommendations, as set out in the report, were proposed by Councillor Emma Evans, seconded by Councillor Angus Dunn and supported by the Committee.

Decision

The Joint Strategic Committee

- i) note the progress in reopening the Adur facilities following the ending of restrictions; and
- ii) approved the proposed reopening payment of £104,000 funded from the grant received from Sport England.

JSC/057/21-22 Referral of Motion on Notice from Adur District Council

The report set out a motion referred from the meeting of Adur District Council on the 28th October 2021.

Members of the Joint Strategic committee were asked to consider and determine the Motion.

Members could either support the motion and ask for further work to be carried out in this regard, or, members could reject the motion.

Councillor Robina Baine attended the meeting to present the motion to the Committee.

During consideration of the motion, Members raised a number of issues including net zero targets for the District, the importance of Local Partnerships, the leading role Shoreham Port and Ricardo's were playing with hydrogen fuel and the lobbying of farmers.

It was proposed by Councillor Angus Dunn and seconded by Councillor Carson Albury that the motion be supported. This proposal was supported by the Committee.

Decision

That the Joint Strategic Committee supported the motion.

JSC/058/21-22 Referral of Motion on Notice from Adur District Council

The report set out a motion referred from the meeting of Adur District Council on the 28th October 2021.

Members of the Joint Strategic committee were asked to consider and determine the Motion.

Members could either support the motion and ask for further work to be carried out in this regard, or, members could reject the motion.

Councillor Lee Cowen attended the meeting to present his motion to the Committee.

Members debated the motion and it was proposed by Councillor Angus Dunn and

seconded by Councillor Kevin Boram, that the motion be rejected on the basis that events had overtaken the motion. The proposal to reject the motion was supported by the Committee.

Decision

The Joint Strategic Committee rejected the motion.

JSC/059/21-22 Referral of Motion on Notice from Adur District Council

The report set out a motion referred from the meeting of Adur District Council on the 28th October 2021.

Members of the Joint Strategic committee were asked to consider and determine the Motion.

Members could either support the motion and ask for further work to be carried out in this regard, or, members could reject the motion.

Councillor Jeremy Gardner attended the meeting to present the motion to the Committee.

Members debated the motion, noting that JOSOC had summoned a representative from Southern Water to attend the JOSOC meeting in January 2022 and that Southern Water had appointed a new Chief Executive since the spills who had met with the Executive Member for Health & Wellbeing and the MP. The company was highly regulated by Ofwat and investment in infrastructure would be necessary to deal with changes to weather patterns delivering heavier rainfall and additional development.

Members expressed support for the sentiment of the motion but could not support the actions outlined within it.

It was proposed by Councillor Kevin Boram and seconded by Councillor Angus Dunn that the motion be rejected. The proposal was supported by the Committee.

Decision

The Joint Strategic Committee rejected the motion.

C. Decisions taken by the Joint Strategic Committee on 7 December 2021

JSC/064/21-22 2nd Revenue Budget Monitoring Report (Q2)

The report updated the Joint Strategic Committee with the latest expenditure and income projections for each Council in the current financial year 2021/22, compared with the Revenue Budget approved by both Councils in February. Whilst

the 'spend to date' would be the position as at the 30th September 2021, the forecast position would reflect the latest information available to ensure an up-to-date forecast was presented.

As at quarter 2, the current projection for the 2021/22 financial year were net operational budget overspends of £260k in Adur and £1.479m in Worthing. Government funding in the form of grants and the Income Guarantee Scheme would offset this and it was currently estimated that the outturn position would be a net overspend of £42k in Adur and a net overspend in Worthing of £211k. A breakdown was set out in section 4.4 of the report.

A Member asked questions about overspends in respect of waste and recycling agency staff costs and the expected increase to disposal costs associated with commercial food waste. Officers advised that the market for HGV drivers had required the payment of market supplements in order to attract and retain existing employees. It was noted that HGV drivers were essential in the running of a waste collection service and the additional costs had been built into the budget for 2022/23. Whilst they presented a cost pressure during the 2021/22 financial year, they would cease to be a cost pressure in 2022/23. In relation to agency staff, there were two factors to consider, the first was Covid which had created higher absence rates than usual and need for increased use of agency staff to maintain staffing levels and the second was that the use of street sweeping operatives to crew up on waste when there were absences had not proven to be a successful initiative.

The recommendation as set out in the report was unanimously supported by the Committee.

Decision

The Joint Strategic Committee noted the report and projected outturn position for the Joint Committee, Adur District Council and Worthing Borough Council against the approved revenue budgets and proposed use of reserves (Appendix 1b and 2b).

JSC/065/21-22 2nd Quarter Capital Investment Programme & Projects Monitoring 2021/22

The report updated the Joint Strategic Committee on the progress made with the 2021/22 Capital Investment Programmes for Adur District Council and Worthing Borough Council. The programmes included schemes which supported the delivery of services by the Joint Strategic Committee.

A member asked questions about the scheme referenced in paragraphs 6.1 and 7.1.1 of the report, the IT / Digital Programme, in relation to the additional cost of transferring material to the cloud and whether this money was due to be paid to Capita. Officers confirmed that the money was due to be paid to both Capita and for additional support to the team to assist with the migration. It was a significant system which every resident could potentially be affected by if the Council did not

do this work well. The migration work had taken longer and been more complex than initially anticipated.

The recommendations as set out in the report were proposed by Councillor Angus Dunn, seconded by Councillor Emma Evans and unanimously supported by the Committee.

Decision

The Joint Strategic Committee:

(a) With respect to the Capital Investment Programme of Adur District Council

- i) noted the reprofiling of the Adur District Council capital schemes as advised in paragraphs 7.2.1 and Appendix 3;
- ii) approved the increase in the Disabled Facilities Budget in line with the forecast expenditure funded from Better Care Fund Grant as detailed in paragraph 7.2.3;
- iii) approved the virements totalling £45,000 to fund the anticipated overspend on the Lancing Manor Leisure Centre Car Park access reconstruction and security improvements as detailed in paragraph 7.2.4;
- iv) approved the virement of £32,600 to fund the anticipated overspend on the land drainage scheme to realign the ditch and stabilisation of banks in the vicinity of Larkfield playing field, Lancing as detailed in paragraph 7.2.5;
- v) approved the virement of £164,750 to fund budget pressures in the joint services ICT digital programme as detailed in paragraph 7.1.1;
- vi) approved the use of capital receipts to increase the 2021/22 Grounds Maintenance Equipment Replacements Budget to £147,100 as detailed in paragraph 7.1.2;
- vii) approved the use of the Section 106 receipts to fund recreational equipment at Buckingham Park as detailed in paragraph 7.2.6.

(b) With respect to the Capital Investment Programme of Worthing Borough Council

- i) noted the reprofiling of the Worthing Borough Council capital schemes as advised in paragraphs 7.3.1 and Appendix 4;
- ii) approved the increase in the Disabled Facilities Budget in line with the forecast expenditure funded from Better Care Fund Grant as detailed in paragraph 7.2.3;

- iii) approved the amendment to the Portland House replacement of windows and balcony doors and ancillary works budget to include the Salix funding and match funding as detailed in paragraph 7.3.3;
- iv) approved the virement of £164,750 to fund budget pressures in the joint services ICT digital programme as detailed in paragraph 7.1.1;
- v) approved the use of capital receipts to increase the 2021/22 Grounds Maintenance Equipment Replacements Budget to £147,100 as detailed in paragraph 7.1.2;
- vi) approved the use of the Section 106 receipts to fund recreational equipment at Bourne Close and Northbrook Recreation Ground and the amendment to the 2021/22 Capital Investment Programme to include the scheme as advised in paragraph 7.3.4;
- vii) approved the use of the Building Maintenance Reserve to fund the urgent replacement of play equipment at Gull Island and the amendment to the 2021/22 Capital Investment Programme to include the scheme as detailed in paragraph 7.3.5.

JSC/066/21-22 Towards a sustainable financial position - Budget development update

The report provided members with a progress report on the delivery of our financial strategy for 2022/23, along with details of the proposals that would help deliver a balanced budget for the next financial year and beyond.

The report outlined the medium term financial challenge through to 2026/27 and updated members on government funding proposals.

Contained within the report were specific budget proposals to increase income, to deliver efficiency, and other savings initiatives for 2022/23. Members were asked to support the savings proposals.

It was noted that the report had been to the Joint Overview & Scrutiny Committee and that the Committee had not raised any comments in relation to the proposals contained within the report.

The recommendations as set out in the report were proposed by Councillor Angus Dunn, seconded by Councillor Elizabeth Sparkes and unanimously supported by the Committee.

Decision

The Joint Strategic Committee

- (i) noted the current 5 year forecasts at appendix 1;
- (ii) noted the committed growth items as set out in appendix 2; and
- (iii) approved the proposed savings as set out in appendix 3.

JSC/068/21-22 Mid Year Review of Treasury Management 2021-22, Adur District Council and Worthing Borough Council

The purpose of the report was to recommend a way forward for utilising a grant received from Sport England for the reopening of Adur's leisure facilities.

A member sought clarification regarding the role of Link Treasury Services Ltd, whether their report (appended to the Committee report) was mandatory and how much their service cost. Officers advised that the report was not mandatory and that Link were the Council's current Treasury Management Consultants who's key function was to advise on risk associated with the Council's counterparties. The Councils were due to go out to the market shortly to tender for this service, although it was noted that the contract was relatively small at £7k per year.

The recommendations as set out in the report, were unanimously supported by the Committee.

Decision

The Joint Strategic Committee

- i) noted the contents of the report and approved the recommendations for additions to the counterparties contained in section 4.3;
- ii) noted that the contract for Treasury advice was due for renewal on 1 April 2022 and that the Chief Financial Officer would be re-procuring the contract.

Local Government Act 1972

Background papers

Reports and Record of decisions of various are available on the Council's web site www.adur-worthing.gov.uk or as indicated in each of the paragraphs above. Some of the reports may contain exempt information and not be fully published on the websites.

Councillor Neil Parkin
Leader of the Council

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