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COUNCIL

Minutes of the Council meeting held at 6.00pm on Thursday 24th March 2022 in the Council Chamber, Town Hall, Matlock DE4 3NN.

PRESENT

Councillor Sue Bull - In the Chair

Councillors: Jacqueline Allison, Robert Archer, Jason Atkin, Richard Bright, Matthew Buckler, Martin Burfoot, Sue Burfoot, Neil Buttle, Paul Cruise, Tom Donnelly, Helen Froggatt, Chris Furness, Clare Gamble, Alyson Hill, Stuart Lees, Peter O'Brien, Mike Ratcliffe, Mark Salt, Andrew Shirley, Peter Slack, Andrew Statham, Alasdair Sutton, Colin Swindell and Steve Wain.

Paul Wilson (Chief Executive), Tim Braund (Director of Regulatory Services), Steve Capes (Director of Regeneration & Policy), Karen Henriksen (Director of Resources), Mike Hase (Planning Policy Manager), Lee Gardner (Legal Services Manager), Jim Fearn (Communications & Marketing Manager), Tommy Shaw (Democratic Services Team Leader) and Lucy Harrison (Democratic Services Assistant)

APOLOGIES

Apologies for absence were received from Councillors: David Hughes, Susan Hobson, Steve Flitter, Garry Purdy, Mark Wakeman, Richard FitzHerbert, Michele Morley, Dawn Greatorex, Dermot Murphy, David Chapman and Tony Morley.

334/21 - MINUTES

It was moved by Councillor Jason Atkin seconded by Councillor Tom Donnelly and

RESOLVED (Unanimously) That the minutes of the meeting of Council held on 3rd March 2022 be approved as a correct record.

The Chairman declared the motion **CARRIED**.

335/21 - PUBLIC PARTICIPATION

Note:

“Opinions expressed or statements made by individual persons during the public participation part of a Council or committee meeting are not the opinions or statements of Derbyshire Dales District Council. These comments are made by individuals who have exercised the provisions of the Council’s Constitution to address a specific meeting. The Council therefore accepts no liability for any defamatory remarks that are made during a meeting that are replicated on this document.”

Item 14 – DERBYSHIRE DALES LOCAL PLAN – NEXT STEPS

The following questions and statements were submitted in writing:

STATEMENT and QUESTIONS from Ms Sharon Briddon, Matlock Local Resident

“I have noted from the agenda that you are proposing to opt for the higher volume of housing option. Bearing in mind that Matlock Town has once again flooded since that proposal was put forth, due once again to overload in the existing local drainage system, please can you confirm what consultation has taken place with consultees such as Lead Local Flood authority and the Highway Authority given the cumulative impacts of development from planning applications which have been submitted for the area, and has the council considered the concerns of local residents in this proposal?”

RESPONSE:

At this time no decision has been made on what the future housing target for the period to 2040 will be. The report seeks to indicate what the range of future housing requirements could be and the extent to which the current evidence suggests that there is an available supply of land to meet the potential targets. Initial consultations have already taken place with the County Council as Lead Local Flood Authority, and Highways Authority. These discussions will continue as further work is undertaken on the Local Plan.

“In addition, should sites that have so far proved to be undeliverable (financially, environmentally and practically) be urgently re-examined? It is especially important, in view of the current climate emergency and the councils environmental and carbon goals, that they ensure every site is at the very least fully complicit with the Town and Country Planning (Environmental Impact Assessment) Regulation 2017, and indeed go further than that to ensure that all possible sustainable building and energy provisions are used. At the moment, many proposed plans do not comply with even the minimum standards required.”

RESPONSE:

The District Council declared a Climate Change Emergency in 2019 and has subsequently adopted a Climate Change Action Plan and a Climate Change Supplementary Planning Document. The District Council is fully committed to ensuring that the Local Plan includes policies which require new developments to take a much more proactive approach to mitigating climate change.

“How does the council plan to achieve biodiversity net gain with this higher housing number, including continuing to build on greenfield sites, when in fact other councils are choosing to opt for the lower housing number to enable protection of these green sites and landscapes?”

RESPONSE:

The District Council is working with Derbyshire County Council and the other local planning authorities in Derbyshire to ensure that the mechanisms are in place to meet the legal obligations with regards to Biodiversity Net Gain. This will include new policies in the Local Plan as set out to Council on 19th January 2022.

“It feels that the policies are in direct contradiction of one another by considering increasing the amount of building and thereby increasing the amount of environmental damage, in areas that are already plagued with regular flooding events and increased traffic as a result of the continuing volume of development in a small area. There is far too high a concentration of development in small towns that do not have the appropriate infrastructure in place due to 50% of the district being in the Peak Park - that has to be taken into consideration and the proposed development numbers appropriately adjusted to account for this.

I look forward to hearing the council's responses to these questions.”

RESPONSE:

The District Council has an obligation to prepare policies and proposals for the future use and development of land through the Local Plan. The current Local Plan review will set the future development needs for the period up to 2040. This includes policies related to the future housing requirements, climate change and biodiversity net gain. In taking the Local Plan forward the District Council will seek to ensure that it is able to reconcile these three important issues and deliver a sound plan as assessed by an independent Planning Inspector.

STATEMENT and QUESTION from Wolds Community

“With reference to the very disturbing fact that the target housing number has been selected without any public consultation with the Derbyshire Dales communities; we would now like a clear explanation of:

When will public consultation take place and what will be the topics?”

RESPONSE:

At this time public consultation is envisaged to take place on the revised modifications to the Local Plan as set out in the report in October 2023. The revised modifications to the Local Plan i.e. changes to the policies and text required to address the areas identified in the report to Council on 19th January 2022. To ensure that the Local Plan is sound public consultation will be undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Statement of Community Involvement.

STATEMENT and QUESTION from Ms Laura Stevens, on behalf of Dales Climate Hub

“I write on behalf of Dales Climate Hub with regard to the Local Plan. We would like to submit a question to Committee. We are very disappointed to be hearing about this Council Meeting just one day beforehand. With busy lives this gives little time to study the 181 pages of said Plan but pages 129 and 124 are pertinent to our question. It seems DDDC already knows that such planned developments would be unsustainable and thinks that off-setting will do. It will not do.

How does the Council plan to avoid sacrificing the environment, our green spaces and local biodiversity if the Higher Growth Scenario is to be adopted and over 300 houses built p/a till 2040 (referring to p129 the Council has never before managed to "design 'in' the measures such as low carbon infrastructure and enhanced biodiversity net gain")?"

RESPONSE:

The District Council has an obligation to prepare policies and proposals for the future use and development of land through the Local Plan. The current Local Plan review will set the future development needs for the period up to 2040. This includes policies related to the future housing requirements, climate change and biodiversity net gain. In taking the Local Plan forward the District Council will seek to ensure that it is able to reconcile these three important issues and deliver a sound plan as assessed by an independent Planning Inspector.

STATEMENT and QUESTIONS from Mr John Youatt, Local Resident

"Q1. Was the public consulted on the 2021 comprehensive and deeply relevant sustainability report by Clearlead, including annex A?

Q2. In fond memory of Freddie, who led on this subject during the Local Plan:-

We said then that the SDNP's plan included a substantial reduction of its housing target, on account of the fact that the Housing Authority area is half in the Park. The local plans there are also under review. The same topic is being pursued again.

Will the Council please ask our MP to compare notes with their MP with a view to a common approach?"

RESPONSE:

Q1 The Scoping Report prepared by Clearlead Consultants was subject to consultation with the Statutory Bodies – the Environment Agency, Historic England and Natural England. There is no obligation to undertake public consultation on the Scoping report. More detailed Sustainability Appraisal work will be made available on the District Council's website in due course.

Q2 The circumstances surrounding housing development in the South Downs National Park has changed in recent years. The particular circumstances that Mr Youatt refers to relate to the East Hampshire Core Strategy where the level of housing was reduced in the National Park area of the Joint Core Strategy Area. The situation now is that the South Downs National Park now have their own adopted Local Plan. The Plan includes a reduced housing requirement with the shortfall being met through the Duty to Cooperate being engaged with neighbouring authorities. In relation to Derbyshire Dales and the Peak District National Park, the District Council will continue to work with the National Park Authority to identify and agree a potential capacity of additional housing for the National Park to accommodate as part of the overall requirement for Derbyshire Dales. At this time it is still envisaged that the National park will only be able to accommodate 20 dwellings per annum.

336/21 - INTERESTS

None

337/21 - LEADERS' ANNOUNCEMENTS

No announcements were made as Councillor Garry Purdy, Leader of the Council gave his apologies for the meeting.

338/21 - CHAIRMAN'S ANNOUNCEMENTS

Councillor Steve Wain, Civic Chairman, made the following statement:

“On the 6th of February 2022 I attended choral evensong the Queens Platinum Jubilee Derby Cathedral.

On the 26th and 27th of February 2022 I attended the Derbyshire Amateur Swimming Championships at the Arc in Matlock. This very well organised event enabled hundreds of young swimmers showcase their talents. It also portrayed the Arc Leisure Centre in a very positive light.

On 2 March, I attended the Ashbourne Shrovetide Luncheon at Ashbourne Leisure Centre, where I introduced the 'turner upper' Roger Jones. Thanks to Councillors Sue Bull and Stuart Lees for their help on the day. I truly enjoyed the experience and it was the first time I had attended the event and not been involved in the actual game.

On 17 March, I attended Bakewell, Brassington and Steeple Arch cemeteries and took part in the consecration of new areas of ground. The services were conducted by the Bishop of Repton. Thank you to those Councillors who attended the respective services.”

339/21 - COMMITTEES

It was moved by Councillor Jason Atkin seconded by Councillor Chris Furness and

RESOLVED That the non-exempt minutes of the Committees listed in the Minute book, for the period 27th January 2022 to 23rd February 2022, with the exception of the Community & Environment Committee meeting held on 23rd February 2022, be received.

Voting:

For	24
Against	0
Abstention	1

The Chairman declared the motion **CARRIED**.

It was moved by Councillor Jason Atkin seconded by Councillor Chris Furness and

RESOLVED That the minutes of the Community & Environment Committee meeting held on 23rd February 2022 be received.

Voting:

For	17
Against	2
Abstention	6

The Chairman declared the motion **CARRIED**.

Councillor O'Brien asked that his vote against the minutes of the Community & Environment Committee meeting held on 23rd February 2022 be recorded, as he believed that minute decision 292/21 should have been reserved for Full Council.

340/21 – THREE-YEARLY REVIEW OF GAMBLING LICENSING POLICY: STATEMENT OF PRINCIPLES

The Director of Regulatory Services introduced a report informing the Council of the requirement to carry out a formal review of its current Gambling Statement of Principles (Policy). Approval was therefore sought of the revised Policy document shown in Appendix 1 of the report, for its adoption and re-publishing. The report explained the requirement for the policy to be reviewed and approved by the Council at least once every three years. The benefits of a clear statement of policy were also detailed, which included providing greater scope for licensing authorities to work in partnership with local businesses, communities and responsible authorities to identify and mitigate local risks to the licensing objectives.

The report noted that under the Gambling Act 2005, the Council is responsible for issuing premises licences for casinos, bingo halls, betting offices, adult gaming centres and licensed family entertainment centres. It was detailed that the act also included the issuing of permits for gaming machines in pubs, clubs and other alcohol licensed premises. The report stated that since the introduction of the Act in 2007, no licence applications for casinos or bingo halls had been received.

The report stated that in practice, it had been considered that the Council's policy had worked well; this was reflected by all applications/renewals for licences and permits being granted without any referral to a Committee hearing. It was noted there had not been any new applications for premises licences since 2011.

The Gambling Act 2005 also imposed a statutory requirement on the Council, to prepare a Statement of Principles, functioning as a tool for regulating gambling in the District. This set out the Council's expectations of operators and aimed to ensure that the general public and the Responsible Authorities, specified in the legislation, were aware of the Council's regulatory approach to gambling activities.

It was also noted within the report that the Gambling Commission had recently undertaken consultation on updates to its own Licensing, Compliance, and Enforcement Policy. This consultation ended on 9th February 2022 and the outcomes had not yet been published. Depending on these outcomes, it was noted that it may be necessary for all Licensing Authorities to review their own Licensing Policy Statement of Principles again before the next formal review date of 2025. The Council were informed that officers would monitor the situation, and submit reports/updates to the licensing and Appeals Committee as necessary.

It was moved by Councillor Stuart Lees, seconded by Councillor Tom Donnelly and

RESOLVED That Council approves the revised Gambling Statement of Principles (Policy) for re-publishing for a further 3 years, to expire 31st January 2025.

Voting:

For	24
Against	0
Abstention	1

The Chairman declared the motion **CARRIED**.

341/21 – CAPITAL STRATEGY REPORT FOR 2022/23

The Director of Resources introduced a report which sought approval for the Council’s Capital Strategy, Minimum Revenue Provision policy and the Corporate Investment Strategy for 2022/23.

The report gave a high-level overview of how capital expenditure, capital financing and treasury management activity contributed to the provision of local public services, along with an overview of how associated risk is managed and the implications for future financial sustainability. It was discussed within the report how the decisions made in the current year on capital and treasury management would have financial consequences for the Authority for many years into the future. They were therefore subject to both a national regulatory framework and to a local policy framework, both summarised within the report.

The two main changes impacting upon the Capital Strategy were the revisions to the prudential code and the implementation of Accounting Standard IFR16 for Leases. It was noted that the Prudential Code now stipulated that it was not prudent for local authorities to make any investment or spending decision that would increase the Capital Financing Requirement and so may lead to new borrowing, unless directly and primarily related to the functions of the authority and where any commercial returns are related to the financial viability of the project in question. The report also informed Members that the Accounting Standard removed the previous lease classifications of operating and finance leases, and required that a right-of-use asset be recognised for all leases with a corresponding lease liability representing the lessee’s obligation to make lease payments for the asset. It was also discussed within the report that currently operation lease payments are charged to net cost of services in the revenue account. Implementation of the standard would mean that a charge for depreciation and interest would be charged to the net cost of services. These changes would impact upon the setting and reporting of Prudential Indicators.

The recommendations, as set out by Officers in the report, were moved by Councillor Tom Donnelly and seconded by Councillor Paul Cruise.

During debate, an amendment was proposed by Councillor Peter O’Brien and seconded by Councillor Paul Cruise. This amendment was put to the vote and

RESOLVED That the following recommendation be added: “That in proposing a revised Capital Strategy for 23/24, consideration be given to the means and priority of financing used.”

Voting:

For	19
Against	6
Abstention	0

The Chairman declared the amendment **CARRIED**.

The original motion, with the added amendment was then put to the vote and

RESOLVED

1. That the capital strategy, Minimum Revenue Provision policy and the Corporate Investment Strategy for 2022/23 be approved.
2. That in proposing a revised Capital Strategy for 23/24, consideration be given to the means and priority of financing used

Voting:

For	19
Against	6
Abstention	0

The Chairman declared the motion **CARRIED**.

342/21 – TREASURY MANAGEMENT STRATEGY STATEMENT 2022/23

The Director of Resources introduced a report determining the Treasury Management Strategy Statement for 2022/23.

The report explained that treasury management is the management of the Council's cash flows, borrowing and investments, and the associated risks. The Authority borrows and invests substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of financial risk are therefore central to the Councils prudent financial management.

The report detailed that the Council's Treasury Risk Management is conducted within the framework of the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Service: Code of practice 2021 Edition which requires the Authority to approve a treasury management strategy before the start of each financial year. The report fulfilled the Council's legal obligation under the Local Government Act 2003 to have regard to the CIPA code.

The report noted that as of 2nd March 2022, the Council held £5.5m of borrowing and £29m of investments. It was also noted that the underlying need to borrow for capital purposes was measured by the Capital Financing Requirement (CFR), while usable reserves and working capital were the underlying resources available for investment.

It was discussed that CIPFA's Prudential Code for Capital Finance in Local Authorities recommended that the Council's total debt should be lower than its highest CFR over the next three years. The report noted that the Council borrowed 5.45m as a maturity loan but this was not due for repayment until 2056. Furthermore, the Council also had internal borrowing of £849k for the purchase of wheeled bins. In accordance with sound accounting practice the Council had annually set aside amounts for the repayment of debt called the Minimum Revenue Provision. The Councils expenditure plans did not imply any need to borrow over the forecast period.

It was moved by Councillor Tom Donnelly, seconded by Councillor Jason Atkin and

RESOLVED

(unanimously)

That the Treasury Management Strategy Statement for 2022/23 and the Treasury Management Prudential Indicators contained within be approved.

The Chairman declared the motion **CARRIED**.

343/21 – LOCALISM ACT – PAY POLICY STATEMENT

The Chief Executive introduced a report meeting the requirement to publish the Council's Annual Pay Policy Statement.

The report informed Members of the requirement within the Localism Act, November, 2011, for relevant authorities to prepare and publish an annual pay policy statement for the coming financial year. The relevant provisions came into force on 15 January 2012 and the Council agreed the first Pay Policy Statement on 2 February 2012. It was detailed that there was a continuing need to review the policy on an annual basis.

The provisions added to the range of transparency obligations already placed upon local authorities i.e. the Accounts and Audit Regulations already required historic expenditure on chief officers within specified pay bands to be disclosed in the accounts.

The Localism Act specifically referred adoption of the Pay Statement to the Council as a responsibility it cannot discharge. It required the statement to be approved before the end of the March immediately preceding the financial year to which it relates i.e. it must be approved by a resolution of the authority before it comes into force. It was noted that this is however not always possible as it is dependent on the timing of settlement of the national Local Government pay awards.

It was moved by Councillor Chris Furness, seconded by Councillor Tom Donnelly and

RESOLVED

1. That the annual Pay Policy Statement 2021-22 is approved.
2. That a revised Pay Policy Statement for 2022-23 be published when the Local Government Pay award for 2022-23 is settled.

Voting:

For	23
Against	0
Abstention	2

The Chairman declared the motion **CARRIED**.

344/21 – VISION DERBYSHIRE CLIMATE CHANGE STRATEGY: 2022 - 2025

The Director of Regulatory Services introduced a report presenting the final draft of the Vision Derbyshire Climate Change Strategy: 2022-2025, seeking approval of the Strategy so that officers can continue to contribute to discussions intended to help reduce carbon emissions throughout the county.

The report noted that at a meeting of Vision Derbyshire Leaders and Chief Executives in February 2021 it was agreed that a countywide strategic group should be formed to give oversight and direction for the delivery of climate change activities across the boroughs and districts of Derbyshire. This group first met in July 2021 and the Council is represented on it by the Director of Regulatory Services.

The report detailed that a separate group consisting of climate change portfolio holders/lead members had also been formed and Derbyshire Dales District Council was represented on this group by the Chair of the Council's Climate Change Working Group.

The report noted that whilst the purpose of the officer group was clear – to work towards a net zero county – it required a strategic framework in order to concentrate its work and ensure that its efforts were neither duplicating or frustrating work that was already being undertaken by partners or in other associated groups. As such it was agreed that one of the early tasks for the Vision Derbyshire Climate Group was to produce its own strategy.

The Vision Derbyshire Climate Change Strategy 2022-2025 was noted to be in final draft form. The Strategy was not intended to replace the individual plans held by individual Derbyshire authorities to reduce their own carbon footprints, but instead concentrated on the influence that these authorities can have in reducing emissions in the wider county, whilst recognizing issues relating to estates, operations and services. It was noted that it identified a number of priority areas in which joint working is expected to add value.

It was moved by Councillor Peter Slack, seconded by Councillor Neil Buttle and

RESOLVED That the Vision Derbyshire Climate Change Strategy: 2022-2025 is
(unanimously) approved.

The Chairman declared the motion **CARRIED**.

Councillor Helen Froggatt left the meeting at 19:34.

Councillor Andrew Statham left the meeting at 20:12

345/21 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At **8:29pm**, during the discussion of **Item 14 – DERBYSHIRE DALES LOCAL PLAN – NEXT STEPS**

It was moved by Councillor Chris Furness, seconded by Councillor Andrew Shirley and

RESOLVED That, in accordance with **Rule of Procedure 13**, the meeting continue beyond 2 hours 30 minutes to enable the business on the agenda to be concluded.

Voting:

For	22
Against	0
Abstention	1

The Chairman declared the motion **CARRIED**.

Councillor Alasdair Sutton left the meeting at 20:31.

Councillor Robert Archer left the meeting at 20:36.

346/21 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At **8:58pm**, during the discussion of **Item 14 – DERBYSHIRE DALES LOCAL PLAN – NEXT STEPS**

It was moved by Councillor Sue Burfoot, seconded by Councillor Peter O'Brien and

RESOLVED That, in accordance with **Rule of Procedure 13**, the meeting continue beyond 2 hours 30 minutes to enable the business on the agenda to be concluded.

Voting:

For	13
Against	2
Abstention	6

The Chairman declared the motion **CARRIED**.

Councillor Chris Furness left the meeting at 21:15.

347/21 – DERBYSHIRE DALES LOCAL PLAN – NEXT STEPS

The Planning Policy Manager introduced a report setting out the deliberations of the Local Plan Working Group in relation to meeting housing needs for the period 2017-2040. The report set out the work undertaken in respect of the identification of additional housing sites, and the extent to which those sites are capable of meeting future housing needs. Finally, the report set out proposals for future work to finalise the Local Plan following completion of the Local Plan review by the Council at an Extraordinary Council meeting on 19 January 2022.

The report noted that the Council is the local planning authority for the part of its area that sits outside of the Peak District National Park. It was explained that the Derbyshire Dales Local Plan had set out the policies and proposals for the use and development of land for the period 2013-2033. The report highlighted that regulation 10A of The Town and Country Planning Regulations 2012 requires local planning authorities to review Local Plans at least once every five years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community.

A meeting of the Local Plan Working Group was held on 13th October 2021 to discuss the Housing and Employment Land requirements and options for the Local Plan. The group were advised about the initial findings of the Sustainability Appraisal of the Housing and Employment Growth Options, as well as the need for Members to take into account the Corporate Plan, the District Council's Economic Plan and it's Covid-19 Economic Recovery Plan at the time when a decision is required by Council on which of the housing options to take forward for the period up to 2040.

A 'call for sites' as part of the Strategic Housing Land Availability Assessment process was undertaken between 26th May and 7th July 2021. This allowed developers, landowners and members of the public to nominate potential development sites for allocation in the Derbyshire Dales Local Plan for the period up to 2040. As a result of this 106 sites were put forward for consideration.

Following completion of the Strategic Housing Land Availability Assessment the Local Plan

Working Group met on 21st February 2022 to discuss the future housing needs requirements for the period 2017-2040 and the extent to which the potential housing supply could meet the future housing needs. The direction of travel from Members at that meeting of the Local Plan Working Group formed the basis of this report.

The recommendations, as set out by Officers in the report, were moved by Councillor Andrew Shirley and seconded by Councillor Richard Bright.

During debate, an amendment was proposed by Councillor Peter O'Brien and seconded by Councillor Steve Wain. This amendment was put to the vote and

RESOLVED That the following recommendation be added: "A programme of public consultation and engagement be developed in collaboration with the work of the Local Plan Working Group relating to the next phase of the local plan for incorporation in the project timetable."

Voting:

For	9
Against	7
Abstention	4

The Chairman declared the amendment **CARRIED**.

The original motion, with the added amendment was then put to the vote and

RESOLVED

1. That the work undertaken the identification of Housing Needs for 2017-2040 and the work undertaken on the Strategic Housing Land Availability Assessment be noted.
2. That delegated authority be given to the Director of Regeneration and Policy to commission consultants to undertake a more detailed assessment of options for the delivery of a sustainable Derbyshire Dales that meets its agreed aspirations, as set out in Option 5 in paragraphs 4.15 and 4.16.
3. That, subject to recommendation 2 above being agreed, approval is given for a supplementary revenue estimate of £60,000 in 2022/23 to be financed from the Local Plan Reserve.
4. That the timetable for the ongoing modification of the Derbyshire Dales Local Plan as set out in Paragraph 5.12 be approved.
5. That a programme of public consultation and engagement be developed in collaboration with the work of the Local Plan Working Group relating to the next phase of the local plan for incorporation in the project timetable.

Voting:

For	10
Against	6
Abstention	4

The Chairman declared the motion **CARRIED**.

Meeting Closed: 9:20pm

Chairman