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Council

Minutes of a Council meeting held at 6.00 pm on Thursday, 26th January, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Sue Bull - In the Chair

Councillors: Andrew Shirley, Jacqueline Allison, Robert Archer, Jason Atkin, Matt Buckler, Martin Burfoot, Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Steve Flitter, Helen Froggatt, Clare Gamble, Alyson Hill, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Dermot Murphy, Garry Purdy, Mike Ratcliffe, Janet Rose, Mark Salt, Peter Slack, Andrew Statham, Alasdair Sutton, Colin Swindell and Mark Wakeman

James McLaughlin (Director of Corporate and Customer Services (Monitoring Officer)), Steve Capes (Director of Regeneration & Policy), Robert Cogings (Director of Housing), Karen Henriksen (Director of Resources), Kerry France (Legal Services Manager), Mike Hase (Policy Manager), Simon Beynon (Housing Strategy Officer), Declan Hall (Chairman of the Independent Remuneration Panel) and Tommy Shaw (Democratic Services Team Leader)

Note:

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APOLOGIES

Apologies for absence were received from Councillor(s): Richard Bright, David Chapman, Paul Cruise, Richard FitzHerbert, Chris Furness, Dawn Greatorex, Michele Morley, Peter O'Brien and Steve Wain.

270/22 - PUBLIC PARTICIPATION

Mr James Archer (Ashbourne Squash Club) spoke on issues relating to the condition of the Squash Courts at Ashbourne Leisure Centre.

271/22 - INTERESTS

There were no declarations of interest.

272/22 - LEADERS' ANNOUNCEMENTS

Councillor Garry Purdy, Leader of the Council, made the following statement:

"Members, we have a Star in our midst.

No, it's not me – It is Tommy Shaw!

Tommy was recently awarded the Rookie of the Year 2022 Award for the Association of Democratic Services (ADSO). ADSO is the nationally recognised Association for those working in local authority democratic and governance services, which represents, promotes and develops excellent democratic services for the benefit of all those working within local government.

Tommy joined the Council the Council in 2021 on a temporary contract to support the Elections Team and has developed quickly. Following the restructure of Democratic Services last year, he was appointed as Democratic Services Team Leader.

Tommy, there are many more words on this paper kindly supplied by James, and he has given me permission to hand it over to you for posterity.

It is with great pleasure that I ask you to come forward for a presentation and a photograph by Jim Fearn, and I am sure that Members will join with me in congratulating you on this excellent achievement.

And now – Ye of Little Faith:

Is it strange that many others such as Chief Execs and Senior Officers have complete faith in the Leadership at this Authority which can be testified to in many areas such as Vision Derbyshire, other Local Authorities and Outside Bodies.

First, let me remind you what the Independent Peer challenge Review Report said in October 2019 about our Authority.

DDDC is credited with being an effective leader of the district by partners who attest to the authority being a good partner to work with which makes positive contributions to collaboration. Relationships with partner organisations to promote the district are strong and the council is actively looking to work more closely with other districts.

And now, Ministers in Government have recognised the Leadership qualities at this Authority and the Community Teamwork completed on Ashbourne Reborn by the granting of the first and largest grant of monies that this rural Authority has achieved in the sum of £13.5 million from the Levelling Up Fund provided by Government, and made up to £15 million by match funding.

If it had not been for my Leadership in 2019 after my Councillors in Ashbourne, especially Cllr Stuart Lees related to me the concern of the Traders in Ashbourne regarding the loss of High Street shops we would not be celebrating this fanatic win!

And if you don't want to believe me than speak to the Key Stakeholders in Ashbourne.

I wish to place on record my sincere thanks and congratulations to the Ashbourne Reborn Team which consisted of Officers from this Authority, like Paul, Steve and Giles, Officers from Derbyshire County Council, the significant amount of money support from both Authorities, but also Members of Ashbourne Town Team, especially Anne Wright and Norman Harris, Ashbourne Town Council, ASHCOM, and Ashbourne Methodist Church.

The bid has been supported by the District Council's expert consultant Michael Rich, Bentley Project Management, and Lathams Architects.

The successful bid was achieved by Community Teamwork and is a prime example to our other Market Towns and large villages in Derbyshire Dales as to what can be achieved when the community comes together.

Please note that a Third Tranche of LUF monies is expected to be announced soon by Government and I would hope that we can submit another bid."

273/22 - CHAIRMAN'S ANNOUNCEMENTS

"On 28th November I attended Morley Hayes near Ilkeston to represent DDDC at a British Empire Medal awards ceremony. The event and presentation by the lord lieutenant took place in the Mill Room and was hosted by our chief exec and clerk to the lieutenancy Paul Wilson. A total of five medals were presented, one of the recipients lives within our Derbyshire Dales District. The High Sherriff and other Civic dignitaries from around the area also attended.

On 15th December I attended the Matlock Festive Fuddle at the Imperial Rooms in Matlock. This was organised by the Environment Agency to provide an update on progress with the flood wall defences and be introduced to the new project management team.

On 18th December both Jen and I were invited to the British Legion Ex-Serviceman's Club in Ashbourne. The event was organised and hosted by Councillor Stuart Lees who is a key mover and shaker in the Ashbourne Branch. Following a carvery lunch for about fifty I presented long service certificates to Ashbourne poppy collectors, some of whom had 50 years service under their belt. A fantastic achievement and an honour for me as Derbyshire Dales Civic-Chair to make that presentation. During the event, a raffle was held and all proceeds, which was a substantial amount, was given to me by Councillor Stuart Lees to be donated to my charity. An enjoyable afternoon with some of our ex-servicemen and their families.

On 19th January I attended the Bowling Green Pub in Winster. The event was held to present an MBE to Mr John Mills. The presentation would normally be carried out at the palace, but due to his failing health it was held locally. The event was hosted by Paul Wilson and the presentation was carried out by the lord lieutenant. The event was also attended by ward member Councillor Colin Swindell and some of John's family and friends."

274/22 - COMMITTEES

It was moved by Councillor Tom Donnelly, seconded by Councillor Andrew Shirley and

RESOLVED (Unanimously)

That the non-exempt minutes of the Committees listed in the Minute Book for the period 17th November 2022 to 13th December 2022 be received.

The Chairman declared the motion **CARRIED**.

275/22 - QUESTIONS (RULE OF PROCEDURE 15)

Questions from Councillor Clare Gamble to Councillor Garry Purdy, Leader of the Council:

“1: Has the Gypsy and Traveller Working Group found Temporary Tolerated Stopping Places in addition to Derwent Way in Matlock and the Station Car Park in Matlock Bath? Please name any places that have been assessed, and any places that are due to be assessed?”

2: It has come to my attention that a business in my ownership has been used in a matrix to access a site as a Temporary Tolerated Stopping Place, without my knowledge. Can you explain how The Heights of Abraham got personal guarantees from the Leader of the Council and the Chief Executive that the council would only use a site in the council’s ownership until 31st January 2023? How confident are you that this date will be adhered to?”

3: Are the Gypsy and Traveller Working Group still using a matrix to assess potential sites? If they are not, on what date did they stop using it, and what process are they now using to assess sites?”

Councillor Purdy provided the following responses:

1. The sites assessed were referred to in the report that was considered by the Council at its meeting on 24 November 2022. I don’t intend to repeat them all here. With regard to any places due to be considered as temporary sites, these are not in the ownership of the Council and are subject to commercial negotiation presently and I am advised that I cannot name these in a public meeting at this time. I would hope that this information will be made public when the Gypsy and Traveller Site Provision Working Group submits its next report to Council.

2. The Heights of Abraham did not get personal guarantees either from myself or the Chief Executive. Council agreed to the recommendation from the Gypsy and Traveller Site Provision Working Group that the Matlock Bath Station Yard Car Park should be designated as a temporary site until 31 January 2023. This confirmed an earlier urgent decision which was taken by the Director of Corporate and Customer Services following consultation with the working group, political group leaders from all groups and receiving the necessary consent from the Vice-Chairman of the Council and me as Leader of the Council. As we are now at 26 January and the cross party working group has not yet delivered any further recommendations, I am disappointed to advise that the Council will not be able to require the specific Traveller family to move from Matlock Bath Station Yard Car Park by 31 January 2023. It is imperative that alternative sites are identified and agreed at the earliest opportunity.

3. The matrix used by the Gypsy and Traveller Site Provision Working Group was based on analysis of potential sites against Planning Policy HC6 which specifically relates to the delivery of permanent Traveller sites. The last discussion in relation to the matrix at the

Working Group was on 2 November 2022, however I can confirm that all sites that remain under consideration were previously assessed against Planning Policy HC6. It is a matter for the working group to determine whether they wish to seek advice and analysis from Planning Policy officers in respect of any other sites that may come under consideration.

276/22 - PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16)

The Council considered a motion submitted by Councillor Matt Buckler in accordance with rule of procedure 16.

At the meeting the motion was moved by Councillor Matt Buckler and seconded by Councillor Garry Purdy as follows:

“Derbyshire Dales District Council Nature Recovery Declaration

This council acknowledges that:

1. We are experiencing a nature crisis and the UK Government has recently committed to the COP15 requirements to address this¹. We recognise that with 41 per cent of wild species in decline nationally, and 15 per cent facing extinction:

a) Nature is in long term decline, and the requirement to take action to reverse this is urgent.

b) Nature provides us with vital support systems ('ecosystem services'), and severe declines in biodiversity are undermining nature's productivity and adaptability, posing excessive uncertainty for our economies and wellbeing.

c) A thriving natural environment underpins a healthy, happy, prosperous society.

d) The nature crisis and the climate emergency are intrinsically linked. The impacts of the climate crisis are driving nature's decline, while restoring nature provides a wide variety of cost-effective benefits to mitigate and adapt to the impacts of climate change, such as through reducing the risk of flooding in our towns and villages.

e) Many of our areas of work across the district have an impact on nature, and we have responsibilities to make decisions to protect and enhance it.

To support the recovery of nature across the Derbyshire Dales, this council commits to:

Nature and climate

1. Develop and implement a Derbyshire Dales Nature Recovery Strategy and ensure it underpins all planning, development, and land management decisions, including the Local Plan.

As part of this, the council will:

- a) Develop a Nature Recovery Network map to prioritise sites within the ecological network to provide a strategic base for the creation of a Nature Recovery Network.
- b) Increase space for wildlife and commit to the long-term maintenance and expansion of the Nature Recovery Network.
- c) Use the Nature Recovery Network map to inform the selection of Biodiversity Net Gain projects within the region.
- d) Maintain a commitment to achieve a net-gain to biodiversity across all development, meeting the Environment Act requirement of 10% biodiversity net-gain, ensuring compliance with the most up to date scheme from Defra.
- e) Improve the landscape's resilience to climate change, employing nature-based solutions to mitigate and adapt to the impacts of climate change on the District, including carbon storage and sequestration, managing flood risk, improving water quality, and sustaining vital ecosystems.
- f) After satisfying safety and visibility priorities, and building on the work of our Biodiversity Project, develop greenspace management regimes to maximise potential for biodiversity, carbon storage and sequestration.
- g) Carry out a carbon audit of DDDC countryside and open space sites to establish how carbon storage/sequestration could be improved.
- h) Adopt a peat-free policy for all council contracts and suppliers.
- i) Aim to achieve favourable condition on all council-managed protected and designated nature sites (e.g. SSSIs (Site of Special Scientific Interest), LNRs (Local Nature Reserves), LWSs (Local Wildlife Sites)) by 2030.

People, health, and wellbeing

2. Improve access to nature by following the Natural England 'Nature Nearby' Accessible Natural Greenspace Guidance¹. Regard will be given to:
 - Areas with high levels of physical health problems.
 - Areas with high levels of mental health problems.
 - Areas where the amount and quality of accessible natural greenspace is below Natural England's targets.

Strategic planning and development

3. Embed nature's recovery into all strategic plans, including the Local Plan, and all policy areas, not just those directly related to the environment. Ensure the LNRS is well understood across the authority and complements other relevant plans and strategies.

4. Integrate the targets, objectives, and outcomes of this motion, i.e. the biodiversity strategy and action plan, with those outlined in the Derbyshire Dales Carbon Reduction Plan, to ensure measures to tackle climate issues do not contravene the principles of enhancing biodiversity. Wherever possible, the council will invest in nature-based solutions to climate change to tackle the nature crisis and climate emergency together.
5. Provide training and resources for councillors and council employees about the ecological emergency.

Collaboration, monitoring, and accountability

6. Identify a council employee as the designated lead for coordinating council operations in relation to the ecological emergency.

¹ 'COP15: Nations adopt four Goals, 23 Targets for 2030 in landmark UN biodiversity agreement', UN Convention on Biological Diversity:

<https://www.cbd.int/article/cop15-cbd-press-release-final-19dec2022>

² 'Nature Nearby' Accessible Natural Greenspace Guidance, Natural England: http://www.ukmaburbanforum.co.uk/documents/other/nature_nearby.pdf

The motion was put to the vote and

RESOLVED

That the motion as detailed above be accepted in full with the additional request that a report be brought back to Council as soon as possible detailing the work required.

Voting

28 For

00 Against

01 Abstained

The Chairman declared the motion **CARRIED**.

277/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Jason Atkin, Seconded by Councillor Mark Wakeman and

RESOLVED (unanimously)

That the minutes of a meeting of Council held on 24th November 2022 be approved as a correct record.

The Chairman declared the motion **CARRIED**.

278/22 - APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN OF LICENSING AND APPEALS COMMITTEE

It was proposed by Councillor Garry Purdy and seconded by Councillor Susan Hobson that Councillor Mark Wakeman be nominated as Chair of the Licensing and Appeals Committee and Councillor Stuart Lees be nominated as Vice-Chair.

The nominations were then put to the vote as detailed below and

RESOLVED

That Councillor Mark Wakeman be elected as Chair and Councillor Stuart Lees be elected as Vice-Chair of the Licensing and Appeals Committee.

Voting

26 For
01 Against
02 Abstained

The Chairman declared the motion **CARRIED**.

279/22 - INDEPENDENT REMUNERATION PANEL - APPOINTMENT OF ADDITIONAL MEMBER

The Director of Corporate and Customer Services introduced a report recommending the appointment of an additional person as a member of the Independent Remuneration Panel to review Members' Allowances for a four year period.

The report informed members that section 99 of the Local Government Act 2000 makes provision in relation to allowances for Members of local authorities. Regulations made under this Section require local authorities to establish and maintain a panel to make recommendations about the Scheme.

Following the conclusion of a recruitment process, it was recommended that Mr Barry Mellor be appointed as a member of the Independent Remuneration Panel for a four year period until 30 November 2026. It was noted that Mr Mellor had a strong background in marketing, information technology, communications and commercial strategy at senior director and chief executive level.

It was moved by Councillor Colin Swindell, seconded by Councillor Tom Donnelly and

RESOLVED

1. That Mr Barry Mellor is formally appointed as a member of the Independent Remuneration with a four year term of office ending in November 2026.

Voting

28 For
00 Against
01 Abstention

The Chairman declared the motion **CARRIED**.

280/22 - CORPORATE PLAN 2020-24 - PERFORMANCE 2022/23 AND PRIORITIES 2023/24

The Director of Regeneration and Policy introduced a report advising Members of performance against the Council's Corporate Plan targets during the first six months of 2022/23. The report also set out for Members consideration a proposed set of Corporate Plan priority target areas for 2023/24, which if adopted will enable service planning and budget preparation to take place in good time for March 2023.

The report noted that following extensive public consultation and discussions with Members, the Council's Corporate Plan 2020-2024 was adopted at a meeting of Council on 5th March 2020. It set out the Council's top priorities for the Derbyshire Dales, and is the key strategy from which the District Council's Budget and Service Plans cascade.

It was noted that at the end of the second quarter of 2022/23, 18 of the 26 targets are on track for achievement by the target date set; and 8 of the indicators are at risk of not being achieved by the target date set. It was noted that there are no targets that will not be met, if performance continued at this level.

The Corporate Plan target areas prioritised for the year 2023/24 were as set out in the final column of the Table in Appendix 2 of the report. Members were informed that they were not adopting new Corporate Plan Priorities but choosing which elements of their existing Corporate Plan that they wish to prioritise for activity in the next financial year.

It was moved by Councillor Andrew Shirley, seconded by Councillor David Hughes and

RESOLVED

1. That progress during Quarter 1 and Quarter 2 against the Corporate Plan targets and actions for 2022/23 be noted.
2. That the Corporate Plan priority target areas set out in Appendix 2 to the report be adopted for 2023/24.
3. That a further report be presented to the Council budget meeting in March 2023 with specific targets for each of the priority areas set out in Appendix 2, with the acknowledgement that these may need to be scaled back if the Local Government Finance Settlement for the District Council is poor.
4. The initial steps taken to prepare for a future Corporate Plan post-2024 are noted.

Voting

28 For

01 Against

00 Abstention

The Chairman declared the motion **CARRIED**.

281/22 - LOCAL COUNCIL TAX SUPPORT SCHEME FOR 2023/24

The Director of Resources introduced a report providing information relating to proposed changes to, and sought approval to adopt, the Local Council Tax Support Scheme for the financial year 2023/24.

It was noted that each council is required to determine a Local Council Tax Reduction Scheme for each financial year and that no significant changes were proposed to the scheme to be adopted for 2023/24.

Alongside the 'main' Local Council Tax Support Scheme, the Council also has a Discretionary Hardship Fund to provide further financial support to CTS applicants facing undue financial hardship. It was recommended that the annual budget for the discretionary hardship fund should be increased from £18,000 in 2022/23 to £20,000 for 2023/24.

Alongside the provisional Local Government Finance Settlement on 19th December 2022, the Government announced additional funding for a Council Tax Support Fund for local authorities to support the most vulnerable households in England. This funding will allow councils to deliver additional support to households already receiving council tax support, whilst also providing councils with the resources and flexibility to determine the local approaches to support other vulnerable households in their area. The Government expects local authorities to use the majority of their funding allocations to reduce bills for current working age and pension age Local Council Tax Support (LCTS) claimants by up to £25. Councils can use their remaining allocation as they see fit to support vulnerable households with council tax bills. The report set out proposals for the delivery of the Fund.

It was moved by Councillor Mike Ratcliffe, seconded by Councillor Tom Donnelly and

RESOLVED (Unanimously)

1. That the Council approves and adopts the scheme detailed in the report as the Local Council Tax Reduction Scheme for 2023/24.
2. That £20,000 be set as the budgeted amount for all Discretionary Hardship Fund applications under Schedule 11 of the scheme for 2023/24 (to be reviewed by a further report to Council during the year if it appears that this amount may be insufficient).
3. That the proposed delivery of the Council Tax Support Fund as set out in paragraph 2.15 of the report be approved and endorsed.

The Chairman declared the motion **CARRIED**.

282/22 - REFUGEES AND DISPLACED PEOPLE

The Director of Housing introduced a report detailing how the District Council had supported national requests to take part in various programmes supporting refugees and displaced people. Each programme had a separate set of processes and resources determined by government. The report detailed how the Council had worked with a range of partners to respond to each programme in a proportionate way.

It was also noted how the Council had been consciously balancing the needs of people fleeing their own country with the needs of local people who are also vulnerable and often experiencing homelessness. Members were informed how the latest programme

of support would focus on purchasing existing private sector properties rather than making available current social housing properties.

It was moved by Councillor Robert Archer, seconded by Councillor Peter Slack and

RESOLVED

1. That the Council formally accepts the offer of £2,036,232 under the Local Authority Housing Fund Grant.
2. That the proposed delivery of the Local Authority Housing Fund as detailed within paragraph 3.2 of the report be approved and endorsed.
3. That authority be delegated to the Director of Housing, in consultation with the Director of Resources, to allocate the Local Authority Housing Fund with a report to be submitted to Community and Environment Committee after March 2023.
4. That the Director of Housing be authorised to continue to deliver wider refugee support as part of the UK Resettlement Scheme, where opportunities allow.
5. That the Director of Housing be authorised to deliver the Homes for Ukraine Scheme grant from the Derbyshire County Council and the impending Ukraine Support Grant from the Department for Levelling Up, Housing and Communities.
6. That the approach to working with Derbyshire County Council, East Midlands Councils and (where needed) Serco to provide accommodation under the Asylum Dispersal Scheme be noted.

Voting

26 For

01 Against

02 Abstention

The Chairman declared the motion **CARRIED**.

283/22 - RURAL AREA DESIGNATION

The Policy Manager introduced a report advising Members that those rural parishes outside the main built areas of Matlock, Ashbourne and Wirksworth have been designated as Rural Areas under s157 of the Housing Act 1985. The report recommended that the Council adopted a revision to Policy HC4 in the adopted Derbyshire Dales Local Plan which would reduce the threshold for which the Council could seek to negotiate the provision of affordable housing from ten dwellings or more to five dwellings or more.

It was noted that at a Meeting of Council on 19th January 2022 it was resolved to apply to the Secretary of State for Rural Area designation under s157 of the Housing Act 1985. A formal application was made to the Secretary of State on 13th May 2022. Following consideration of the application a Statutory Instrument was approved and laid before Parliament confirming the designation on 14th November 2022. It was noted in the report that designation came into force on 12th December 2022.

It was moved by Councillor Jason Atkin, seconded by Councillor Mark Salt and

RESOLVED (Unanimously)

1. That Rural Area designation under s17 Housing Act 1985 be noted.
2. That the District Council approve the revisions to Policy HC4 in the adopted Derbyshire Dales Local Plan as set out in Para 2.8 of the report.

The Chairman declared the motion **CARRIED**.

284/22 - DURATION OF MEETING (MOTION TO CONTINUE)

At **8:20pm**, it was moved by Councillor Colin Swindell, seconded by Councillor Steve Flitter and

RESOLVED (Unanimously)

That, in accordance with Rule of Procedure 13, the meeting continue to enable the business on the agenda to be concluded.

The Chairman declared the motion **CARRIED**.

285/22 - REVIEW OF MEMBERS ALLOWANCES SCHEME

The Director of Corporate and Customer Services introduced a report setting out the recommendations of the Independent Remuneration Panel (IRP) in response to a request from the Council to conduct a full review of the Members' Allowance Scheme. The Council must have regard to the recommendations of the Panel when establishing a new Scheme of Allowances.

The Local Authorities (Members' Allowances) (England) Regulations 2003 requires the Council to have a scheme for the payment of Members.

To meet the requirements of the Regulations it was noted that the Council must approve a scheme which provides for the payment of a basic allowance to each member of the authority. The basic allowance must be the same for every member of the authority.

It was moved by Councillor Garry Purdy and seconded by Councillor Tom Donnelly to accept the recommendations as set out in the report with the following addition:

"That implementation of the increases to Basic Allowances and SRAs be deferred until April 2024, to be sensitive to the current economic climate."

The motion was then put to the vote as follows:

10 For
18 Against
01 Abstention

The Chairman declared the motion **FALLEN**.

It was then moved by Councillor Sue Burfoot, seconded by Councillor Colin Swindell and

RESOLVED

1. That the report of the Independent Remuneration Panel be noted.
2. That a new Scheme of Members' allowances be approved in accordance with the recommendations of the Independent Remuneration Panel.
3. That, subject to the approval of recommendation 2, the additional cost of £1,357 be included in the draft budget for 2023/24.

Voting:

16 For

12 Against

01 Abstention

The Chairman declared the motion **CARRIED**.

286/22 - S.85 OF THE LOCAL GOVERNMENT ACT 1972 - VACATION OF OFFICE BY FAILURE TO ATTEND MEETINGS

At 9:05pm, Councillor Graham Elliott left the meeting.

The Director of Corporate and Customer Services introduced a report noting the statutory vacation of office by Councillor Claire Raw after not attending a meeting of the Council or its committees for a period of six months.

It was moved by Councillor Neil Buttle, seconded by Councillor Jason Atkin and

RESOLVED (Unanimously)

1. That the vacation of office under S.85 of the Local Government Act 1972 be noted.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 9.10 pm

Chairman