Minutes

of a meeting of the

Council

held at 7.00 pm on Wednesday 23 October 2013 at the Guildhall, Abingdon



Open to the public, including the press

Present:

Members: Councillor Mike Badcock (Chairman), Eric Batts (Vice-Chairman), John Amys, Marilyn Badcock, Matthew Barber, Julia Bricknell, Yvonne Constance, Roger Cox, Tony de Vere, Charlotte Dickson, St John Dickson, Gervase Duffield, Jason Fiddaman, Debby Hallett, Jeanette Halliday, Jim Halliday, Jenny Hannaby, Anthony Hayward, Dudley Hoddinott, Simon Howell, Bob Johnston, Bill Jones, Mohinder Kainth, Angela Lawrence, Pat Lonergan, Sandy Lovatt, Sue Marchant, Julie Mayhew-Archer, Elizabeth Miles, Gill Morgan, John Morgan, Mike Murray, Jerry Patterson, Helen Pighills, Judy Roberts, Fiona Roper, Robert Sharp, Val Shaw, Janet Shelley, Andrew Skinner, Alison Thomson, Melinda Tilley, Margaret Turner, Reg Waite, Elaine Ware, Catherine Webber, Richard Webber and John Woodford.

Officers: Steve Bishop, David Buckle, Steven Corrigan, Matt Prosser and Margaret Reed

Number of members of the public: 12

Co.26 Apologies for absence

Apologies for absence were submitted on behalf of councillors Ron Mansfield and Aidan Melville.

Co.27 Minutes

RESOLVED: to adopt the minutes of the meeting held on 17 July 2013 as a correct record and agree that the Chairman signs them.

Co.28 Declarations of interest

None.

Co.29 Chairman's announcements

The Chairman thanked those councillors who had hosted a table at the recent awards ceremony and reminded them of his forthcoming annual dinner.

He invited those present to observe a minute's silence in memory of former chairman Ted Perkins.

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Co.30 Statements, petitions and questions from the public relating to matters affecting council.

None.

Co.31 Urgent business

None.

Co.32 Petitions under standing order 13

None.

Co.33 Questions under standing order 12

The Chairman reminded councilors that standing order 12 only allows questions on any matter which the council has powers or duties or which affects the district. He ruled questions 2, 4, 7 and 11, as set out on the agenda out of order because in his view it was not appropriate or helpful to members of the public, councillors to whom the questions are addressed, other councilors or officers if councilors do not make it clear what is being referred to. The questions set out below did not meet these criteria:

- 2. Question from Councillor Catherine Webber to the Cabinet member for economic development, Councillor Elaine Ware
 - "Who knows best Cabinet, Council or Residents?"
- 4. Question from Councillor Dudley Hoddinott to the Cabinet member for economic development, Councillor Elaine Ware
 - "How does the Cabinet member define the word "significant"?"
- 7. Question from Councillor Elizabeth Miles to the Leader of council, Councillor Matthew Barber
 - "Does the ruling administration believe in the idea of "civic pride?"
- 11. Question from Councillor Debby Hallett to Deputy Leader Councillor Roger Cox "Who in the Council has *read* the South Oxfordshire District Council report into the state of their Crowmarsh building?"

The following questions were put.

1. Question from Councillor Debby Hallett to the Cabinet member for environmental health, Councillor Roger Cox

"What are the possible legal exposures or risks to the Vale of failure to take action to reduce air pollution in defined Air Quality Management Areas?"

Councillor Roger Cox responded as follows:

"Local authorities have been given a statutory duty to assess and review air quality under Part VI of the Environment Act 1995. The Act sets national air quality objectives and requires, in two tier areas, that district councils should risk assess and examine likely air quality problem areas - for example, industrial sites or major road junctions.

Once an "exceedence" (the legislative term) of an objective has been identified, the council is required to produce a detailed assessment demonstrating the scale of the Vale of White Horse District Council – Council minutes

air quality problem; this covers both area and severity. Once completed a council is required to declare an Air Quality Management Area (AQMA).

Following the declaration of an AQMA the council has to develop an Air Quality Action Plan setting out the actions necessary to achieve the National objectives. It is then required to submit a progress report every year. All reports are scrutinised by central Government – you will recall this was done in April 2013 and I sent you a copy and officers sent it to opposition members.

If this council fails to act appropriately, it's AQMA and action plans would be scrutinised by Government. Failure to act within a reasonable timescale to known "exceedences" could result in declaration of an AQMA and censure.

However, councils are not legally obliged to <u>achieve</u> the National Air Quality Objectives, but are required to work towards <u>meeting</u> them by drawing up action plans containing measures which could improve local air quality.

The legislation was framed in this way because, in the Government's view, it would be unreasonable to put a legal requirement on district councils to <u>achieve</u> the objectives, as so many of the sources of emissions are outside their direct control. This is particularly the case where the 'exceedence' is due to traffic on a trunk road or motorway, or emissions arising from an industrial process where the responsibility lies with the Highways Agency, and Health and Safety Executive respectively.

Section 83(1) of the Environmental Act 1995: Quote: "Where as a result of an air quality review, it appears that any air quality standard or objectives are not being achieved, or are not likely within the relevant period to be achieved, within the area of the local authority, the local authority shall by order designate as an AQMA any part of its area in which it appears that those standards or objectives are not being achieved, or are not likely to be achieved within the relevant period."

If a local authority fails to discharge its duties under the 1995 Act, the Secretary of State could intervene where he considers that the local authority has not acted and may issue directions to take specific action, the possible scope of which would be spelled out under Section 85 of the Act. Additionally, failure on the part of the local authority to properly discharge its duties may leave it susceptible to action by way of judicial review by any person aggrieved by the council's perceived failure to act".

Councillor Debby Hallett asked the following supplementary question:

"How will the Vale mitigate the anticipated increase in air pollution brought about by the major new shopping centre where West Way and Elms Parade now stand?"

Councillor Roger Cox undertook to provide a copy of the document setting out details of the action plans.

3. Question from Councillor Tony de Vere to the Leader of council, Councillor Matthew Barber

"Does the ruling administration believe in evidence-based policy making?"

Councillor Matthew Barber responded as follows:

"What other sort of policy making is there?"

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Councillor Tony de Vere asked the following supplementary question:

"Could the Cabinet explain why a decision over shared accommodation was taken without evidence of a cost/ benefit analysis of other options such using Old Abbey House?"

Councillor Matthew Barber responded that he was comfortable that all other options had been assessed.

 Question from Councillor Jerry Patterson to the Leader of council, Councillor Matthew Barber

"When the Council unanimously passes a motion, does the ruling administration believe that such a resolution should be binding?"

Councillor Matthew Barber responded as follows:

"We all know the status of a resolution of Council, and that is why I am delighted that the proposal to bring Oxfordshire County Council in to share office accommodation at Abbey House, will save significant sums of public money as well as adhering to the spirit and letter of the motion adopted at last Council that the Vale of White Horse District Council should continue to be based in Abbey House, Abingdon".

Councillor Jerry Patterson asked the following supplementary question:

"Given the resolution unanimously passed at the last Council meeting, namely:

"That when considering sharing accommodation with others, it is this council's will that Vale of White Horse District Council should continue to be based at Abbey House, Abingdon."

How does the ruling administration define the word "based" in this context"?

Councillor Matthew Barber responded that the front office services would continue to be based at Abbey House.

6. Question from Councillor Julie Mayhew-Archer to the Cabinet member for waste services, Councillor Reg Waite

How does the Cabinet member imagine that the lives of Vale district councillors will be affected by the shared accommodation plans?

Councillor Reg Waite responded as follows:

"I am more interested in improving the lives of residents."

Councillor Julie Mayhew-Archer asked the following supplementary question:

"In order to improve the lives of residents many Councillors deal with casework by coming in to see individual officers. This saves councillor time and allows officers to deal with issues more speedily to the benefit of all. Does the cabinet member feel that meeting an officer face-to-face, if the member wishes, is a proper and useful request?"

Councillor Reg Waite agreed to provide a written reply.

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8. From Councillor Helen Pighills to the Cabinet member for economic development, Councillor Elaine Ware

"What effect will the proposed move to Crowmarsh have on Abingdon Town Centre vitality?"

Councillor Elaine Ware responded as follows:

"I am delighted that Councillor Pighills seems to be one of the only members of her Group who has recognised one of the many benefits of the Cabinet's accommodation proposals. It will mean an increase in the number of office workers based in Abingdon Town Centre, and is therefore likely to improve town centre vitality".

Councillor Helen Pighills asked the following supplementary question:

"I note that the Chief Executive recently stated publicly that up to 150 of the 164 staff currently based in Abbey House could move to Crowmarsh, which would leave just 14 based in Abingdon. Would you agree that if a way could be found to retain many more Vale staff in Abingdon, for example by using the soon to be vacant Old Abbey House, would not this would also be a welcome and further boost to Abingdon's vitality"?

Councillor Elaine Ware responded as follows:

"There is a huge contrast to these proposals which rationalise office space, but improve town centre footfall, to the actions of the previous administration that closed offices in both Faringdon and Wantage without any such considerations. These proposals retain Abbey House for both councillors and the public."

9. From Councillor Andrew Skinner to the Cabinet member for economic development, Councillor Elaine Ware

Did the Liberal Democrat request that the Cabinet get on with negotiations over shared accommodation play any part in the speed with which the current deal was arrived at?

Councillor Elaine Ware responded as follows:

"No, the timing of the deal, which can hardly be described as rushed, is largely due to the renewal of the county council's existing lease which facilitates them moving to Abbey House as a tenant of the Vale".

Councillor Andrew Skinner asked the following supplementary question:

"Presumably the decision was the result of a carefully drawn up plan. So why were non-cabinet councillors and the general public not consulted about the proposed staff moves before the report was presented to the Cabinet".

Councillor Elaine Ware responded as follows:

"I am grateful to Councillor Skinner for reminding Council that the leader of the opposition did indeed encourage me to bring forward plans to share office accommodation – however this was at a time when the only viable plan on the table would have been for the Vale to surrender its operations in Abingdon and to move

wholesale to Crowmarsh Gifford, a move which we have rightly rejected and pursued a better alternative".

10. Question from Councillor Pat Lonergan to the Leader of council, Councillor Matthew Barber

Please could the Leader explain how councillors who either do not have a car or who try to minimise car use can get to Crowmarsh?

Councillor Matthew Barber responded as follows:

"I imagine they could ask for a lift – but why one earth would they want to?"

Councillor Pat Lonergan asked the following supplementary question:

"If the idea is that officers will always come to Abbey House when needed, has the cost of this been taken into account when examining the savings of the shared accommodation move"?

Councillor Matthew Barber responded that he was confident savings were on the cautious side.

12. Question from Councillor Bob Johnston to the Leader of council, Councillor Matthew Barber

Does the Leader believe that complex decisions should be informed by a thorough financial analysis examining all possible options?

Councillor Matthew Barber responded as follows:

"I would agree that all reasonable and viable options should be examined".

Councillor Bob Johnston asked the following supplementary question:

"Please could he itemise for me, in writing the expected cost and savings of each option considered by Cabinet members whilst examining the matter of shared accommodation"?

Councillor Matthew Barber responded that all reasonable and viable options had been examined and would be covered at the Scrutiny Committee meeting.

Co.34 Recommendations from Cabinet, individual Cabinet members, and committees

Council considered the following recommendations from Cabinet and the Licensing Acts Committee since the last Council meeting.

(1) Gambling policy

At its meeting on 19 September 2013 the Licensing Acts Committee reviewed the council's gambling policy.

The committee recommended the adoption of the draft joint gambling policy to Cabinet, which, at its meeting on 4 October 2013, recommended its adoption to

Council with an amendment to paragraph 4.10.5 to enforce the limits on the number of gaming machines in betting premises.

RESOLVED: to

- 1. adopt a 'no casino' resolution under section 166 (1) of the Gambling Act 2005 and that paragraph 4.9.3 of the Joint Gambling Policy be amended to read:
 - 'Section 166 of the Act gives the council the power to pass a 'no casino' resolution, meaning that applications for a casino would not be considered. The council has adopted a 'no casino' resolution on the basis that this rural district with country market towns is an inappropriate place for a casino, that casinos are better located in large towns or cities, and the council should also protect the most vulnerable people from gambling in casinos. This resolution is required to be renewed within three years.'
- 2. adopt the proposed Joint Gambling Policy, subject to paragraph 4.10.5 being amended to read:
 - 'The councils may, in accordance with section 181 of the Act, enforce a limit on the number of betting machines...'
- 3. authorise the head of legal and democratic services to make minor editorial changes to the Joint Gambling Policy; and
- 4. authorise the head of legal and democratic services to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006.

(2) Treasury management outturn 2012/13

At its meeting on 4 October 2013, Cabinet considered a report on the outturn performance of the treasury management function for the financial year 2012/13.

RESOLVED: to

- (a) approve the treasury management outturn report 2012/13; and
- (b) approve the actual 2012/13 prudential indicators within the report of the head of finance to Cabinet on 4 October 2013.

Co.35 Community Governance Review - Final Terms of Reference

Council considered the report of the chief executive on draft terms of reference for a community governance review – a review of parish arrangements within the district.

The Chairman reported that although paragraph 11 of the report referred to requests from Faringdon Town Council to extend the town boundary to include potential areas for development to the west of the town and to consider potential warding arrangements these requests were not reflected in the terms of reference appended to the report. With these additions Council was invited to agree the terms of reference.

RESOLVED: to

 approve the terms of reference set out in Appendix A attached to the report of the chief executive to Council on 23 October 2013 for a community governance review of the Vale of White Horse subject to the addition of the above issues; and 2. authorise the chief executive, in consultation with the members of the Community Governance Review Working Group, to add additional items to the terms of reference where appropriate up to the end of November 2013.

Co.36 Review of the council's constitution

Council considered the report of the head of legal and democratic services on proposed changes to the council's constitution.

The Chairman of Council reported that the leader's scheme attached to the report contained incorrect details about cabinet membership. A revised correct version was circulated at the meeting.

RESOLVED: to

- 1. note the Leader's delegations as set out in appendix 1 of the report of the head of legal and democratic services to Council on 23 October 2013;
- note the Leader's delegation to the head of health and housing in respect of the Scrap Metal Dealers Act 2013 as set out in paragraph six of the report of the head of legal and democratic services to Council meeting on 23 October 2013;
- 3. note the Leader's revised scheme of delegation attached to the minute book copy of these minutes;
- 4. agree the revised financial procedure rules attached at appendix three of the report of the head of legal and democratic services to Council meeting on 23 October 2013;
- 5. agree the proposed amendments to officer delegation set out in appendix four of the report of the head of legal and democratic services to Council on 23 October 2013;
- 6. authorise the head of legal and democratic services to make the necessary changes to the council's constitution to reflect the changes set out in the report;
- 7. authorise the head of legal and democratic services to make any minor or consequential amendments to the constitution required for clarification, consistency and compliance with the council's style guide.

Co.37 Virements

None.

Co.38 Report of the Leader of the council

The Leader of council reported that he took a decision on 9 August 2013 to approve consultation on a revised council tax reduction scheme to replace the existing scheme from 1 April 2014. The chairman of the scrutiny committee had agreed that any delay caused by the call-in process would impact on the consultation period.

Co.39 Notices of motion under standing order 11

(1) Motion proposed by Councillor Jim Halliday and seconded by Councillor Yvonne Constance:

"Council welcomes the measures that the Head of Legal and Democratic Services has put in place to ensure that where an undertaking has been given at any meeting of Council and its committees to provide a response in writing to a question from a councillor or a member of the public, a record of the written answer is published as soon as it is available and in the same place as the minutes of the meeting."

RESOLVED:

That Council welcomes the measures that the Head of Legal and Democratic Services has put in place to ensure that where an undertaking has been given at any meeting of Council and its committees to provide a response in writing to a question from a councillor or a member of the public, a record of the written answer is published as soon as it is available and in the same place as the minutes of the meeting.

(2) Motion proposed by Councillor Sandy Lovatt and seconded by Councillor Yvonne Constance:

"This Council welcomes the decision in principle of Cabinet to let part of Abbey House to Oxfordshire County Council, and Citizens Advice Bureau. This move will bring public services closer together in a more convenient location for our residents; will preserve Abingdon as the administrative centre for the Vale; and will save Vale tax payers approximately £200,000 per annum."

A number of councillors did not consider it appropriate for Council to consider this motion on the eve of Scrutiny Committee's consideration of the call in of Cabinet's decision. As such they would abstain from any vote.

Those councillors supporting the motion stated the following:

- Some teams would maintain a significant presence in Abbey House;
- Vale of White Horse District Council would continue to be based in Abingdon from the public point of view;
- The sharing of accommodation with Oxfordshire County Council would enable better joint working with the County Council, provide a more convenient service for customers and save public money;
- The increase in the number of office workers will have a positive impact on Abingdon.

Those councillors opposing the motion stated the following:

- Vale of White Horse District Council should remain based in Abbey House, Abingdon;
- Councillors would have less access to officers based at Crowmarsh Gifford;
- Lack of involvement in the decision making process with non-Cabinet members

In accordance with standing order 29(3), at the request of more than a fifth of councillors present, the chairman asked for a recorded vote. Votes on the amendment were recorded as follows:

For	Against	Abstentions
Councillors:	Councillors:	Councillors:
John Amys	Jeanette Halliday	Julia Bricknell
Marilyn Badcock	Angela Lawrence	Tony de Vere
Mike Badcock	Jerry Patterson	Debby Hallett
Matthew Barber		Jim Halliday

Eric Batts	Jenny Hannaby
Yvonne Constance	Dudley Hodinott
Roger Cox	Bob Johnston
Charlotte Dickson	Pat Lonergan
St John Dickson	Sue Marchant
Gervase Duffield	Julie Mayhew-Archer
Jason Fiddaman	Elizabeth Miles
Anthony Hayward	Helen Pighills
Simon Howell	Judy Roberts
Bill Jones	Val Shaw
Mohinder Kainth	Andrew Skinner
Sandy Lovatt	Catherine Webber
Gill Morgan	Richard Webber
John Morgan	John Woodford
Michael Murray	
Fiona Roper	
Robert Sharp	
Janet Shelley	
Alison Thomson	
Melinda Tilley	
Margaret Turner	
Reg Waite	
Elaine Ware	
Totals:	
27 3	18

The motion was declared carried.

RESOLVED:

THAT Council welcomes the decision in principle of Cabinet to let part of Abbey House to Oxfordshire County Council, and Citizens Advice Bureau. This move will bring public services closer together in a more convenient location for our residents; will preserve Abingdon as the administrative centre for the Vale; and will save Vale tax payers approximately £200,000 per annum.

(3) Motion proposed by Councillor Yvonne Constance and seconded by Councillor Simon Howell:

"Council notes the possibility of submitting the following proposal to the government under the Sustainable Communities Act:

'That the Secretary of State help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets and pay-day loan stores or other uses, or are allowed to be demolished.'

The Council notes that if this power was acquired it would allow the council to determine if pubs should be demolished or converted into other uses and could save many valued community pubs.

The Council resolves to submit the proposal to the government under the Sustainable Communities Act and to work together with Local Works and the Campaign for Real Ale to gain support for the proposal from other councils in the region and across the country."

In supporting the motion a number of councillors noted the ongoing closure of public houses to the detriment of communities and their social life. In rural areas these establishments provided a focal point for the community and often provided the only available community facility.

RESOLVED:

That Council notes the possibility of submitting the following proposal to the government under the Sustainable Communities Act:

'That the Secretary of State help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets and pay-day loan stores or other uses, or are allowed to be demolished.'

The Council notes that if this power was acquired it would allow the council to determine if pubs should be demolished or converted into other uses and could save many valued community pubs.

The Council resolves to submit the proposal to the government under the Sustainable Communities Act and to work together with Local Works and the Campaign for Real Ale to gain support for the proposal from other councils in the region and across the country.

(4) Motion proposed by Councillor Debby Hallett and seconded by Councillor Dudley Hoddinott:

"In view of the universally unpopular proposal for the wholesale redevelopment of the West Way shopping area in Botley, this Council should request the Cabinet to withdraw the option to sell the Vale's West Way property to the developers, Doric."

Those councillors supporting the motion expressed concern that:

- The proposals for the redevelopment of Botley West Way shopping area were overwhelmingly unpopular;
- The proposed development was at odds with the scheme the district council had consulted on:
- Doric had ignored the consultation feedback and had not addressed the public concerns expressed at recent public meetings on the size of the proposed development, car parking and traffic management arrangements, flooding issues and the loss of local shops;
- The proposed development of a multi-story shopping mall comprising high street chain stores and student accommodation were not appropriate for the area.

Mathew Barber, Leader of council, whilst acknowledging the concerns of local residents stated that the original plans had evolved and were not called in for consideration by the Scrutiny Committee. In an effort to find a way forward he suggested that Scrutiny Committee consider this matter at a future meeting including the contractual arrangements and suggestions to improve the scheme.

In light of this offer the mover and seconder of the motion, with the agreement of Council, agreed to withdraw the motion.

(5) Motion proposed by Councillor Tony de Vere and seconded by Councillor Pat Lonergan:

"Council notes the recently issued report "Final report on progress against the Energy Reduction Plan 2008/9 - 2012/13" and that the council's baseline Co2 emissions in 2007 were 5134 tonnes, and that the emissions in 2012/13 were 4270 tonnes, a reduction of 17 per cent on the baseline. Council is also pleased to note that the 5 year capital budget of £200,000 it allocated for energy saving measures, has been so effective: In 2012/13 the annual savings on gas, electricity, and diesel exceeded £139,000. Council therefore 1) congratulates all the staff involved in achieving these significant energy savings, 2) urges the Cabinet to prepare another long-term energy saving plan."

RESOLVED:

That Council notes the recently issued report "Final report on progress against the Energy Reduction Plan 2008/9 - 2012/13" and that the council's baseline Co2 emissions in 2007 were 5134 tonnes, and that the emissions in 2012/13 were 4270 tonnes, a reduction of 17 per cent on the baseline. Council is also pleased to note that the 5 year capital budget of £200,000 it allocated for energy saving measures, has been so effective: In 2012/13 the annual savings on gas, electricity, and diesel exceeded £139,000. Council therefore 1) congratulates all the staff involved in achieving these significant energy savings, 2) urges the Cabinet to prepare another long-term energy saving plan.

(6) Motion proposed by Councillor Jim Halliday and seconded by Councillor Melinda Tilley. In seconding the motion Councillor Melinda Tilley sought an alteration to delete "further" in line five. Councillor Jim Halliday, as mover of the motion and with the consent of council in accordance with standing order 24(4), agreed the alteration.

"This Council believes that "Shared Services" with South Oxfordshire District Council have offered much needed savings to Vale of White Horse District Council, but acknowledges that such moves have produced anxieties of there being a South Oxfordshire District Council "takeover" of Vale of White Horse District Council. The Council now believes that any moves which threaten the independence of Vale of White Horse District Council as a separate district council should be treated with extreme caution, and that there should be a very persuasive case for savings before any further moves towards sharing are contemplated. It therefore urges Cabinet to take this into account when making its decisions, and also to fully involve all members of Council prior to making such decisions."

RESOLVED:

That Council believes that "Shared Services" with South Oxfordshire District Council have offered much needed savings to Vale of White Horse District Council, but acknowledges that such moves have produced anxieties of there being a South Oxfordshire District Council "takeover" of Vale of White Horse District Council. The Council now believes that any moves which threaten the independence of Vale of White Horse District Council as a separate district council should be treated with extreme caution, and that there should be a very persuasive case for savings before any further moves towards sharing are contemplated. It therefore urges Cabinet to take this into account when making its decisions, and also to fully involve all members of Council prior to making such decisions.

(7) Motion proposed by Councillor Julie Mayhew-Archer and seconded by Councillor Richard Webber:

"This Council agrees that its car parking fines are too high. It asks Cabinet to implement a 50 per cent cut in penalty charges as soon as possible."

In supporting the motion councillors expressed the view that whilst the free parking period encouraged people to visit the town centres the fines only served to discourage confused people from returning, that the level of fines did not fit the crime and that the gap between the cost of parking and fines was too large.

Those opposing the motion stated that the level of fines had not increased since 2009 and that the level of fines should be considered at the same time as a review of car park charges.

On receiving an assurance from Councillor Matthew Barber, Leader of council, that Cabinet would consider the issue when setting car park charges the mover and seconder of the motion, with the agreement of Council, withdrew their motion.

Co.40 Exempt information under section 100A(4) of the Local Government Act 1972

None.

The meeting closed at 8.30pm