

Minutes

of a meeting of the

Council



held on Wednesday 12 October 2022 at 7.00 pm
at The Ridgeway, The Beacon, Portway, Wantage, OX12 9BY

Open to the public, including the press

Present:

Councillors: Margaret Crick (Chair), Jerry Avery, Paul Barrow, Ron Batstone, Eric Batts, Nathan Boyd, Cheryl Briggs, Andy Cooke, Andy Crawford, Eric de la Harpe, Amos Duveen, Neil Fawcett, Hayleigh Gascoigne, David Grant, Jenny Hannaby, Simon Howell, Alison Jenner, Bob Johnston, Diana Lugova, Patrick O'Leary, Sally Povolotsky, Judy Roberts, Janet Shelley, Emily Smith, Bethia Thomas, Max Thompson, Elaine Ware, Catherine Webber and Richard Webber

Officers: Ifty Ali, Locum Governance Consultant, Steven Corrigan, Democratic Services Manager and Simon Hewings, Head of Finance & Section 151 Officer

27. Apologies for absence

Apologies for absence were submitted on behalf of Councillors Samantha Bowring, Andy Foulsham, Debby Hallett, Ben Mabbett, Helen Pighills, Mike Pighills, Sarah Medley and Val Shaw.

28. Declarations of interest

None.

29. Minutes

RESOLVED: to approve the minutes of the Council meeting held on 13 July 2022 as a correct record and agree that the Chair sign them as such.

30. Urgent business and chair's announcements

The Chair thanked officers for all their work to help ensure the local arrangements for the national mourning period following the death of Her Majesty The Queen had run to plan and smoothly. The Chair advised that she had represented the council at a service of thanksgiving and remembrance and the Proclamation for King Charles III, both in Oxford.

31. Public participation

No members of the public had registered to address Council.

32. Petitions

None.

33. Treasury outturn 2021/22

Council considered Cabinet's recommendations, made at its meeting on 30 September 2022, on the outturn performance of the treasury management function for the financial year 2021/22. The Joint Audit and Governance Committee and Cabinet had considered the head of finance's report and were satisfied that the treasury activities had been carried out in accordance with the treasury management strategy and policy.

RESOLVED: to

1. approve the treasury management outturn report 2021/22; and
2. approve the actual 2021/22 prudential indicators within the report.

34. Adoption of powers from Oxfordshire County Council under Land Drainage Act

Council considered Cabinet's recommendations, made at its meeting on 30 September, on a request from Oxfordshire County Council (OCC) for the district council to act as an agent of the county council in the discharge of delegated functions for the operation and management of the powers and responsibilities of the lead local flood authority (LLFA) under Sections 19, 23, 24 and 25 of the 1991 Land Drainage Act.

RESOLVED: to approve the adoption of powers under an agency agreement with Oxfordshire County Council.

35. Review of the council's constitution

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

RESOLVED:

1. That Council adopts the following for inclusion in the new joint Constitution with effect from the Annual Meeting of Council in May 2023 or earlier if practicable upon the advice of the Monitoring Officer:
 - a) Part 1 - Summary and Explanation section set out in Appendix B to the report of the head of legal and democratic to the Council meeting on 12 October 2022;
 - b) Part 2 - Articles of the Constitution set out in Appendix C to the report of the head of legal and democratic to the Council meeting on 12 October 2022;
 - c) Part 3 (c) – Committee Functions;
2. That Council adopts the following changes to the joint Constitution with immediate effect:

- a) Replace Part 16 Joint Staff Committee Procedure Rules with the Joint Staff Committee terms of reference and procedure rules set out in Appendix D to the report of the head of legal and democratic to the Council meeting on 12 October 2022;
 - b) Replace Part 22 Officer Employment Procedure Rules with the document set out in Appendix E to the report of the head of legal and democratic to the Council meeting on 12 October 2022;
 - c) Adopt the Officers' Code of Conduct set out in Appendix F to the report of the head of legal and democratic to the Council meeting on 12 October 2022 and insert as Part 35;
 - d) Replace Part 28 - The Protocol on Member and Officer Relations with the document set out in Appendix G to the report of the head of legal and democratic to the Council meeting on 12 October 2022;
 - e) Adopt the Press and Media Protocol set out in Appendix H to the report of the head of legal and democratic to the Council meeting on 12 October 2022 and insert as Part 36;
 - f) An amendment to Part 18p paragraph 1.1(a)(i) in the head of planning's scheme of delegation to read:

“A ward councillor (to include adjacent ward councillor whose parish has been consulted) calls in the application to be considered by the Planning Committee within 28 days of the ~~date of registration of the application~~ start of the consultation period and the request is agreed by the head of planning. This request must be in writing and refer to material planning matters to ensure the audit trail for making that decision is clear and unambiguous. Councillors' right of call-in does not apply to applications for certificates of lawful use or development, prior approvals and notifications.”
 - g) To retain Part 18p paragraph 1.1(c)(i) in the head of planning's scheme of delegation as a mechanism to allow members to request a call-in of an amended planning application; and
3. To authorise the head of legal and democratic to make these changes and any further minor or consequential amendments to the Constitution.

36. Report of the leader of the council

Councillor Emily Smith, Leader of the council, provided an update on a number of issues. The text of her address is available on the council's [website](#).

37. Questions on notice

A. Question from Councillor Amos Duveen to Councillor Helen Pighills, Cabinet member for Health Communities

Thinking ahead about the looming winter crisis, is the council looking into providing warm spaces, so called 'warm banks', for people who cannot afford their energy bills?

And, if so, what options are being considered?

Written answer

We have been working closely with Oxfordshire County Council, who recently announced a series of measures to help residents in need across the county this winter. They include using the counties libraries as warm places and a cost-of-living grant scheme aimed towards meeting the immediate needs of the crisis, developing personalised and specialist support, and promoting a more connected local charitable network.

Specifically, within the Vale of White Horse, we are looking across our own property portfolio to identify additional warm place locations for our residents and are pleased that our town and parish councils are doing the same. Members and officers have also attended a number of cost-of-living clinics across the district, where we offered advice and signposted to available support. We continue to directly offer support and advice to all our residents and businesses through our Community Hub and will continue to map and signpost to support across our district.

B. Question from Councillor David Grant to Councillor Debby Hallett, Cabinet member for Corporate Services and Transformation

With the ending of the sale of new petrol and diesel cars just over seven years away, electric vehicle charging points are now becoming a welcome condition on many planning permissions. At a local new estate, I was disappointed to see developers had installed the bare minimum to meet this condition, using a three-pin socket. Charging a car on these could take up to 20 hours making it impractical to rely on for daily use and preventing residents taking advantage of cheaper electricity rates at night, which the national grid needs them to do to balance electricity demand. These are likely to be ripped out and replaced by anyone who is considering making the switch.

The council has been farsighted enough to install much faster public charging points in our local car parks, but home charging is still the most cost-effective option for residents. Is there anything we can do to insist on a minimum charging speed for new chargers where they are being insisted on as part of the planning conditions?

Written answer

Building Regulations cover the installation of EV charging points on residential property and set a minimum speed of 7KW for EV chargers. Planning conditions must accord with legislation. On 15 June 2022 new regulations became effective, meaning that the example given reflects the position prior to that change. We endeavour to encourage the use of faster chargers through discussions with developers, but of course national legislation limits what we can require. We must continue to make the case to government that their building regulations need to go far further to ensure all new development is high quality and carbon negative.

C. Question from Councillor Bob Johnston to Councillor Neil Fawcett, Cabinet member for Strategic Partnerships

Following the news that the OxPlan 2050 process has come to an end, what will the council do to ensure that our agreed priorities continue to influence planning policy across Oxfordshire?

Written answer

Following the news that the OxPlan 2050 process has come to an end, what will the council do to ensure that our agreed priorities continue to influence planning policy across Oxfordshire?

All the Councils in Oxfordshire have signed up to the Oxfordshire Strategic Vision, and we had hoped that the OxPlan 2050 process would lead to a strategic plan for the whole county that would deliver those objectives.

The Vision sets out a set of clear outcomes we wanted to see by 2050 including:

- Our natural environment will be in a better state than that in which we found it
- We will already be carbon neutral and accelerating towards a carbon negative future
- Our residents will be healthier and happier, and overall wellbeing will have improved
- Our county will be a more equal, fair and inclusive place for everyone
- We will have energy efficient and affordable homes in the right number, location and tenure

We worked hard with the other councils to try and reach agreement on a way forward that would deliver these outcomes. Unfortunately, it became clear that there was no consensus between the councils on how best to approach this.

The Vale remains committed to delivering those outcomes and those in our own Corporate Plan.

Without an Oxfordshire Plan, the role of our Joint Local Plan becomes even more important in delivering these outcomes. It is being prepared in partnership with South Oxfordshire District Council and will set out the scale of growth across the Vale and where housing and other development will be located.

The Future Oxfordshire Partnership met in September and agreed the formation of a new Planning Advisory Group, made up of a member representing each District Council and the County Council. Through this group, the Vale will have an effective role in shaping wider thinking on Oxfordshire's future.

Across all of the previous participants of OxPlan 2050, there exists an ongoing 'duty to cooperate' this was not a function of OxPlan 2050, but of the planning system itself. This 'duty to cooperate' is a legal test that requires cooperation between neighbouring authorities to maximise the effectiveness of policies.

We will work together with other Oxfordshire authorities where sensible, (for example when commissioning evidence to inform our Joint Local Plan). We will also be able to

influence what is going on outside the district by responding to consultations on Local Plans and other policies launched by our neighbours, like the recently launched Oxford City Local Plan. We will support proposals that will deliver the outcomes set out in the Oxfordshire Strategic Vision, the new County Transport Strategy and other relevant policies and will ensure that the interests of Vale residents are upheld throughout.

D. Question from Councillor Ron Batstone to Councillor Emily Smith, Leader of the Council

In July 2021 Council reiterated its commitment to opening Grove station. It asked the leader to write to the Secretary of State for transport to ask for this to be considered as soon as possible.

Can the leader give an update on any response to her letter and the outcome of the bid to the Restoring Your Railways Fund?

Written answer

Thank you for the question on this matter which I know enjoys widespread support from members, local businesses and our residents. I did write to the Secretary of State in August 2021, but I have not had the courtesy of a reply.

I'm sorry to say that the bid promoted by the County Council and sponsored by the local MP to the Restoring Your Railways Fund was unsuccessful. The summary assessment was as follows:

"The proposal presents a strong case for the scheme in the context of expected growth in the area and references previous studies covering costs and feasibility. The scheme has support from a range of stakeholders. Evidence to support benefits narrative could be more detailed, but the scheme carries a significant risk in the form of the feasibility of operating services to stop at the station on an extremely busy critical strategic corridor."

Oxfordshire County council are paying for further feasibility work that will help make the case for investment next time an application for government funding is available.

I spoke to David Johnston MP about the disappointing result of the Restore Your Railways application and asked about alternative government funding sources, but he wasn't aware of any at this time.

The land required for a new station remains safeguarded in our local plan, but the funding for delivery and the logistics around trains stopping at Grove are of course not in this council's direct control. Partnership working and keeping Grove station at the top of the regional and national agenda is key.

E. Question from Councillor Paul Barrow to Councillor Judy Roberts, Cabinet member for development and infrastructure

We continue to have an increasing number of incidents of untreated sewage being discharged into our rivers with all the risks to public health from enteric infections and spread of antibiotic resistance. This was discussed at the Full Council meeting in July 2020. It is a problem for the Environment Agency, but much could be done by Thames Water through improved infrastructure to support new housing development.

I would like to know, first, what is being done to ensure that new housing developments incorporate sufficient sewerage (infrastructure) capacity and that this is associated with improved treatment capacity and, second, can we be assured that for all new housing development surface water is separated from foul water and discharged or treated separately?

Written answer

I am also very concerned about the increasing sewage discharges into our rivers and streams, both in terms of public health and the damage to nature.

All new development requires adequate drainage infrastructure that accords with the Building Regulations, including the appropriate separate systems for foul and surface water. As part of the plan making process, we consult with Thames Water to ensure appropriate capacity can be planned for and linked to our trajectories for the delivery of new housing. In addition, on all applications for major housing development we consult Thames Water and impose planning conditions to co-ordinate housing delivery with the necessary infrastructure. As Thames Water is our statutory consultee in relation to new development, we have to rely on the information they provide when making planning decisions.

Supplementary question and answer

As a supplementary question Councillor Barrow asked whether the council could obtain data on the correlation, or lack of it, between the frequency of discharges, location of new housing development and periods of rainfall to determine what percentage of discharges are the result of changes in weather, possibly resulting from climate change, or the result of inadequate capacity for sewage treatment.

Councillor Roberts responded that officers could consider any measures necessary and appropriate to monitor the issue.

F. Question from Councillor Diana Lugova to Councillor Emily Smith, Leader of the council

As the planning authority, when making decisions about planning applications we must comply with national planning policy and regulations to ensure that development is not harmful to nature and wildlife. I believe our council has ambitions to strengthen local policy to protect and enhance wildlife when planning new development, but I am very worried that recent announcements from the national government about scrapping of environmental laws will make this even harder.

The laws the government have said they would get rid of include the [Habitat Regulations](#) which protect some of our most vulnerable wildlife and green places across England. They also defend our clean water, clean air, and clean rivers.

Would the government's new stated approach mean that our ambitions as a council to strengthen protection and enhancement of wildlife and biodiversity through stronger policies in our emerging Joint Local Plan be undermined?

Written answer

This council is committed to increasing biodiversity in our Corporate Plan. The Oxfordshire Strategic Vision, which we signed up to with the other councils in Oxfordshire, aims to ensure that, by 2050, "Our natural environment will be in a better state than that in which we found it" and that development will "Enhance the historic and natural environment "

My expectation is that our new Joint Local Plan will reflect this ambition.

The previous Secretary of State for Environment, Food and Rural Affairs advised an intention to amend the Habitats Directive, which protects Natura 2000 sites. This would impact on our approach to planning policy in the emerging Joint Local Plan. As a new Secretary of State was appointed on 6 September, we await to fully understand any changes in relation to Habitat Regulations and the impact on our local plans and other local work to protect nature and increase biodiversity.

Like Councillor Lugova, I am growing increasingly worried about a number of statements made by a number of ministers over recent weeks.

I note that a number of well-respected non-political organisations such as the RSPB, National Trust, Wildlife and Countryside Link, and the Wildlife Trusts have taken the unusual step of vocally opposing suggestions by the Truss administration which constitute an 'attack on nature'. I share their concerns about policies such as:

- The removal from the statute books of 570 laws derived from EU directives that make up the bedrock of environmental regulations in the UK, covering sewage pollution, water quality and clean air. These include the habitat regulations, which have protected areas for wildlife for more than 30 years.
- The ending of the moratorium on fracking.
- The creation of 38 low-tax investment zones where environmental protections are to be relaxed to encourage development and reduce local planning powers.
- The scrapping of the post-Brexit environmental land management scheme (Elms), which pays farmers to enhance nature.

Until legislation is passed, and guidance produced it is hard to say if and how changes to Habitat Regulations and other legislation will impact our work locally. In the meantime, we need to continue to ensure our Joint Local Plan reflects this council's commitment to achieving the best possible outcomes for nature as possible.

G. Question from Councillor Elaine Ware to Councillor Sally Povolotsky, Cabinet member for Climate Change and Environment

Across the Vale of White Horse, we now have 62 Electric vehicle chargers in the council car parks, thanks to work at all levels of government. Would the Cabinet Member for Climate Change and Environment please provide the information as to:

1. The total usage of EV Chargers from each car park since installation
2. Loss of income from parking bays now occupied by EV charger installations
3. Income received by the council from the use of the chargers.

Written answer

Thank you for the question, I'm sure all members are as pleased as I am to see the chargers in place across our district, giving opportunities for drivers to transition to more sustainable vehicle types to address the climate crisis. This Innovate funded project is an investment in future transport needs, and an investment in infrastructure ahead of the major vehicle 'power' changes in 2030.

1. In terms of the total usage of EV Chargers from each car park since installation we can advise of the following usage in the period of June to August 2022:

- Wantage Portway - 379 sessions
- Abingdon West St. Helen Street - 373 sessions
- Abingdon Cattle Market - 295 sessions
- Abingdon Audlett Drive – 287 sessions
- Faringdon Southampton Street – 205 sessions

This is a total of 1,539 sessions and a total of 19,377 kWh of energy charged.

2. There is no loss of income from parking bays now occupied by EV charger installations as people who use the bays to charge their electric vehicles pay for their parking ticket charge like all other car park users. Whilst we have lost a few bays from the equipment such as a kiosk or extra wide charging bays, pre-installation data identified that there was sufficient capacity (underutilisation of spaces) in the car parks for this to make no difference to the income.

3. In terms of income received by the council from the use of the chargers, the council has entered into a profit share agreement with the provider EZ Charge, however the point at which profit is generated will depend on take up. At the project inception it was profiled to be in profit within four years, and we have seen a steady increase in take up and kWh charged since the chargers opened for use.

Supplementary question and answer

In response to a supplementary question asking what action could be taken to decrease the charging time for vehicles, Councillor Povolotsky responded that this was a matter for car manufacturers and planning regulations and not within the scope of the council.

38. Motions on notice

Council considered the motions set out in the agenda.

Motion 1. Delayed Waste Services Guidance

Councillor Sally Povolotsky moved, and Councillor Bob Johnston seconded the motion as set out in the agenda at agenda item 12.

After debate and on being put to the vote the motion was agreed.

RESOLVED:

That Council notes that:

1. Under the Environment Bill, there are due to be significant changes in waste and recycling policy, as well as the introduction of a deposit return scheme.

2. It is expected that DEFRA will require the majority of the planned reforms to come into effect from 2025, but the guidance councils need to put this in place has not yet been issued.
3. Our current waste contract runs until 2024. This council, like many others, are unable to commission or plan new waste services in line with the Environment Bill without detailed information about what is expected and how it will be funded.
4. The Local Government Association wrote to the previous environment minister, highlighting growing disquiet within the sector because of the lack of guidance.
5. The Local Authority Recycling Advisory Committee (LARAC) concluded that continuing delays and uncertainty means that investment is not being “unlocked” and local decisions are being stalled.

Therefore, Council resolves to

1. Support the aims in the Environment Bill to reduce waste and encourage reuse as well as recycling.
2. Ask the leader to write to the new environment minister, copied to our two local MPs, to:
 - a. ask for the guidance we need to plan our waste services to be issued urgently.
 - b. express this council’s concern about the risk the current delay creates to local household waste services and our impeccable record as one of the UK’s top district councils for waste recycling.
 - c. back the request made by LARAC that the industry needs at least a year’s advance warning to budget for operational changes, and up to five years to deliver infrastructure changes.

Motion 2. Support for Struggling Local Businesses

Councillor Hayleigh Gascoigne moved, and Councillor Neil Fawcett seconded the motion as set out in the agenda at agenda item 12

After debate and on being put to the vote the motion was agreed.

RESOLVED:

That we are living through a Cost of Living crisis, which is affecting individuals, families and businesses in the Vale and across the UK. This is being driven by food price inflation, up a record 13.1%* and energy price inflation. Small businesses have been particularly affected by rising energy, affecting their viability.

Data published by the Federation of Small Businesses (FSB) shows that nearly 53% of small companies expect to stagnate, downsize or fold in the next year. Many were taken to the brink of collapse during the pandemic and desperately need a period of stability and prosperity to recover. Businesses such as restaurants and pubs, which experienced greater challenges during the pandemic, now face even greater problems.

Even with the Government price cap support, energy prices will be double what they were last year for domestic users and for businesses, the cap only lasts for six months. The capped electricity costs 30% higher than 2021 for small businesses, and gas prices are 147% higher.

People will have less disposable income to support our local businesses during this crisis and the many businesses that were taken near to collapse during the pandemic

desperately need a period of stability and prosperity to flourish. The short-term energy price cap will not provide this.

During the covid-19 pandemic, this council processed and gave out £37.2 million of covid grants to help businesses in our district. We also offered advice and networking opportunities through services such as 'South and Vale business support'.

Council therefore resolves to:

1. Request that the Leader write to the relevant minister(s) asking them to:
 - a) reconsider the short length of the business energy cap period and to look at additional ways to provide direct support to specific business sectors such as pubs and restaurants.
 - b) accelerate and provide further renewable energy grants to enable businesses to more affordably transition to non-fossil fuel derived energy sources. This will help to mitigate this crisis and reduce exposure to similar crises in the future.
2. Aim to process any available support grants in the fairest and quickest way in line with Government guidance and due diligence. Using the experience gained during the covid pandemic, enable the council to seek to get them to where they are needed most.
3. Continue to provide advice and support to help local businesses through South and Vale Business Support, building on the lessons learned through our covid support programme.
4. Request the Chief Executive to consider instructing officer to bid for grants that become available to district councils to support local businesses to generate energy sustainably, making them less reliant on the rising costs of natural gas and electricity.
5. Continue to work positively with the Future Oxfordshire Partnership and Oxfordshire Local Enterprise Partnership (OxLEP) to ensure that the current needs of SMEs and rural businesses across the Vale are understood and considered when developing OxLEP programmes.

*as of the latest available figures in August 2022

Motion 3. Fracking

With the agreement of Council, Councillor Nathan Boyd moved, and Councillor Andy Cooke seconded revised wording to the motion set out in the agenda with deleted words shown by a double strikethrough and additional words shown in bold below:

"This Council welcomes the government's intention to tackle energy insecurity given the current energy costs crisis and supports **all** efforts to introduce new environmentally friendly power generation including wind, solar and other green energy solutions **to combat the climate emergency**. However, this council is concerned at the suggestion of the potential for fracking in **and around** the Vale of White Horse and its impact of residents.

No viable deposits of shale gas have been identified in the area in or around Vale of White Horse, but even if one were to be identified, the potential introduction of fracking into the Vale would have a number of detrimental implications for the local area, which include:

- 1) The introduction and effect of heavy vehicle movements on our roads.
- 2) The seismic risks caused by fracking especially considering the uncertainty about steps to predict and reduce its impact

- 3) The potential impact upon our rivers and protected streams
- 4) The hugely detrimental potential effect on our Areas of Outstanding Natural Beauty

~~This government has said it would allow fracking in areas with local consent. If the Government decided to allow any exploration and extraction of shale gas within the district, This council would require the strictest of safeguards in relation to any potential site in the Vale.~~
This government has said it would allow fracking in areas with local consent. This council would resist any exploration of fracking in the Vale of White Horse district.

Our residents will be naturally concerned at the implications of fracking therefore this council believes that residents' consent to any potential site is critical and that Government should take account of the views of residents – which should be at the forefront - when considering any application.

With the evidence available, this council ~~does not believe that fracking is a good alternative energy option~~
believes that fracking is an unacceptable alternative energy source for the Vale of White Horse.

Fracking is inconsistent with this council's corporate plan objectives and in a climate emergency and current cost of living crisis, the focus should be on boosting the production and infrastructure for renewable energy and distribution for the future so everyone can afford green, sustainable energy.

Council therefore resolves to ask the leader of the council to write to the appropriate Government minister to make the council's position on fracking clear and to ~~suggest that the method of local approval should not only be through~~
ask for confirmation that no fracking sites will be allowed without district council approval. On top of this, the minister should also consider requiring but also by a referendum of local residents to be carried out at the cost of the energy company”.

After debate and on being put to the vote the motion was agreed.

RESOLVED:

That This Council welcomes the government's intention to tackle energy insecurity given the current energy costs crisis and supports all efforts to introduce new environmentally friendly power generation including wind, solar and other green energy solutions to combat the climate emergency. However, this council is concerned at the suggestion of the potential for fracking in and around the Vale of White Horse and its impact of residents.

No viable deposits of shale gas have been identified in the area in or around Vale of White Horse, but even if one were to be identified, the potential introduction of fracking into the Vale would have a number of detrimental implications for the local area, which include:

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This government has said it would allow fracking in areas with local consent. This council would resist any exploration of fracking in the Vale of White Horse district.

Our residents will be naturally concerned at the implications of fracking therefore this council believes that residents' consent to any potential site is critical and that Government should take account of the views of residents – which should be at the forefront - when considering any application.

With the evidence available, this council believes that fracking is an unacceptable alternative energy source for the Vale of White Horse.

Fracking is inconsistent with this council's corporate plan objectives and in a climate emergency and current cost of living crisis, the focus should be on boosting the production and infrastructure for renewable energy and distribution for the future so everyone can afford green, sustainable energy.

Council therefore resolves to ask the leader of the council to write to the appropriate Government minister to make the council's position on fracking clear and to ask for confirmation that no fracking sites will be allowed without district council approval. On top of this, the minister should also consider requiring a referendum of local residents to be carried out at the cost of the energy company.

The meeting closed at 8.10pm

Chair:

Date: