

**Minutes of the Meeting of the Council held at the
Town Hall Chapel Road Worthing**

15 April 2014

6.00pm

The Mayor, Councillor Bob Smytherman
The Deputy Mayor, Councillor Vic Walker

Councillor Noel Atkins	Councillor Mark Nolan
Councillor Roy Barraclough	*Councillor Roger Oakley
Councillor Keith Bickers	*Councillor David Potter
*Councillor Joan Bradley	Councillor Alan Rice
Councillor Christine Brown	Councillor Clive Roberts
*Councillor David Chapman	*Councillor John Rogers
*Councillor Michael Cloake	Councillor Elizabeth Sparkes
Councillor Michael Donin	Councillor Keith Sunderland
Councillor Trevor England	Councillor Victoria Taylor
Councillor Graham Fabes	Councillor Hazel Thorpe
Councillor Norah Fisher	Councillor Bryan Turner
Councillor Paul High	Councillor Val Turner
Councillor Paul Howard	Councillor Vicki Vaughan
Councillor Daniel Humphreys	Councillor Vino Vinojan
Councillor Charles James	Councillor Nicky Waight
Councillor Diane Jones	Councillor Paul Yallop
Councillor Mary Lermite	
*Councillor Carol Molineaux	1 vacancy

*=absent

Councillor Barraclough arrived at 7.10pm during the item 'Leaders Report'.

Councillor Fabes left the meeting at 7.57pm at the commencement of the item 'use of urgency powers'.

C/062/13-14 Apologies for Absence

Apologies for absence were received from Councillors Rogers, Chapman, Potter, Cloake, Mrs Molineaux and Mrs Bradley.

C/063/13-14 Local Government Act 1972 – Casual Vacancy

Council noted that there was a vacancy in the office of Councillor for the Marine ward due to the resignation of Tom Wye, the election for the vacancy was due to be held on 22 May 2014.

C/064/13-14 Declarations of Interest

The Mayor invited Members and Officers to declare any interests they may have in matters on the agenda. None were declared.

C/065/13-14 Petitions

The Mayor invited any petitioners to come forward. No petitions were submitted.

C/066/13-14 Public Question Time

The Mayor invited any members of the public present to address Council.

Mr Webster of CAMRA asked a question on administering Assets of Community Value particularly sections 5, 6 and 8 of the procedure. Mr Webster mentioned that the process for The Vine had commenced in September 2013 and for The Dolphin in January 2014, both public houses. Mr Webster felt that the time allowed for the owner of the properties to respond was too long suggesting that a shorter time would be more appropriate. Mr Webster urged the Council to look into the current outstanding applications and also to review the current procedure.

The Cabinet Member for Regeneration responded to Mr Webster indicating that the new procedure was taking time to settle down with all parties. In the two cases mentioned more evidence had been required, he expected that decisions would be taken the following week when he would be meeting the Executive Head.

Mrs Miles of Chester Avenue Lancing asked a two fold question, that the Council support Corporate Health and Safety requirements in its duties to employees and the community alike for the compulsory introduction of safety helmets; also that councillors and officers sign her petition in their personal capacity for the introduction of protective safety helmets for loaders working at any height. Mrs Miles explained that she was campaigned for compulsory safety helmets since her husband's accident at Gatwick Airport which had led to his death.

The Leader extended his condolences to Mrs Miles indicating he would consider how the Council could respond to her plea and indicated that he would speak to her at the end of the Council meeting.

Mr Shepherd of Durrington asked a question on live streaming of the Council meetings referring to Eric Pickles' publicity on open government.

The Leader responded commenting that the Council meetings were sound recorded and published to the website; his concern was that recently a neighbouring council had been criticised for spending £2K per meeting on such broadcasting. Looking to the future the Leader felt that this was an opportunity for public engagement and working in partnership, he welcomed public comments and views on the public working with the Council to achieve a joint outcome.

Mr Bardsley of Chapel Road Worthing asked the Mental Health Champion, currently the Leader, what the current community engagement plans were for how the Council was engaging in the community including funding of schemes, events and activities.

The Leader responded that both the Council and County Council had responsibilities and duties for public health. He would gather details of the current activities and respond to Mr Bardsley direct.

Mr McKinney of Browning Road Worthing asked a question on the extension to Heene Road School which had the backing of Councillor Cloake.

The Leader indicated that this was a County Council matter and would defer the question to the Chair of the County Local Committee, Councillor High.

Councillor High indicated that there were ongoing negotiations with various interested parties to gain the additional land required for the expansion to the School.

Mr Wye of Worthing asked Council if the gagging order betrayed them and local government accountability and also that the residents of Worthing were not allowed to know how big or how small the cost of the NCP v Worthing Borough Council debacle was to them as tax payers.

The Leader responded that he was keen on the Council being open and transparent and he supported the Government's direction on such matters. He was not pleased that he was unable to speak due to the confidentiality clause but that taxpayers had been served as the actions taken had served to keep costs to a minimum. He was disappointed that he could not make comments in the public domain however on matter in the public domain he referred to the minutes of a meeting of 14 May 2013 which asked that the CEO look at disciplinary action; mindful that the Council had to follow due process in employment matters. There would be opportunities in due course, for example when the accounts were audited, for openness and transparency in the forthcoming months.

Mr Wye asked Councillors if they felt they had been kept in the dark about what had occurred, referring to white papers which indicated a cost to the Council of a sum around £266K to £900K. Mr Wye outlined the steps he had taken in his complaint to the Police regarding illegal activities.

The Leader indicated that Members had been kept in the dark when it had come to light in April 2011 members had not been made aware of the details until December 2012. Looking back the Leader wondered if the Council not proceeded with bringing the car parking service in house and a new had been contract entered into with NCP, if the matter would ever have come to light. The Leader indicated that he expected that on the Audit of the Accounts, comments would be made by the Auditors.

C/067/13-14 Minutes

Resolved that the minutes of the meeting of the Council held on 18 February 2014 be approved as a correct record and may be signed by the Mayor.

C/068/13-14 Mayor's Announcements

The Mayor announced that he wished to congratulate some special people. These were people volunteering in the community for a variety of amazing charities and community groups. These were the Community Angels which had been selected from a 'Vote for your Community Angels' process. There were three categories which he was going to present awards that evening; Volunteer of the Year, Community Group of the Year and Most Inspiring Volunteer of the Year. He would be awarding a Winner and Highly Commended in each category; there were some lovely trophies and certificates to give out with each winner also getting a goodie bag.

The first award went to Young Volunteer of the Year, Liam Mills for his work with Worthing Kids and Dapper Snapper, where he ran their Youth Club. Liam came forward to receive his trophy.

The Mayor then asked Mia Harman to come forward for her Highly Commended award in this category; she spent most of her time helping Baby Buddy and also helping her mum and her young brother, who has additional needs.

Mia Harman came forward and was presented with her certificate from the Mayor.

The Mayor then announced the next category was for Community Group of the Year, which was the Friends of Caer Gwent, who spent their time raising money for the Caer Gwent Care Home. In the Commended category, Worthing Kids and Dapper Snapper were Highly Commended for their work in providing support and activities for young people with disabilities and additional needs in the Worthing area.

Representatives of both groups came forward to receive their award from the Mayor.

The Most Inspiring Volunteer of the Year was asked to come forward and this was George Smewing, who had been playing his accordion in the Worthing Town Centre, raising money for Chestnut Tree House since 2010.

In the Highly Commended category for this award, the Most Inspiring Volunteer goes to two people who were jointly nominated for their work running the Northbrook project in Durrington, Linda Lewis and Sue Ward. They came forward to receive their recognition from the Mayor.

The Mayor invited all those in the Council Chamber to show their appreciation with a round of applause for the worthy winners.

The Mayor mentioned those Councillors not seeking re-election, particularly former Mayor, Councillor Brown where he commended her service to the Council and her community work. He also mentioned Councillor Chapman and Councillor Molineaux. The Mayor wished all those retiring his best wishes for the future and for those seeking re-election, good luck and looked forward to seeing them back in the Council Chamber in June for Mayor making.

Councillor Rice addressed Council on those retiring from the Council, namely Councillors Brown and Chapman, in addressing the Council he also said farewell as he was moving on to other things.

The Mayor announced the success of the Charity Swim and thanked those Councillors who had supported the event; he invited those Councillors to the presentation evening on Friday 9th May at 4.30 at the Town Hall. He mentioned Trudie Starling who had worked tirelessly to make the event a success over the years. Ms Starling was standing down however Mr Lelliot and the Worthing Town Football Club had indicated their willingness to organise the event in the future.

The Mayor announced that his Gala Night on 26 April was sold out with his final fund raising event being on 18 May at 5pm at the Connaught Theatre for an evening of event on the theme of 'Don't stop me now'.

C/069/13-14 Urgent Items

The Mayor announced that there were no urgent items.

C/070/13-14 Recommendations from the Executive and Council Committees

The Mayor announced that the Council would now consider recommendations to it from various Committees. Details of the recommendations had been circulated with the agenda as items 9A, 9B, 9C and 9D. These had been placed on the website and are attached to the signed copy of these minutes as the items indicated.

(A) Joint Strategic Committee - 5 March 2014 - 3rd Capital Revenue and Performance Monitoring 2013/14

The Leader introduced the item on pages 6 and 7 of the agenda. The Leader's proposal was seconded by Councillor Lermite.

Resolved that the amendment to the 2013/14 Capital Investment Programme to include the replacement of the boilers at Commerce Way funded from the underspends in the Capital Investment Programme, as advised in the report to the Joint Strategic Committee, be approved.

(B) Joint Strategic Committee - 1 April 2014

Sussex Energy Saving Partnership

The Leader introduced the item which had been circulated separately from the agenda as a replacement page Item 8. The Leader's proposal was seconded by Councillor Mrs Turner.

Resolved that Council agrees in principle to becoming a strategic partner in a Sussex Energy Saving Partnership (SESP) subject to the content of the proposed agreement.

Coastal Communities Fund - Bids for Colonnade House

The Leader introduced the recommendation from the Joint Strategic Committee the item had been circulated separately from the agenda as a replacement page Item 9. The Leader's proposal was seconded by Councillor Turner.

Resolved that funding for the survey work costing up to £20,000 from the Capacity Issues Reserve be approved.

(C) Joint Overview and Scrutiny Committee 13 March 2014 - Annual Work Programme

Before Council was an extract from the minutes on page 10, copies of which had been circulated to all members.

The Joint Vice-Chairman of the Committee, Councillor Vinojan, presented the item to the Council; it was seconded by Councillor Bickers.

Resolved that Council endorse the Joint Overview and Scrutiny work programme for 2014/15.

(D) Joint Governance and Audit Committee – 20 March 2014

Revision of Financial Regulations

Before Council was an extract from the minutes on pages 11 and 12.

The Joint Chairman of the Committee, Councillor Atkins, presented the item to Council. It was seconded by Councillor Sparkes.

Resolved that Council approves the revised Financial Regulations.

Chalk pit Charity Appointments

Before Council was an extract of the minutes on page 13.

The Joint Chairman of the Committee, Councillor Atkins, presented the item to Council. It was seconded by Councillor Sparkes.

Resolved that Council

- (i) appoints Sarah Gobey and Joseph Saville as signatories for the Charity's bank accounts;
- (ii) appoints Sarah Gobey and Joseph Saville as signatories for the CCLA account; and
- (iii) appoints Sarah Gobey to be the authorised correspondent with CCLA.

C/071/13-14 Committee Resolutions

The Council had before it the opportunity to ask questions on the minutes of the following Committee meetings; Planning of 12 February and 12 March; Joint Strategic Committee of 15 March and 1 April; Joint Senior Staff of 7 February and 20/21 March; Joint Overview and Scrutiny Committee of 13 March and Joint Governance and Audit Committee of 20 March.

The Cabinet Member for Customer Services was asked a question on minute JSC/112/13-14 relating to the Churches Homeless Project. Councillor Lermite indicated that she had voted for the matter at the Committee.

C/072/13-14 Leaders Report on Decisions Taken by the Executive

The Leader's report on decisions taken by the Executive since the last Council meeting was received by Council as Item 11. A copy is attached to the signed copy of these minutes.

There being no questions to the Leader on his report, the Mayor invited Members to question the Cabinet.

The Cabinet Member for the Environment was asked about an answer expected by Mr Clark in relation to Japanese Knot weed. The Cabinet Member indicated that he

had seen a detailed response from the Parks and Foreshore Manager to Mr Clark he undertook to check when it was sent.

The Leader was asked to respond to a comment on the spaces outside the Town Hall for free car parking for speedy visits to the Town Hall that seemed to be used for car parking. The Leader indicated that he was not aware of the free car parking spaces under the terms indicated by the questioner, the ones he was thinking of in his response were those used by the council officers under the green travel arrangement for the temporary change over of drivers. The Leader took the opportunity to promote the current car parking initiative.

The Cabinet Member for Resources was asked the amount of the current balance of the special and other emergency account to which he responded it was £204,080.

Comment was made on the recent initiative by 'Sunny Worthing' for a beach clean up.

The Cabinet Member for the Environment was asked about the current whereabouts of the signs to cyclists to dismount near the Beach Huts on the cycle path on Splashpoint/Coastal Café. The Cabinet Member responded with his own frustration that cyclists were ignoring advisory signs and speeding long the path.

The Cabinet Member for Customer Services was asked about proving floral arrangements outside the Assembly Hall and Theatre venues; the Cabinet Member for the Environment indicated that he would ask the Parks and Foreshore Manager to investigate possible improvements in the locations indicated.

C/073/13-14 Pay Policy Statement

The Council had before it a report from the Executive Head of Corporate & Cultural Services on the statutory document Pay Policy Statement 2014/15 which was a requirement under Section 38(1) of the Localism Act 2011. The statement would be updated on an annual basis and a copy had been circulated to all Members and is attached to the signed copy of these minutes as Item 12.

The recommendations in the report were proposed by the Leader, seconded by Councillor Roberts.

Resolved that the Pay Policy Statement 2014/15 set out in Appendix 1 to the report before Council be approved.

C/074/13-14 South Downs National Park

The Council had before it a report from the Executive Head of Planning, Regeneration and Wellbeing, which sought authority to enter into an Agency Agreement with the South Downs National Authority (SDNPA) under Section 101 of the Local Government Act 1972 to enable Worthing Borough Council to continue to determine planning applications on behalf of the Park Authority. The current agreement and scheme of delegation expired on 30 March 2014. Details of the scheme of delegation had been provided to Members and a copy is attached to the signed copy of these minutes as Item 13.

Disquiet was voiced on the potential cost to the Council should members of the planning committee not support the officer recommendations, noting that Arun had withdrawn from the agreement.

The Leader indicated that the potential was quite small with about 20 applications each year mostly being in Adur District; it was unusual for costs to be awarded on appeal unless the Council had acted 'unreasonably'.

It was commented that the planning committee was well advised by officers with applications being determined on merit.

The recommendation was proposed by Councillor Turner, seconded by Councillor Bickers and on a vote there were 25 For and 1 Against.

Resolved that the Council

- (i) agreed to enter into the Section 101 Agency Agreement for a further three year period;
- (ii) agreed to enter into the Service Level Agreement for the provision of a Development Management Scheme on behalf of the SDNP.

C/075/13-14 Questions under Standing Order 2.6

Councillor Keith Sunderland addressed the following question to the Cabinet Member for Regeneration:

You are probably aware that Jubilee Church were refused planning permission to use an industrial building in Dominion Way as change of use from Industrial to D1 use was considered unacceptable.

You might not be aware that when refusing the Church's appeal the inspector commented on the lack of reference to Churches in the Core planning strategy and suggested that this omission should be rectified.

You might recall that on the 13th March 2012 the joint planning committee agreed to review the Infrastructure Delivery Plan to take account of the needs of non conformist Churches.

You might be surprised (or not?) to hear that over two years later no action has been taken to carry out this review.

You are undoubtedly aware that in the intervening time Northbrook College have successfully applied to reduce their existing D1 use and change it to housing and car showrooms and that they have recently submitted an application for further reductions.

You might (or not) share my puzzlement that it's OK to lose D1 space when there are unmet D1 needs.

You might be told that Jubilee Church have been offered an alternative site for a church. What you might not been told is that the site proposed is the Paine Mainwaring building in Broadwater, adjacent to both Broadwater Parish Church and Hosanna Church, that there is inadequate parking for all three churches so close together and in any event the vendors are unwilling to sell.

The Cabinet Member responded that he had seen the email from Mr Davis and would be discussing it at the Member Briefing with the planning policy team in the following week. There were conflicting priorities in balancing the Review of the Core Strategy and work on the Community Infrastructure Levy (CIL) amongst other pressures. Any change of use, including loss of D1 space was presented to the Planning Committee for determination on its individual merit. The Economic Development Team had actively sought to help groups find properties for their needs.

On a supplementary, Councillor Sunderland explained that the Group needed more than facilities to worship on Sundays, accommodation was need for its community work and events programmes.

The Cabinet Member responded that in considering planning applications due regard had to be given to the balance of the application and National Planning Framework along with the proposal for discussion.

Councillor Alan Rice asked the following question of the Cabinet Member for the Environment:

(1) Please can the Cabinet Member give the Council an early indication of how the trial period of £1 per hour for parking in the Multi-Storey car parks is going?

(2) What is the increase over the numbers parked there at this time last year and in the first three months of this year?

(3) How is the £25,000 cost of publicity reflected in the car parks budget?

(4) Are the Worthing Herald free vouchers included in the £25,000 and if not how are these reflected?

The Cabinet Member responded that on 15 days into the promotion it was early to give a fair comparison especially with Easter being later in the year; the car parks were being well used. The budget was 0.1% of the anticipated turnover provided from a virement from the sport and leisure budgets. The voucher scheme worked by enabling drivers to only pay £2 of the £4 charge therefore the money was not in the account.

C/076/13-14 Notices of Motion

(A) Community Pubs

Details of the Notice of Motion received by the Proper Officer had been circulated to all Members as Item 15(A).

The Mayor agreed with the advice of the Proper Officer that under SO 2.9.9 the content of the Notice of Motion was an executive matter therefore should be referred to the Joint Strategic Committee.

Following the proposal and seconding of the Motion, the Notice of Motion was referred to the Joint Strategic Committee for consideration.

The Mayor informed Council that next meeting of that Committee was due on 6 May 2014.

(B) Sussex Day

Details of the Notice of Motion had been received by the Council were circulated to Councillors as Item 15(B).

The Mayor agreed with the advice of the Proper Officer that under SO2.9.9 the first part of the Motion could be considered by Council whilst the second part was to commit the Council to be involved with other Councils in the development of a comprehensive Sussex-wide programme of events which was an executive function and needed to be referred to the Leader.

Councillor Thorpe proposed the Motion suggesting that supporting Sussex Day would give community identity and positively encourage cultural experiences. Councillor Donin, in seconding the motion, congratulated Councillor Yallop for progressing the Event Co-ordinator post which was currently being advertised which would contribute to the proposal. Whilst understanding the cost implications he suggested that the WSCC contribution would enable the programme of events to take place. He urged support in principle.

The Leader indicated that the proposal had been before Eastbourne Borough Council to encourage East Sussex County Council to support Sussex Day, West Sussex County Council on the other hand did support the Day with details on the Web, last year the Council had supported Sussex Day, he together with Mr Wye being part of the committee delivering Party on the Prom. The application for funds to the County Council had been turned down for that event with the Council's own small events grant being used instead. The Sussex flag regularly flew on Sussex Day, it being a donation from a local resident.

The Leader supported the two County Council's working together on Sussex Day.

On a vote of 26 For and 0 Against the Council

Resolved that

- (1) this Council officially recognises Sussex Day on 16th June 2014 and in subsequent years and publicising Sussex Day on its websites and via social media.
- (2) the following be referred to the Leader for consideration:

'That this council calls upon West Sussex County Council to work with East Sussex County Council and Brighton & Hove City Council, in collaboration with all boroughs and districts across Sussex, to develop a comprehensive Sussex-wide programme of events, in which Worthing Borough Council will participate.'

C/077/13-14 Confirmation of Urgent Action Requiring Use of Reserves for Dispute Resolution

Before Council was a report from the Chief Executive, copies of which had been circulated to all Members as Item 16.

The report outlined the action taken by the Chief Executive in settlement of a dispute with National Car Parks Limited (NCP); the report sought the noting by Council of the action of the Chief Executive in settling the dispute and authorisation of the use of the special and other emergency reserve to fund the settlement figure. Also before Council was a Part 2 document which was exempt and Confidential by Order of the High Court relating to this subject. This second document had been circulated to Members of the Council only.

The Mayor indicated to those present that should there need to be a discussion on the matters on the 'pink papers', the exempt and or confidential information, then the Council would have to go into closed session.

The Mayor invited the Chief Executive to make a statement to Council, to which Mr Bailey referred to his paper at item 16, the white papers.

In dealing with position the Council found itself in February this year, the Chief Executive explained that it was necessary to go back to 2009 when following discussions the Cabinet authorised Officers to negotiate with NCP on a trial to promote the development of the Town Centre economy. The proposal was based on a time limited trial, (12 months) to discount parking charges in certain multi story car parks with a limit on the income shortfall and a report back to the Cabinet 6 months from the implementation date of the new tariff. The pink papers before Council dealt with matters up to February 2014 when the Council found itself days away from a High Court Trial.

As Chief Executive, using his urgency powers in the best interests of the Council he negotiated a settlement with NCP which was finally signed on 21 February, and endorsed by the high Court Judge under a Tomlin Order the settlement sought to reduce the Council's financial liability in the legal proceedings. The papers before Council explained the use of the urgency powers and notified Council of their use, fuller details were in the report at Part 2.

Turning to paragraph 6 and the lessons learned the Chief Executive identified severe shortcomings in the way Council Officers dealt with the variation agreement and the matter thereafter for which he issued an unreserved apology. He stated he had seen no evidence of irregularity but if anyone had such evidence they were asked to pass it to himself, the Chief Finance Officer or the Monitoring Officer.

An audit review had been commissioned by the previous Chief Executive in December 2012 that had delivered a number of recommendations for improvement. He would be seeking a follow up Audit review in September to ensure that the recommendations had been properly implemented.

On being questioned by members of the Council the question of accountability was raised. The Chief Executive indicated that he would only be able to respond fully to those questions in any Part 2, pink paper discussion.

The Chief Executive was challenged on the use of his urgency powers in the Constitution as an officer to settle the proceedings whereas elected councillors had been given the mandate of accountability in the constitution by residents. One member thought it did not feel right that as elected members they were bound by a decision of officers.

The Chief Executive explained that there were certain urgency situations that required an immediate response which prevented the coming together of the relevant democratic body; although on this occasion he had sought the opinion of members across the chamber.

On a question the Executive Head of Corporate and Cultural Services confirmed that the legislation provided for Council to give power to officers and Council could revoke these powers. There were some statutory powers that rested with the officers. In practical terms, if this revocation was exercised, the Council could grind to a halt therefore due consideration of consequences was necessary.

There was support in the Chamber for the principle of the use of urgency power, especially in negation situations when laborious reporting processes could lose the Council an opportunity.

The Chief Executive was asked if he had been aware of the lack of support for a 'gagging order'. The Chief Executive explained that he was aware of some disquiet about a confidentiality clause but that this was one part of the negotiation process which he could not explain further in public session. Given the same situation with the damaging financial prospect to the Council taxpayer he would make the same decision as he believed it was right for the taxpayer and right for the Council.

The Chief Executive was asked to comment that if officers felt in this case they were confident of the technical and legal position did this also mean that that with the political ramifications they were better placed than elected members to exercise political judgement. In response the Chief Executive explained that he was mindful of the political aspects to the case however there were a range of issues, mentioned in the pink papers, of which he had to balance and take account – including economic cost and the lead time to the termination of the Contract at the end of March with a smooth transfer for the service to be up and running in house from 1st April.

A question was asked on the officers understanding the ramifications of their decisions, in responding it was explained that officers made many decisions each day within the policy framework set by Council, sometimes in consultation with members.

A point was made about officers and members gaining public trust for decisions taken.

In addressing the Council to propose the recommendations in the report the Leader welcomed the future review at both Joint Overview and Scrutiny and Joint Governance and Audit into the use of urgency powers. He indicated his concern that if Council revoked the delegations then more work would fall to councillors without the resources to support this workload.

Councillor Rice seconded the recommendations mentioning in the background papers that there had been an expectation of a review of the trial scheme after six

months being reported back to Cabinet or the Cabinet Member, he questioned why the Cabinet Member had not sought to ensure that this report was presented to Cabinet and called for the Cabinet Member for the Environment to resign.

Councillor Roberts indicated that he was not the Cabinet Member when the agreement was made.

Councillor Donin, seconded by Councillor Nolan proposed that the Council move in closed session to discuss the second part of the report, those pages on pink paper.

On a vote of 8 For and 12 Against, the proposal was lost.

On a question the Executive Head of Financial Services explained that if the second part of the recommendation was not agreed then the amount of expenditure would be an 'over spend' and not taken from the budget indicated.

The Executive Head of Corporate and Cultural Services confirmed to Council that under 100A of the legislation relating to 'confidential', in which the High Court Order fell - the Council 'shall' go into closed session required that the press and public could not be present during discussion on any information on the pink papers.

The Mayor sought advice on the way forward as the vote had determined that the Council was not going into closed session, the Executive Head of Corporate and Cultural Services suggested that 'the Motion be put'

The Mayor was asked to take the recommendations as two separate votes, which he did.

Regarding 7 (i) on page 41 there were 24 votes For, 0 Against

Regarding 7 (ii) on page 41 there were 23 votes For, 2 Against

Resolved that Council

- (i) note the contents of the report and the Part 2 exempt and Confidential report
- (ii) the use of the Council's Special and Other Emergency Reserve in the sum as set out in the Part 2 report be confirmed.

The Mayor declared the meeting closed at 8.52pm

Mayor