

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the Council

Held in the Council Chamber at 2.00 pm on **Wednesday, 18 January 2023**

PRESENT

Councillors: Julian Cooper (Chair), Andrew Coles (Vice-Chair), Joy Aitman, Alaa Al-Yousuf, Lidia Arciszewska, Hugo Ashton, Andrew Beaney, Michael Brooker, Jill Bull, Mike Cahill, Nathalie Chapple, Owen Collins, David Cooper, Jane Doughty, Suzi Coul, Colin Dingwall, Harry Eaglestone, Duncan Enright, Andy Goodwin, Andy Graham, Jeff Haine, Gill Hill, David Jackson, Natalie King, Richard Langridge, Liz Leffman, Dan Levy, Norman MacRae MBE, Charlie Maynard, Martin McBride, Michele Mead, Lysette Nicholls, Rosie Pearson, Rizvana Poole, Elizabeth Poskitt, Andrew Prosser, Carl Rylett, Geoff Saul, Alaric Smith, Ruth Smith, Harry St John and Alex Wilson

Officers: Giles Hughes (Chief Executive), Elizabeth Griffiths (Chief Finance Officer, Deputy Chief Executive and Section 151 Officer), Frank Wilson (Group Finance Director - Publica), Andrew Brown (Business Manager - Democratic Services), Max Thompson (Democratic Services Manager), Susan Sale (Monitoring Officer), Astrid Harvey, Barry Clack (Communications Officer) and Georgina Dyer (Business Partner Accountant)

Other Councillors in attendance:

CL.35 Minutes of Previous Meeting

Councillor Norman MacRae MBE raised two points of order under Rule 15.14 (Questions Previously Asked). Firstly, Councillor MacRae asked Councillor Joy Aitman, Cabinet Member for Stronger Healthy Communities, for a further update on works regarding maintenance to the playing fields at Monaghan Way in Carterton, and also the play area within the country park. Councillor MacRae stated that a written answer had still not been received.

Councillor Aitman responded by stating that a discussion had taken place with Councillor MacRae at the end of the previous meeting. Councillor Aitman also advised of her understanding that meeting was also set up for Councillor MacRae with the relevant Publica Assistant Director responsible for the area, and that resolutions were forthcoming on this matter.

Secondly, Councillor MacRae asked Councillor Lidia Arciszewska, Cabinet Member for the Environment, for a further update regarding the standards of service surrounding domestic waste collection, as a result of a personal experience of a missed collection. Councillor MacRae stated that after raising the issue online, the collection took place several days after the advice given, and if this was an acceptable standard of service.

Councillor Arciszewska responded by advising that an instruction was given to officers to look into this matter, and that this had not been followed up. Councillor Arciszewska recommitted to following up on this matter.

The minutes of the meeting held on 19 October 2022 were unanimously approved by Council and signed by the Chair as a correct record.

This approval was subject to an amendment raised by Councillor Harry St. John, to Question 3 of Members Questions (CL.31), where in Question 3, the question text should read "How many of the District's Sewerage Treatment Works are due for an upgrade?"

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CL.36 Apologies for Absence

Apologies for absence were received from the following Councillors:

L Ashbourne, M Johnson, M Parkinson, T Fenton, N Leverton, D Temple and B Woodruff.

CL.37 Declarations of Interest

There were no declarations of interest from Members or Officers.

CL.38 Receipt of Announcements

Chair of the Council

The Chair of the Council, Councillor Julian Cooper, welcomed all members and officers to the meeting.

The Chair was pleased to announce that the Mayor of Woodstock, Ontario, Canada was in attendance for the meeting, and that the Mayor's presence was gratefully received by all members.

The Chair congratulated Councillor Harry St. John on his recent marriage.

The Chair was also delighted to formally welcome Max Thompson to the post of Senior Democratic Services Officer for the Council, and that Max was very welcome to West Oxfordshire District Council.

The Chair announced the cancellation of a reception on Sunday 7 May 2023 owing to both commitments to the Coronation of His Majesty King Charles III, and financial constraints.

The Chair reminded Members that they were all invited to a presentation with Simon Hoare MP, Member of Parliament for North Dorset, former Member of West Oxfordshire District Council, and Chair of the Northern Ireland Select Committee on 10 March 2023. The presentation will discuss the future of the Ulster province.

The Chair finished by reminding members of two presentations that would take place after the close of the Council meeting – Firstly from the Chief Constable of Thames Valley Police and also the Thames Valley Police & Crime Commissioner, and a further officer briefing to members on the Elections Act.

Leader of the Council

The Leader of the Council, Councillor Andy Graham, updated members on progress with the recruitment of a permanent Director of Governance (Monitoring Officer) for the Council. There had been a 'healthy' response to the job advertisement, with suitable candidates lined up for Interviews.

The Performance and Appointments Committee, in conjunction with Senior Officers, would soon meet to conduct these Interviews, and would then be expected to make a recommendation to Council in February 2023, for the appointment of a new Director of Governance (Monitoring Officer) for the Council. The current arrangement with Oxford City Council would cease in March, but could be extended further, but would only be done so if appropriate.

The Leader also confirmed, as a result of a question from Councillor Andrew Coles, Vice Chair of the Council, that this would be a West Oxfordshire District Council only position.

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The Leader also committed to writing to the Leader of the Opposition, Councillor Michele Mead, to advise of the financial implications that would incur if the current arrangement was extended.

Deputy Leader of the Council

The Deputy Leader of the Council, Councillor Duncan Enright, made the following statement regarding Marriott's Walk Shopping Centre in Witney:

“Councillors may have seen the press release last Friday announcing the completion of the acquisition of Marriott's Walk in Witney by the Council.

The Council has owned the freehold of Marriott's since before it was built, having assembled the site in the first decade of the new millennium. It remains one of the most significant regeneration projects carried out by the Council, in partnership with Simons Developments.

Whilst the Council initially had first refusal to acquire the leasehold upon its completion back in 2009, it chose not to do so given the cost of the acquisition, and instead invested in a broader range of commercial property, both within and outside the district. This strategy has served the Council well over the years.

Almost fifteen years on, the centre, like many retail areas, is facing challenges with empty units and softening rental tones. Perhaps more importantly, the lack of a local voice in the running of the centre has been a major concern for the Council for some time, and therefore when the opportunity arose to marry together the freehold and leasehold again, it felt like an opportunity worth pursuing.

In line with the Council's published Investment Strategy, we utilised the strength and depth of our Councillor & officer resources via the cross party Capital Programme Investment Board, and I am indebted to that group for steering the due diligence process supported by key expert external advisors CBRE and Bevan Brittan.

I know some members of the public were surprised by this announcement, but I hope they will recognise that you cannot conduct commercially confidential negotiations and discussions in public, without having an adverse impact on the outcome for the taxpayer who, of course, funds this. I will add that the transaction is entirely in line with our published Investment Strategy to reinvigorate our market towns.

In the interests of transparency I can advise the Council, that the sum paid for the centre was £9.16m plus normal acquisition and due diligence costs – significantly less than the sum discussed at Cabinet in July 2022, and less than a third of the price paid by the original investors in the site back in 2009.

This is a good investment for the Council and more importantly the price paid will allow us to invest further in the site, to bring all the units back into use and reactivate the public spaces within the scheme.

This is good news for the Council, good news for the retailers, not just on Marriott's Walk, but across the whole of Witney town and, hopefully, the whole District. This is good news for the whole of West Oxfordshire and, no, we will not be introducing car parking charges within the centre to finance this.

But we will be looking at all sorts of ways to reinvigorate Marriott's Walk for the Witney town, and we also hope to make it a space for everyone to enjoy.”

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CL.39 Participation of the Public

There was no public participation at this meeting.

CL.40 Members' Questions

The following question was asked at the meeting by Councillor Norman MacRae MBE, with the answer from Councillor Lidia Arciszewska, Cabinet Member for the Environment recorded below:

QI: At the Cabinet Meeting of 17 August 2022, it was agreed that an additional £75,000, (over the cost of diesel machine replacement), was allocated to purchase two new pavement / road sweepers for Chipping Norton and Woodstock.

Have these electrically powered sweepers been ordered?; at what total cost?; and what is the anticipated delivery date?

AI: The sweepers have been ordered at a cost of £102,034 (£204,068 total), and they are anticipated to arrive towards the end of February. Ubico are liaising with the manufacturers to ascertain if they can be provided any earlier.

Councillor MacRae then asked the following supplementary question:

QIa: At the Cabinet meeting of 17 August 2022, I asked whether Woodstock and Chipping Norton might share a vehicle, and details of where the sweepers were on which days.

Councillor Lidia Arciszewska, Cabinet Member for the Environment, said that the vehicles were in use 5 days a week and that officers had advised that the two existing vehicles needed replacing.'

On 6 September, Councillor Arciszewska wrote as follows:

"Below is the response regarding the issues that you raised at the last Cabinet meeting:

- The mini-sweepers do not operate on a rota basis – They are very much used on a reactive basis, e.g. if a crew reports broken glass or high volume of leaves from trees, then they would report it and a mini sweeper would go out to clear any debris.
- We have 4 mini-sweepers; 1 for Woodstock, 1 for Carterton, 1 for Chipping Norton and 1 for Witney.
- The sweeper for Witney is the only one used full time and that's operational 3 days a week."

Do we really need to spend £204,068 on two sweepers, when it could be that two current sweepers may well be able to be redeployed?

AIa: 70% of the money being spent has been previously approved to purchase these sweepers. The remaining percentage has been further approved to cover the cost of the diesel sweepers. The Council has committed to protect the Environment, and not all vehicles within the fleet can be replaced. The smaller vehicles will be replaced by diesel sweepers, and longer term will be replaced with electrical variants. This is a good decision for the Council.

CL.41 Pan-Regional Partnership for the Oxford to Cambridge Area

Councillor Andy Graham, Leader of the Council, introduced the report which was to consider whether the Council should be a participant in the proposed pan-regional partnership for the Oxford to Cambridge area.

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Councillor Graham gave an overview of the proposition, which has developed following discussions between local partners and government officials. The pan-regional partnership would bring together around twenty local partners including councils, local enterprise partnerships and the Arc Universities Group. The partnership would provide a vehicle to take forward shared economic and environmental ambitions.

Councillor Duncan Enright, Deputy Leader of the Council, added that Councils work best when they work in partnership to achieve common goals. This included working together to tackle the climate emergency, offering equality and opportunity, along with looking for infrastructural support between Oxford and Cambridge.

In debate, it was highlighted that Buckinghamshire was not included within the partnership, and may have been inadvertently omitted. There was a keenness to ensure that West Oxfordshire played a vital and significant part in the partnership. The proposition highlights the rationale for continuing economic development, and that both Oxfordshire and Cambridgeshire have some of the largest, advanced businesses within the United Kingdom. The partnership does not run in parallel with the 'Arc', and looks to build upon the East-West Rail Link and enable a powerhouse within the country, and collaborate on environmental and biodiversity work.

Councillor Graham reassured Council that this is a top priority, and that this project will have a major part played by West Oxfordshire District Council.

Councillor Graham proposed to agree the pan-regional partnership. This was seconded by Councillor Enright, and was agreed unanimously by Council.

Council **Resolved** to:

1. Agree that West Oxfordshire be a participant in the proposed pan-regional partnership for the Oxford to Cambridge area.

CL.42 Draft West Oxfordshire Council Plan 2023-2027

Councillor Andy Graham, Leader of the Council, introduced the report on the Draft West Oxfordshire Council Plan 2023–2027.

Five strategic priorities for the District were identified which reflect the wide ranging issues and challenges requiring focus and attention over the immediate and longer term. The Draft Council Plan had been discussed by the three Overview and Scrutiny Committees and finalised in response to the views and insights given through this process. The Draft West Oxfordshire Council Plan 2023–2027 was now presented to Full Council for consideration and adoption.

In debate, it was highlighted that the Draft West Oxfordshire Council Plan 2023–2027 was informed by the 'Your Voice Counts' programme of consultation, comprising of a digital consultation open to all (24 August 22 to 5 October 22) which received over 4000 visitors and generated over 400 responses, a Town and Parish Council and Village Meeting Summit, and a Stakeholder Event with attendance from a range of organisations active in West Oxfordshire from across the environment, social and economic sectors. The importance of lowering carbon emissions and adapting to climate change was also highlighted as a major factor of the success of the plan.

Councillor Graham stated that there will be quarterly performance management reports, which will detail an overview of progress to date and actions required to further progress delivery of the Council Plan priorities for the following twelve months.

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Councillor Graham, along with Councillor Duncan Enright, Deputy Leader of the Council, thanked all Officers involved for their tireless work in bringing together the final plan for adoption. There was also a joint tribute paid to the role of local Town and Parish Councils for their work in the consultation phase.

Councillor Graham proposed to agree the Draft West Oxfordshire Council Plan 2023–2027. This was seconded by Councillor Enright, and was agreed unanimously by Council.

Council **Resolved** to:

1. Approve the Draft West Oxfordshire Council Plan 2023–2027, and agree its adoption.

CL.43 Approval of Council Tax Base and 2023-2024 Budget Update

Councillor Dan Levy, Cabinet Member for Finance, introduced the report that provided an update on the developing budget for 2023/24. Council was asked to consider:

- 1) The draft base budgets for 2023-2024;
- 2) Fees and charges for 2023-2024;
- 3) Adoption of the Council Tax Base for 2023-2024;
- 4) The submission of the business rates return.

Councillor Levy gave an overview of the current position surrounding the 2023-2024 budget. Councillor Levy highlighted that the Council was now in a position of surplus finance, rather than in a position of deficit, although this still does not keep up with the current levels of Inflation more widely. Councillor Levy also stated that there may be headwinds ahead, and difficult decisions may be forthcoming in the future.

Councillor Levy said that there was a direction received from Central Government that Council Tax would need to be raised by a maximum allowed amount. For the West Oxfordshire District, this was £5 on a Band D Property, as the District had a low Council Tax base. Councillor Levy reminded Members that the portion of Council tax that remains within the Council, is indeed low, and most of the funds received are passed on to other precepting authorities.

In debate, it was highlighted that there was a pound sign (£) within the first of the recommendations, when this should have just been a number. This was confirmed by the Chief Finance Officer.

A consultation took place surrounding the Council's budget, and it was widely received that the majority of residents would like to pay less, for a more enhanced service. The consultation was carried out in the appropriate way.

Councillor Levy also highlighted that the direction that came from Central Government regarding the raising of council tax was indeed necessary, and if not followed through, this may hinder opportunities for support on other projects and ideas that the Council may have in the future.

Councillor Levy proposed that Council agree the recommendations as set out in the report. This was seconded by Councillor Graham, and was agreed unanimously by Council.

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Council **Resolved** to:

1. Approve the Council Tax Base shown in Annex G, calculated as 47,078.85 for the year 2023-2024;
2. Authorise the Chief Finance Officer to submit the National Non Domestic Rates Return 1 (NNDRI) to the Ministry of Housing, Communities and Local Government by the submission date of 31st January 2023;
3. Authorise the Chief Finance Officer to approve the annual uprating of allowances and non-dependent deductions in the Local Council Tax Support Scheme in line with national regulations.

CL.44 West Oxfordshire District Council Draft Programme of Meetings 2023-2024

Councillor Andy Graham, Leader of the Council, introduced the report, which set out a programme of Council and Committee meetings for 2023-2024.

Councillor Graham gave an overview of the importance of the meetings programme, which not only took into consideration the timetable of the Council's meeting schedule for the remainder of the 2022-2023 civic year, but also set the meeting schedule for the civic year of 2023-2024. The schedule had taken into consideration many other commitments that Members of the Council have within their own, busy schedules and lifestyles.

Councillor Graham was delighted to pay tribute to the work of Andrew Brown, Publica's Democratic Services Business Manager, for the creation of the schedule and the work undertaken to bring forward the meetings timetable, having factored in the aforementioned considerations, but also to ensure that all meetings are appropriately supported by the Democratic Services team, under his stewardship.

Councillor Alaa Al-Yousuf rose to pay tribute to the continued, excellent work of the West Oxfordshire District Council Democratic Services team, and that it was great to see the team now back at full capacity, following a recent recruitment exercise to appoint Max Thompson as the Council's new Senior Democratic Services Officer.

Councillor Graham proposed that Council accept the recommendations surrounding the programme of meetings. This was seconded by Councillor Rosie Pearson, and was unanimously agreed by Council.

Council **Resolved** to:

1. Approve the changes to the programme of meetings for January to May 2023 as explained in paragraph 2.3 and shown in Annex A;
2. Approve the programme of meetings for June 2023 to May 2024 as shown in Annex B;
3. Delegate authority to the Monitoring Officer, in consultation with Group Leaders, to make changes to the programme of meetings in the event that there is any future decision of Council to change the committee structure or committee remits that impacts the programme of meetings;
4. Delegate authority to the Democratic Services Business Manager to set meeting dates for the Performance and Appointments Committee, member training and briefing sessions and any working groups established by the Council.

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CL.45 Recommendations of the Constitution Working Group

In the absence of Councillor Ted Fenton, who was not in attendance at the meeting, Councillor Michele Mead introduced the report. The report was to consider proposals from the Constitution Working Group for amendments to the West Oxfordshire District Council Constitution to adopt a new Glossary, Summary & Explanation, Articles, Functions of Responsibility, Standards Sub-Committee Procedure Rules and Monitoring Officer Protocol.

In debate, it was highlighted that Members were encouraged to stand when speaking in meetings if they were comfortable to do so, but are not obliged to – this will make them more visible to others, and would be of assistance to meeting attendees with disabilities.

The work of the Constitution Working Group will mean that the Constitution, as a formal document, would remain ‘fluid’, and that there is no target end date formally set for the work to come to an end. Work will continue on this and Members will be advised accordingly should any further changes be required.

Consultation would take place with appropriate senior officers and group leaders as and when required when constitution changes are proposed.

Councillor Owen Collins rose, on a point of order, to remind colleagues that a change was implemented within the Constitution to refer to others with non-gender specific titles, such as Chair and Leader. Councillor Collins stated that there had been several instances of this not happening during the meeting, and encouraged colleagues to follow best practise.

Councillor Mead proposed that Council accept the recommendations put forward by the Constitution Working Group. This was seconded by Councillor Julian Cooper, and was unanimously agreed by Council.

Council Resolved to:

1. Approve the Glossary at Annex A to this report and formally adopt it as part of the Council’s Constitution from 19th January 2023;
2. Approve the Summary & Explanation at Annex B to this report and formally adopt it as part of the Council’s Constitution from 19th January 2023;
3. Approve the Articles at Annex C to this report and formally adopt it as part of the Council’s Constitution from 19th January 2023;
4. Approve the Functions of Responsibility at Annex D to this report and formally adopt it as part of the Council’s Constitution from 19th January 2023;
5. Approve the Standards Sub-Committee Procedure Rules at Annex E to this report and formally adopt it as part of the Council’s Constitution from 19th January 2023;
6. Approve the Monitoring Officer Protocol at Annex F to this report and formally adopt it as part of the Council’s Constitution from 19th January 2023;
7. Note the amendments made to the Constitution under delegated authority by the Monitoring Officer as summarised at paragraph 2.7 of this report.

CL.46 Appointment of Independent Remuneration Panel

Councillor Andy Graham, Leader of the Council, introduced the report to seek approval to appoint members of the public to the Council’s Independent Remuneration Panel (IRP), which is responsible for assessing and making recommendations on the allowances paid to councillors.

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Regulations require that an IRP comprising at least three independent members of the public review and assess councillors' allowances and make a recommendation on the scheme to be adopted by the Council. The Panel produces a report making recommendations about the payment and amount of allowances, the duties to which special responsibility allowance are applicable; and whether allowances should be index linked. The IRP also makes recommendations to the Council whenever the Council decides to either revoke or amend its current scheme. The Council has a duty to have regard to the recommendations of the IRP.

Councillor Graham proposed that the recommendations of the report be agreed by the Council. This was seconded by Councillor Duncan Enright, and was unanimously agreed by Council.

Council **Resolved** to:

1. Approve the appointment of Michael Paget-Wilkes and Janet Eustace to the Council's Independent Remuneration Panel;
2. Delegate authority to the Monitoring Officer to make one or more further appointments to the Council's Independent Remuneration Panel, subject to the Panel comprising no more than 5 people;
3. Agree that members of the Independent Remuneration Panel will be paid £250 per year.

CL.47 Dispensations

Councillor Andy Graham, Leader of the Council, introduced the report which recommended that Council approve a number of general dispensations to councillors under the Localism Act 2011 for a period of four years.

Councillor Graham proposed that the recommendation of the report be agreed by the Council. This was seconded by Councillor Duncan Enright, and was unanimously agreed by Council.

Council **Resolved** to:

1. Approve, under Section 33 of the Localism Act 2022, the general dispensations listed at paragraph 2.1, for all elected members and co-opted members of West Oxfordshire District Council, until 17 January 2027.

CL.48 Motion A: Public Houses - Proposed by Councillor St. John, Seconded by Councillor Langridge.

Councillor Harry St. John proposed the motion, which details that if a public house is closed for whatever reason, and the applicant can prove they have tried to make it viable, or have failed to find a buyer for the pub as a pub at a realistic price reflecting its true commercial value (over a realistic marketing period of at least 12 months), and not some exaggerated hope value for residential conversion, the Council's policy (currently defined in E5) will seek, in the first instance, to see the building reused for a suitable community use.

If there is no obvious need or demand for that type of use, then the Council's second preference would be conversion to affordable housing to provide smaller dwellings for local people resident in the parish or adjoining parishes, and this should be secured in perpetuity by a suitable S106 agreement to supplement the known shortage of affordable dwellings for local people especially in rural villages. The third preference should be commercial use - office, workshops or even retail to encourage more employment opportunities in rural locations.

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Councillor St. John proposed that the resolutions attached to the motion are agreed by Council. This was seconded by Councillor Richard Langridge.

After advice from the Chair that it would be reasonable for the motion to be referred to the appropriate Scrutiny Committee, Councillor St. John stated that he was happy for this to happen, as it would benefit for the relevant wording be attached to any resolutions in line with the Local Plan.

Council **Resolved** to refer the motion to the Economic and Social Overview & Scrutiny Committee.

CL.49 Motion B: Development Grampian Conditions - Proposed by Councillor. St. John, Seconded by Councillor Langridge.

Councillor Harry St. John proposed the motion, which details that the Council will seek to impose suitable 'Grampian' conditions on any development where the connection of the new dwellings or commercial space would impose additional flows of sewage and/or surface water into the local foul or surface water drainage systems, where these are unable to cope due to lack of adequate existing capacity.

This has been evidenced by pipe bursts, flooding, regular blockages and resultant flooding or surcharging either from main pipes, or at the eventual Sewage Treatment Works (STWs) serving the appropriate local system. When a system is upgraded to cope with the additional flows the development generates, then the development can proceed in accordance with the Local Plan. In particular the Council is concerned about schemes where surface water from a new development is proposed to be connected directly to a foul sewer unless the foul system has the capacity to treat the additional flows without storm events occurring at STWs – i.e. release of untreated sewage into the river system due to excess surface water in the system.

Council wishes to reduce/minimise the risk of untreated foul water being released onto land, into residents' property and into our river systems where Council Policy is to improve water quality, minimise pollution and enhance our natural environment - where necessary through suitable controls.

Councillor St. John proposed that the resolutions attached to the motion are agreed by Council. This was seconded by Councillor Richard Langridge.

After advice from the Chair that it would be reasonable for the motion to be referred to the appropriate Scrutiny Committee, Councillor St. John stated that he was happy for this to happen, as it would benefit for the relevant wording be attached to any resolutions in line with the Local Plan.

Council **Resolved** to refer the motion to the Climate & Environment Overview & Scrutiny Committee.

CL.50 Motion C: Swift Nesting Sites - Proposed by Councillor St. John, Seconded by Councillor Dingwall.

Councillor Harry St. John proposed the motion, which details that the Council is pleased to note that, to encourage nesting by swifts, swift brick planning conditions are already imposed as a matter of course on applications where the size and aspect of the building is appropriate. Council wishes to increase the availability of suitable nesting sites on domestic and commercial buildings for a bird that is a quintessential part of our spring and summer months and whose numbers have been declining rapidly for various reasons.

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Councillor St. John proposed that the resolutions attached to the motion are agreed by Council. This was seconded by Councillor Colin Dingwall.

After advice from the Chair that it would be reasonable for the motion to be referred to the appropriate Scrutiny Committee, Councillor St. John stated that he was happy for this to happen, as it would benefit for the relevant wording be attached to any resolutions in line with the Local Plan.

Council **Resolved** to refer the motion to the Climate & Environment Overview & Scrutiny Committee.

The meeting closed at 3.19pm.

CHAIR