

Lowestoft Town Council

Full Council Meeting

First Floor, Hamilton House, Battery Green Road, Lowestoft, Suffolk, NR32 1DE

19:30 on Tuesday 23 July 2019

MINUTES

Present: Cllrs Sue Barnard, Bob Breakspear, Colin Butler, Neil Coleby, Peter Collecott (arrived 19.51), Amanda Frost, Alan Green, Jacqueline Hardie, Peter Knight, Peter Lang, Graham Parker (arrived 20.36), Keith Patience (for part – left 21:26), Andy Pearce, John Pitts, Alice Taylor, and David Youngman

In attendance: Shona Bendix (Town Clerk) and Sarah Foote (Deputy Clerk acting as Committee Clerk)

Public: There were two members of the public and two representatives from the Marina Theatre in attendance

60. Welcome

The fire evacuation procedure and public right to report were explained and the meeting was welcomed.

61. Receipt and consideration of acceptance of apologies for absence

Apologies were received from Cllr Nick Webb and. Cllr Knight proposed acceptance of the apologies; seconded by Cllr Green; all in favour. Cllrs Eastwood and Carlton were absent from the meeting. It was later noted that their apologies had been submitted to the office but not in time to be received and accepted at the meeting.

It was noted that Cllr Stephen Ardley had resigned from the Council. Electoral Services had been informed and vacancy notices would be issued in due course.

The Chair explained to the meeting that she would be ensuring Standing Order 1T was imposed and all speakers would be limited to three minutes. Cllr Patience asked if statements would be timed but questions could be raised outside of this time limit. It was confirmed that questions could be asked. The three minute limit was also applicable to the public forum (Standing Order 3H) and was detailed in the public participation protocol on display for members of the public.

62. Declarations of Interests and dispensations

Cllr Patience was alerted to item 78.1 which related to the District Council but did not wish to disclose an interest. There were no declarations of interest made.

There were no applications for dispensations.

It was stated that some matters relating to CCTV may arise as by way of an update in confidential reports. Cllr Coleby called for a point of order and referred to Standing Orders and specifically stated only items listed on the agenda should be discussed at the meeting. It was agreed by the Chair and Clerk that this point of order would be adhered to.

63. Consideration of the accuracy of the Minutes:

25 June 2019 – Accepted as accurate. Proposed by Cllr Knight; seconded by Cllr Youngman; and unanimously agreed.

64. Public Forum

A member of the public made comments relating to the running of the Marina Theatre, the cost of room hire at the Theatre and the payment to and accommodation for actors. As all these matters relating directly to the Marina Theatre, the Theatre CEO offered to have a conversation with the member of public outside of the meeting.

65. To consider representation/appointment to the following bodies:

The Chair used this point in the meeting to discuss the different kinds of representation the Town Council could be involved with; representative, steering groups appointments and Trustee appointments and as a Trustee of a Charity you would act in the interest of the Charity as well as having a fiduciary and personal responsibilities. Cllr Coleby then began a discussion relating specifically to the Marina Theatre and the Chair responded that she was not specifically talking to this item.

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65.1 East Suffolk Council Liaison Meetings – it had been requested that the Mayor, Deputy Mayor and Clerk attend meetings to discuss joint issues and gain information. Cllr Pearce asked for formal discussions to take place at the meetings on specific items of concern and that reports be provided to Full Council. Cllr Knight asked if there would be provision for the Deputy Clerk to attend when the Town Clerk was not available. It was proposed by Cllr Lang, seconded by Cllr Knight and agreed (one abstention) that this forum should be attended as stated.

19.51 Cllr Collecott arrived.

65.2 Lowestoft Charity Board – one Trustee position was to be filled by a Town Councillor. It was proposed by Cllr Coleby, seconded by Cllr Lang and agreed that Cllr Peter Knight fulfil this role. Charity Board to be informed of appointment

65.3 Marina Theatre Trust – two Trustee positions (to include discussions with representatives from the Marina Theatre)

All Councillors had been provided with a confidential asset paper ahead of the meeting.

Cllr Patience called for a point of order in relation to Standing Order 7A and asked if a previous resolution should be considered as two representatives had already been appointed. The Clerk confirmed that there had apparently been some misunderstanding about the roles and the Town Council had originally appointed the positions as being Representatives but if Charitable Trustees were now required there had been an error at the first appointment.

David Butler, Chairman of Marina Theatre Trust, reported that their thinking on what they wished for the Town Council appointments to be. The Trust only meets four times a year and they thought that if one of the appointments was the Mayor or Clerk these people would be able to offer guidance on how matters should be presented to the Council as a whole. The Clerk asked for clarification on the Trustee position and the roles and responsibilities. The response was that these appointments would be the same as any other Trustee; voting and contributing as all other Trustees and representing Lowestoft Town Council.

Cllr Pearce asked for clarification in terms of the roles – Trustees or Representatives – whether these two people would act in the interests of the Town Council or primarily the Marina Theatre Trust?

The response was that they would act primarily in the interest of the Marina Theatre Trust but the position they would be coming from would be with the knowledge of Lowestoft Town Council and it was hoped they would be part of the committee taking the Theatre forward.

Cllr Lang believed all Councillors were knowledgeable and competent and could not see where the Mayor and Clerk would be more beneficial than other Councillor appointments. Cllr Lang thought all Councillor could serve as well as the Mayor and Clerk.

Cllr Frost asked for confirmation of number of Trustees; eight in total (six community, and two Town Council)

Cllr Knight asked what would happen if there was a conflict of schedules or interests and what solution would be proposed? It was confirmed advance notice was always given for meetings.

Cllr Coleby asked if the rumour circulating that the Clerk and Mayor met the Marina Theatre Trust prior to the last Full Council meeting and prior to the request letter being discussed being seen and why had this not been declared. The Chair confirmed that when she had been asked to attend this meeting neither her nor the Clerk were aware what it was about, the representatives said they were thinking about changes and it was made very clear to them that neither the Mayor or the Clerk could make any decisions. They were informed to write to the Council and have done so and hence the agenda item for discussion. Discussion continued about meetings which the Clerk and Mayor had taken place with other bodies and meetings which Cllr Colbey may have attended and if these had been declared.

20.07 Cllr Hardie left the meeting.

The Mayor asked for the meeting to return to the item in hand.

Cllr Pearce read a report he had composed expressing his serious misgivings about the proposal, the considerations and the way this has been communicated to the Council and referred to an email of 22 July sent to all Councillors. Cllr Ardley had been appointed as one of two representatives at the Town Council AGM on 14 May. Cllr Pearce believed prior discussions had taken place between the

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Trust and the Mayor and Clerk and the proposal had been submitted on the pretext of the removal of Stephen Ardley from the Board of Trustees. Cllr Pearce concluded his report stating that he would be submitting formal complaints regarding the action of the Mayor and the Clerk and their actions on this matter and that he would be writing directly to the Marina Theatre Trust to ask questions. A copy of Cllr Pearce's full report is available on request.

Cllr Barnard stated that the Clerk had more than enough work and the Chair had civic duties to fulfil therefore it was not appropriate for them to be appointed to the Trust. The CEO and Chief Executive of Waveney District Council did not previously fulfil these roles.

Cllr Patience proposed that Cllr Eastwood remain a Trustee (as per the original resolution) and a replacement be appointed to fulfil the vacancy left by Stephen Ardley. This was seconded by Cllr Barnard. Cllr Coleby put forward an amendment to this proposal to delay the appointment of the second representative until clarification over the status of the appointments was sought perhaps with consultation to the Town Council's solicitor. The Marina Theatre representative interjected and stated that they appointments were full Trustees chosen by the Town Council to represent the Town Council. The Clerk responded that this is where the current confusion lies. Cllr Lang asked if the replacement Trustee would need to be voted in by the Marina Theatre Trust and the response was no.

The meeting returned to the proposal on the table – to continue with two appointments, one to be replaced in due course when clarification on the status of the appointment had been sought. This proposal was agreed (two abstentions).

The Chair thanked the Marina Theatre representatives for attending the meeting.

20.27 Cllr Coleby left the meeting and continued a discussion outside of the meeting with Marina Theatre Trust representatives.

66. Finance:

66.1 Receipt and acceptance of the minutes of the previous Finance and Governance Committee Meeting (11 July 2019) and, in particular, consideration of the following matters:

66.1a Monitoring the 2019-20 budget and note any bank reconciliations – a Councillor would need to be appointed to be responsible for bank reconciliations. There were no budget matters to report.

66.1b Noting any payments previously approved and the expenditure and income reports for the month ending 30 June 2019. These had been distributed to Councillors and were noted as appended.

66.1c Consideration of payments for approval as listed. These were proposed for payment by Cllr Youngman, seconded by Cllr Hardie and unanimously agreed.

Expenditure			
Date	Payment to	Description	Amount
1 st July 2019	East Suffolk Council	Links Road Car Park Business Rates	£184.00
1 st July 2019	East Suffolk Council	Sparrows Nest Bowls Business Rates	£108.00
1 st July 2019	East Suffolk Council	Pakefield Street PC Business Rates	£120.00
1 st July 2019	East Suffolk Council	Kensington Gardens PC Business Rates	£206.00
1 st July 2019	EPBS	Hamilton House IT service charge June to September 2018	£4,306.00 + £861.20 VAT = £5,167.20
1 st July 2019	Marina Theatre Trust	Marina Theatre management fee Q2	£37,500.00 + £7,500.00 VAT = £45,000.00
1 st July 2019	Npower	Sparrows Nest Electricity April	£65.11 + £3.26 VAT = £68.37

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1 st July 2019	Waveney Norse	Re-instate Denes Oval Ceiling	£6,351.85 + £1,270.37 VAT = £7,622.22
1 st July 2019	Lowestoft in Bloom	Roller banner and polo shirts grant	£216.95
1 st July 2019	Lowestoft Art Group	Community Art Sessions Grant	£395.00
1 st July 2019	Npower	Sparrows Nest Electricity April	£154.17 + £7.71 VAT = £161.88
1 st July 2019	Pearce and Kemp	Triangle Market Electric Inspection	£105.00 + £21.00 VAT = £126.00
1 st July 2019	Realise Futures	Community Bench Grant	£971.40
1 st July 2019	Npower	Kensington Gardens Electricity April and May	£206.60 + £10.33 VAT = £216.93
1 st July 2019	Top Cats	Community Lunch Grant	£500.00
1 st July 2019	St Johns Ambulance	First Aid and Medical Cover 6/6/19	£96.00 + £19.20 VAT = £115.20
1 st July 2019	Gazprom Energy	Denes Oval Gas May	£37.41 + 31.87 VAT = £39.28
1 st July 2019	Npower	Sparrows Nest Electricity April	£225.93 + £11.30 VAT = £237.23
1 st July 2019	Gazprom Energy	Town Hall Gas May	£94.81 + £4.74 VAT = £99.55
1 st July 2019	Super Swing Big Band	6/6/19 Event	£400.00
4 th July 2019	Suffolk Pension Fund	Pensions June 2019	£4,639.24
16 th July 2019	DoubleTree Hotel	7x Hotel for NALC Conference	£875.00
19 th July 2019	Land Registry	Land Registry Documents	£6.00
19 th July 2019	Public Works Loan Board	Loan Repayment	£7,330.25
19 th July 2019	HMRC	June HMRC Payment	£3,739.39
23 rd July 2019	Land Registry	Land Registry Documents	£27.00
23 rd July 2019	Salaries	July Salaries	£10,211.09
Income Received			
Date	Description		Amount
11 th July 2019	Market Income 21 st June and 28 th June 2019		£167.00
15 th July 2019	Rental Income from Tenant		£213.16
18 th July 2019	Market Income 5 th July and 12 th July 2019		£234.00
Payment to authorise			
100 black lanyards custom printed on both sides with the LTC logo and 100 plastic card holders - £132 + £26.40 VAT = £158.40 from IDCband.com* <i>The Finance and Governance Committee previously approved a payment of £126 + £25.20 VAT = £151.20 but this was for single-sided printing only.</i>			

66.1d Consideration of recommendation to allow a tenant of Lowestoft Town Council to fulfil a lease obligation to deliver events through The Ness project for 2019/2020 year only. It was proposed by Cllr Knight, seconded by Cllr Green and unanimously agreed that the tenant be formally released of their obligations for one year only.

66.1e Consideration of a recommendation to delegate authority to the Clerk to progress condition surveys for 2018-2019- and 2019-2020, with a maximum budget of £10,000. This was proposed by Cllr Pearce, seconded by Cllr Knight and unanimously agreed to delegate this authority to the Clerk.

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66.1f It was noted that a grant of £2249.46 had previously been awarded to the Sparrows Nest Bowls Club. The Council were asked to consider a recommendation to agreed in principle that a recalculated figure, based on actual usage, is considered in December, with no guarantee that it will be awarded. It was proposed by Cllr Green, seconded by Cllr Taylor and agreed that this recommendation is considered in December.

66.1g Consideration of amendment to Risk Management Policy stipulating mandatory training each time a Councillor is elected, re-elected or co-opted.

Cllr Hardie proposed acceptance of this amendment. This proposal was not seconded.

20.32 Cllr Coleby returned to the meeting. Cllr Coleby did not offer a report of his discussions with the Marina Theatre Trust representatives.

Cllr Pearce suggested that this proposal should not be mandatory but best practice and training should be encouraged. Cllr Green then proposed adoption of Cllr Pearce's recommendation, seconded by Cllr Pearce and agreed (12 votes for, two against and one abstention).

66.1h Consideration of a recommendation to approved works proposed by the Marina Theatre, on the condition that specific works will not be harmful to wildlife.

20.36 Cllr Parker arrived

It was proposed by Cllr Lang, seconded by Cllr Knight and agreed (one vote against) that the Marina Theatre proceed with works to partition a first floor room and carry out works to prevent nesting of wildlife.

66.1i Consideration of a recommendation to adopt the Tablet Policy. It was proposed by Cllr Green, seconded by Cllr Taylor and agreed (one vote against) that the Council adopts the Tablet Policy.

66.1j Consideration of a recommendation to decline participation in Suffolk County Council's Community Self Help Scheme.

20.40 Cllr Patience left the room and did not vote on this item

It was proposed by Cllr Coleby, seconded by Cllr Green and agreed (two votes against and one abstention) that the Town Council did not participate in the County Council's Community Self Help Scheme.

20.41 Cllr Patience returned to the meeting

66.2 Consideration of quotations obtained by the Marina Theatre for replacement dressing room heaters and whether to progress this work. It was noted that three quotations had been obtained by the Marina Theatre. The Clerk suggested that this matter was either progressed now by Finance and Governance or referred to the Loan Working Group for consideration. It was noted that there was a considerable variance in the quotations and none detailed any work guarantees etc. It was proposed by Cllr Coleby, seconded by Cllr Green and unanimously agreed that further examination of the quotations be undertaken by Finance and Governance and more details are obtained on specification and work guarantee.

67. Governance:

67.1 Consideration of progress with the external audit - to date, no report had been received from the external auditors.

There was no proposal to accept the minutes from 11 July and this would now be tabled for the next Full Council meeting.

68. Assets, Inclusion and Development:

68.1 Receipt and acceptance of the minutes of the previous Assets, Inclusion and Development Committee meetings (24 June, 8 July and 22 July) and, in particular, consideration of the following matters: The minutes of the meeting on 24 June 2019 and 8 July were proposed acceptance by Cllr Coleby, seconded by Cllr Knight and unanimously agreed. Items from 22 July minutes will be tabled at next Full Council meeting.

68.1a Consideration of acceptance of amendments to the Tree Policy. It was proposed by Cllr Green, seconded by Cllr Lang and unanimously agreed that the amended Tree Policy be adopted by the Council.

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68.1b The Bugle magazine - consideration of a recommendation that the weekly Lowestoft Journal entries are merged into a monthly article for submission to the Bugle magazine.

68.1c Consideration of a recommendation to decline the invitation to work with Sentinel Leisure Trust to deliver the 'Ping'! Project. It was proposed by Cllr Coleby, seconded by Cllr Breakspear and agreed (one abstention).

68.1d Consideration of a recommendation to adopt the draft Market Plan and Traders' Pack. It was proposed by Cllr Coleby, seconded by Cllr Pearce and unanimously agreed to adopt this document.

68.1e Commemorative Events for VE Day VJ Day and the signing of the Armed Forces Covenant. It was noted that Events were being considered and progressed by the Sub-Committee. For VE Day, a swing band had been booked for Sparrows Nest. For VJ Day suggestions had been made about planting in the Japanese Garden at Kensington Gardens.

Cllr Barnard had arranged for the Red Ensign to be flown at the Police Station for Merchant Navy Day.

The Deputy Town Clerk would be progressing arrangements for both Armistice Day and Remembrance Sunday and a recommendation from AID was that the Armed Forces Covenant be signed at a reception (possibly at the Yacht Club) before the Armistice Day ceremony.

68.2 The Ness

It was proposed by Cllr Barnard, seconded by Cllr Frost and agreed that information had been supplied from the Ness Steering Group to Finance and Governance for consideration.

68.3 Removal of asbestos from allotment sites – it was proposed by Cllr Barnard, seconded by Cllr Lang and agreed that costs relating to this work are considered by Finance and Governance.

68.4 Consideration of the response from East Suffolk Council to Lowestoft Town Council's FOI request and Project Initiation Document relating to the transfer of documents to Lowestoft Town Council. It was noted that an agreement had been made to receive a response within eight weeks from 15 July. To date no response had been received.

69. Planning and Environment:

69.1 Receipt of the minutes of the previous Planning and Environment Committee meeting (9 and 23 July 2019) and consideration of any matters arising:

Receipt of the minutes was noted. The Neighbourhood Plan Working Group was still meeting on a weekly basis and a grant had been submitted to Locality to fund the second stage of the plan development.

69.2 Consideration of support for East Suffolk Council's Bin the Butt cigarette butt littering initiative. Cllr Parker gave a report of a meeting he had attended and suggested that the Town Council support this event both in terms of a financial contribution and with assistance on an event in London Road North on Saturday 17 August. A recommendation had been made at Planning and Environment to offer £100 of financial support. It was proposed by Cllr Taylor approve this recommendation, seconded by Cllr Coleby and unanimously agreed.

69.3 It was noted that the Planning and Environment Committee would be responding on behalf of the Town Council to the following consultations and all Councillors were welcome to make comments ahead of this consideration on 6 August:

Associated British Ports – Port of Lowestoft Master Plan 2018-2036

Suffolk County Council – Rights of Way Improvement Plan: Suffolk Green Access Strategy.

At this point in the meeting Cllr Lang complained about disturbance from the public gallery. A note from a member of the public was also passed to Cllr Youngman.

69.4 It was noted that the Committee had agreed that the Clerk should write a letter of support for the 'Barnby Bends' A146 – Suffolk County Council submission to Transport East for Major Road Network Funding.

70. Policy and Consultation Matters

There were no matters for consideration.

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71. Written reports from Councillors and any new representative roles

It was noted that several reports had been circulated and Councillors were asked whether they wished to provide any verbal updates. Updates were provided at items 71.6, 71.11 and 71.15 below.

- 71.1 Report from the CEFAS Neighbourhood Group
- 71.2 Report from the Coastal Communities Team
- 71.3 Report from the Community Enabler Project Board
- 71.4 Report from the Culture Board
- 71.5 Report from the East Suffolk Communities Team (Whitton)
- 71.6 Report from the First Light Festival Board – Cllr Frost reported that Kirkley People’s Forum had been dealing with feedback from the Festival and of the 1000 forms returned there was a 94% satisfaction rate with 36% of people stating they would return.
- 71.7 Report from the Friends of Fen Park
- 71.8 Report from the Heritage Action Zone and Heritage Champions
- 71.9 Jack Rose Old Lowestoft Society
- 71.10 Report from the Kirkley Business Association and Kirkley People’s Forum
- 71.11 Report from the Lowestoft and Plaisir Twinning Association
Cllr Lang relayed a request from the Association to hire a meeting room at Hamilton House on a Wednesday evening in October. The Association were advised to email the office with more details but it was hoped to be able to accommodate the request.
- 71.12 Lowestoft Charity Board – the Council accepted receipt of the Financial Statements and Audit Completion documents for the 2018-2019 year.
- 71.13 Report from the Lowestoft Development Group
- 71.14 Report from the Lowestoft Flood Risk Management Project’s Strategic Steering Group
- 71.15 Report from Lowestoft in Bloom
Cllr Collecott reported on a successful full day of judging and how the results would be known in September. It was proposed by Cllr Coleby that a letter of thanks be sent to the Chairman of Lowestoft in Bloom thanking the many volunteers for their hard work. It was agreed that Cllr Coleby would action this.
- 71.16 Report from the Lowestoft Museum
- 71.17 Report from the Lowestoft Regeneration and Growth Board
- 71.18 Report from the Lowestoft Station Partnership Group
- 71.19 Report from the Lowestoft Transport Infrastructure Partnership
- 71.20 Report from the Lowestoft Vision Board
- 71.21 Report from the Marina Theatre Trust Board
- 71.22 Report from the SCC A47 Improvement Scheme
- 71.23 Report from the Sunrise Coast Heritage Guild
- 71.24 Report from The Ness Steering Group
- 71.25 Report from the Third Crossing Bridge Naming Competition Judging Panel
- 71.26 Report from the Third Crossing Stakeholders’ Group
- 71.27 Report from the Waveney Disability Forum
- 71.28 Any other reports

At this point in the meeting Cllr Collecott said he would like to give another report of a Community Partnership meeting he had attend in Woodbridge prior to the Full Council meeting but did not want to do this until private session and confirmed that the report was not in relation to any of the items listed above. As a point of order had earlier been called and only items on the agenda were being considered Cllr Collecott was refused this request. It was suggested to make the matter an agenda item for the next meeting however Cllr Collecott stated this would be too late and that an opportunity that he felt would be very beneficial to the Town Council would be missed.

21.18 Cllr Patience and Cllr Youngman left the meeting. The members of the public also left the meeting at this point.

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72. Legal:

72.1 Consideration of any legal matters affecting the Council, including the following:

All items under this heading were to be discussed during the confidential session.

72.1a Consideration of the Supplemental Agreement between East Suffolk Council, The Marina Theatre Trust and Lowestoft Town Council and governance arrangements for the Marina Theatre (confidential)

21.19 Cllr Youngman returned to the meeting.

The Clerk advised that the Supplemental Agreement was still with ESC and a revised document including the Town Council comments, which had previously been omitted had yet to be provided. It was proposed by Cllr Coleby, seconded by Cllr Knight and agreed (one abstention) that a complaint be submitted to ESC stating that the delays in signing this document meant that funding was being withheld and this could have a detrimental effect to the Marina Theatre

The Clerk advised that there were no developments to note on the following items and that extraordinary meetings should be called as legal matters development. It was proposed by Cllr Knight, seconded by Cllr Pearce and unanimously agreed.

72.1b Consideration of the Hamilton House lease between East Point Business Services Limited and Lowestoft Town Council (confidential)

72.1c Consideration of legal issues relating to the North Denes land (confidential)

72.1d Consideration of a licence to occupy The Ness for East Suffolk Council and related plan (confidential)

72.1e Consideration of any updates regarding a Proposal Report from Sentinel Leisure Trust, following the consideration of the Finance and Governance and Assets, Inclusion and Development Committees.(confidential)

72.1f Consideration of Land Registry issues (confidential)

73. Date of the next meeting

Tuesday 20 August 19:30

74. Items for the next agenda

No requests were made.

Cllr Green proposed moving the meeting in confidential session; seconded by Cllr Knight; all in favour.

75. Resolution to close the meeting to the public

75.1 Any legal issues including those at 78.1 above as required – there were no matters for discussion

75.2 Any employment matters – There were no matters for discussion.

The Chair closed the meeting 21:24

Signed:

20 August 2019