

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 19 MARCH 2020

PRESENT: **PRESENT:** Mayor J Stafford (Chairperson), Cr P Culhane, Cr D O'Brien, Cr J Searl, Cr B McCormack, Ms C Worthy (General Manager), Mr A Croke (Director of Finance and Administration), Mr M Shah (Director of Infrastructure), Mrs T Dodson (Director of Environment & Planning), Ms S Pearman (Administration Assistant) and Mr C Gordon (Media Officer).

THE MAYOR DECLARED THE MEETING OPEN AT 6.00PM.

SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING

Mayor Stafford advised that the meeting is being webcast live and audio recorded in accordance with Council Code of Meeting Practice.

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

Apologies were received from Cr Kensit and Cr Wheelwright.

41/20 **RESOLVED** by Cr Searl and Cr Culhane that the apologies be received and a leave of absence granted.

- CARRIED

Councillors who voted for:- Crs P Culhane, D O'Brien, B McCormack, J Searl and J Stafford

Councillors who voted against:- Nil

Absent from the meeting Cr Cummins and Cr Opie.

SECTION 3: CITIZENSHIP CEREMONY

Nil

SECTION 4: DECLARATIONS OF INTEREST

Nil

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SECTION 5: CONFIRMATION OF MINUTES

42/20 **RESOLVED** by Clr Searl and Clr McCormack

That the minutes of the Ordinary Council Meeting held on 20 February 2020 be adopted.

- CARRIED

Councillors who voted for:- Crs P Culhane, D O'Brien, B
McCormack, J Searl and J
Stafford

Councillors who voted against:- Nil

SECTION 6: MAYORAL MINUTES

ITEM 6.1 MAYORAL MINUTE

43/20 **RESOLVED** by Clr Searl and Clr McCormack

1. That Council receive and note the activities attended by the Mayor for February 2020 and March 2020.
2. That Council receive and note the Mayoral Minute in regards to the COVID-19 pandemic.

- CARRIED

Councillors who voted for:- Crs P Culhane, D O'Brien, B
McCormack, J Searl and J
Stafford

Councillors who voted against:- Nil

SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

Mr Gavin Douglas – Gunning and District Association - 2020 to 2030 Infrastructure Plan.

44/20 **RESOLVED** by Clr Searl and Clr McCormack

That Council receive and note the presentation by Gunning and District Association.

- CARRIED

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Councillors who voted for:- Crs P Culhane, D O'Brien, B McCormack, J Searl and J Stafford

Councillors who voted against:- Nil

SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE ITEMS FOR THE MONTH OF MARCH 2020

45/20 **RESOLVED** by Clr Searl and Clr McCormack

That Item 8.1 - [Correspondence/Information] listed below be received:

1. Office of Local Government - Circular 20-05 - Release of Councillor superannuation discussion.
2. David Littleproud MP - Drought Communities Programme Extension Approved - Peelwood Bridge Replacement - Pedestrian Access and Mobility Upgrades Project.
3. Media Release - ULSC Stronger Country Communities Fund Round 3 Announcement 25 February 2020.
4. Letter of thanks from Marcia Medway, via Susan Medway – Councils response time to water issue.
5. Sue McGilvray - Thank you letter - Crookwell Pool Lifeguards - 5 March 2020.
6. NSW Public Works Advisory - Bushfire Recovery team - Thank you!
7. Australian Agriculture Centre – Community Invitation to STEM Connect 20 and 21 August 2020.

- CARRIED

Councillors who voted for:- Crs P Culhane, D O'Brien, B McCormack, J Searl and J Stafford

Councillors who voted against:- Nil

SECTION 9: LATE CORRESPONDENCE

Nil

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SECTION 10: INFORMATION ONLY

ITEMS 10.2, 10.3 and 10.5 - 10.8 INFORMATION ONLY ITEMS

46/20

RESOLVED by Clr Searl and Clr O'Brien

1. Council receive and notes items 10.2, 10.3 and – 10.5 - 10.8 as information.

- CARRIED

Councillors who voted for:-

Crs P Culhane, D O'Brien, B McCormack, J Searl and J Stafford

Councillors who voted against:- Nil

ITEM 10.1 DEVELOPMENT STATISTICS FOR THE MONTH OF FEBRUARY 2020

47/20

RESOLVED by Clr Searl and Clr O'Brien

1. Council receives and notes the report as information.

- CARRIED

Councillors who voted for:-

Crs P Culhane, D O'Brien, B McCormack, J Searl and J Stafford

Councillors who voted against:- Nil

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ITEM 10.8 ACTION SUMMARY - COUNCIL DECISIONS

MOVED by Clr Culhane and Clr O'Brien

1. Council receive and note the report as information.
2. Council accept in principle the proposal put to Council by a local resident and enter into commercial negotiations to allow the hangar to be constructed.

- LOST

Councillors who voted for:- Cr P Culhane

Councillors who voted against:- Crs D O'Brien, B McCormack, J Searl and J Stafford

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

ITEM 11.1 DRAFT PLAN OF MANAGEMENT - CROOKWELL MEMORIAL OVAL COMPLEX

48/20 RESOLVED by Clr Searl and Clr McCormack

1. The Draft Plan of Management – Crookwell Memorial Oval Complex be adopted by Council.

- CARRIED

Councillors who voted for:- Crs P Culhane, D O'Brien, B McCormack, J Searl and J Stafford

Councillors who voted against:- Nil

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SECTION 12: INFRASTRUCTURE DEPARTMENT

ITEM 12.1 REVIEW OF PLANT HIRE POLICY

49/20 RESOLVED by Cllr Searl and Cllr Culhane

1. Council place the attached Private Works and Plant Hire Policy on public display for at least 28 days;
2. Council adopt the policy if no submissions are received within the advertisement period.

- CARRIED

Councillors who voted for:- Crs P Culhane, D O'Brien, B McCormack, J Searl and J Stafford

Councillors who voted against:- Nil

POLICY:-	
Policy Title:	Private Works and Plant Hire Policy
File reference:	F13/16
Date Policy was adopted by Council initially:	26 July 2007
Resolution Number:	227/07
Other Review Dates:	28 February, 2008, 15 July 2010
Resolution Number:	52/08 262/10
Current Policy adopted by Council:	20 March 2014
Resolution Number:	52/14
Next Policy Review Date:	2018

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PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	26 July 2007
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy Developed by:	Director of Infrastructure
Committee/s (if any) consulted in the development of this policy:	NA
Responsibility for implementation:	Director of Infrastructure
Responsibility for review of Policy:	Director of Infrastructure

PRIVATE WORKS

PROJECTS AND PLANT HIRE

1. DEFINITION

Private work includes any work, undertaken upon agreement with a landowner, of a nature on private lands and / or public lands which lies outside the responsibility of Council for which a fixed price quotation or schedule of rates has been provided by Council.

Plant Hire includes using Council owned plant and equipment to carry work out that lies outside the responsibility of Council.

2. CITATION

This document may be cited as Upper Lachlan Shire Council Policy – Private Works (Projects and Plant Hire).

3. APPLICATION OF POLICY - OBJECTIVE

The purpose of this policy is to outline Council's requirements for the undertaking of private works (projects and plant hire) within the Upper Lachlan Shire Council area.

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The policy is designed to protect public funds and the integrity, security and reputation of the Council and its staff and maintain a high level of services to the community.

All enquiries are to be directed to the Infrastructure Department of Council.

4. REQUIREMENTS

4.1 PROJECTS

- (i) No private works projects shall be undertaken until;
 - a. The person requesting such private works has accepted the quotation in writing;
 - b. Payment for the work has been received by Council. (Except for works meeting clause 4.2)
- (ii) Payment is to be in the form of cash, cheque or unconditional bank guarantee.
- (iii) At the request of an applicant, a quotation will be provided in writing by Council and prior to commencement of any works commencing, must be accepted by the applicant in writing.
- (iv) Private works projects of any value will not commence until a cash deposit or bond equivalent to 100% of total value of the private works is paid to Council. This clause can only be varied with the consent of the General Manager.
- (v) Private Works to the value of \$500.00 or up to two (2) hours duration of grading (whichever is the greater) may be allowed as an exception to clause 4.1 b on the basis of payment after the work has been carried out.

4.2 PLANT HIRE

- (i) Council does not provide engineering supervisory functions in normal plant hire operations. In these circumstances it is the responsibility of the hirer to organize, supervise and explain all proposed works to the plant operator so that the requested works can be completed in an efficient and expeditious manner.
- (ii) The applicant is responsible to discuss with the operator the standard of work to be achieved or to terminate the plant operation at any time if the work does not meet the applicant's satisfaction.

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- (iii) Works will be completed with all care and efficiency, but no responsibility will be taken for the effectiveness or quality of the completed works.
- (iv) Council will not be held responsible for any loss or damage incurred by recall or withdrawal of plant or staff from any works.
- (v) All plant travelling costs to and from the private works location shall be an additional charge to those hours actually worked on site. It is therefore recommended that the person wishing to hire such plant do so when that particular plant item is stationed in the nearby proximity thus minimizing travelling expenses.
- (vi) The applicant is responsible for identifying and clearly marking any underground or overhead services that may be affected by the works. Council will not be responsible for damage to services whilst undertaking the works.
- (vi) The schedule of hire rates makes provision for two levels of hire, i.e.:
 - (a) Work completed during normal working hours;
 - (b) Work completed after normal working hours as an overtime rate.
- (viii) All private works requested will be at Council's convenience or as directed by Council's Director of Works and Operations (or his representative) i.e. Council programmed works receive first priority over any private hire activities.
- (ix) Plant is to be operated by Council employees. Under special circumstances plant may be operated by other experienced persons as approved by Council's Director of Works and Operations.
- (x) Rates charged for hiring plant is as fixed by Council in the Annual Management Plan; incorporating the Revenue Policy and Fees and Charges.
- (xi) Applicants wishing to hire plant are to sign Council's standard request form prior to hire commencing.
- (xii) All previous plant hire debtor accounts are to be paid prior to any additional works being undertaken by Council.
- (xiii) Plant is meant to include graders, backhoes, loaders, trucks, rollers and the like.

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- (xiv) All materials will be charged at full cost.
- (xv) All equipment hired will be charged out for actual time on the job (not time used).
- (xvi) All private hire activities involving Council staff (either directly or indirectly) must be approved by the Director of Works and Operations prior to the hire commencing.

Council will undertake Private Work in accordance with adopted rates for the Hire of Plant & Equipment. Private Work however will only be carried out subject to the availability of Council Plant & Equipment and without significant disruption to existing work programs.

Weed Control activity deemed as Private Work will also be included, with arrangements to be endorsed or approved by the Director of Environment & Planning in consultation with the Noxious Weeds Manager.

With respect to determining Quotations for Weed Control activities on private property regard will be given to the general "community service" of providing a reasonable and affordable price, with Council's hire rates to be adjusted in order to increase the level of Private Work activity. This will provide further opportunities to maximise the use of plant and equipment and achieve more efficient use of Council's resources.

5. INDEMNITY

In requesting and authorising the Upper Lachlan Shire Council to carry out private works (projects or plant hire), the applicant shall indemnify the Upper Lachlan Shire Council against any claim, action or process for damage or injury which might arise during the progress of such works and shall keep indemnified the Upper Lachlan Shire Council against any claim, action or process for damage and/or injury which might arise from the existence of such works unless such damage and/or injury is due or contributed to by an act or omission of the Upper Lachlan Shire Council, its employees or agents.

6. COMPETITION

Private work is not a major or core function of Council and is usually provided so as to supply a reasonable economical means of a landholder securing access to earthmoving plant. This work is "contestable" and Council does not wish to promote or seek any monopoly over these functions. As such, applicants may wish to seek alternative quotations or plant hire options through other earthmoving organisations. Council staff will also encourage applicants to seek alternative quotations from other providers.

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In all cases written quotations will be issued, with acceptance by Signed Agreement required for all work.

Council will undertake private works with a general margin of 20% being required to cover supervision and the preparation of the estimated cost. The Director of Infrastructure may alter this general margin if deemed necessary to provide a competitive price for works in excess of \$100,000.00.

Council may provide a subsidy to community based or charitable organisations in respect of plant hire. All costs incurred by Council in respect to labour and materials are charged against the organisation concerned.

Private Works - General (section 67 of the Local Government Act 1993) are to be charged at cost price and will also include a percentage for administration, supervision etc. as shown in the fees and charges schedule of Council's Management Plan plus GST where applicable.

7. PUBLIC PERCEPTION ON STAFF EQUIPMENT HIRE

Hire of Council owned equipment by Council staff will not be permitted unless approved in writing by the Director of Infrastructure prior to that hire.

8. NON-COMPLIANCE WITH THIS POLICY

Failure to comply with the terms of this policy may lead to disciplinary procedures being implemented against the responsible staff member. Any instances of corrupt conduct can lead to dismissal and / or criminal prosecution.

9. VARIATION

Council reserves the right to vary or revoke this policy.

10. RELEVANT LEGISLATION

- Local Government Act, 1993
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- NSW State Government Procurement Policy;
- NSW Local Government (State) Award;
- Local Government (General) Regulations, 2005;
- Independent Commission against Corruption Act ,1988;
- Government Information (Public Access) Act 2009;
- Privacy and Personal Information Protection Act 1998;
- State Records Act 1998;
- Crimes Act 1900 (NSW);
- Code of Conduct Policy and Procedure;

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- Complaints Management Policy;
- Upper Lachlan Shire Council Operational Plan Schedule of Fees and Charges;
- Code of Business Practice;
- Statement of Ethical Principles;
- Fraud and Corruption Prevention Policy;
- Government Information (Public Access) Policy;
- Purchasing and Acquisition of Goods and Services Policy;
- NSW Ombudsman - Good Conduct and Administrative Practice (Guidelines for State and Local Government) June 2006; and
- ICAC publication "No Excuse for Misuse, preventing the misuse of council resources".

ITEM 12.2 PROPOSED UPGRADES TO TABLELANDS WAY - GOULBURN TO LITHGOW

50/20 RESOLVED by Cllr Searl and Cllr McCormack

1. Council receive and note this report as information.

- CARRIED

Councillors who voted for:- Cllrs P Culhane, D O'Brien, B McCormack, J Searl and J Stafford

Councillors who voted against:- Nil

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SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 COMMUNITY OUTREACH MEETINGS AND BUDGET WORKSHOP RECOMMENDATION That -

1. Council endorses Community Outreach Meeting locations and dates as follows:-

Locality	Day	Date	Time	Venue
Bigga	Wednesday	27 May 2020	6pm	Bigga Golf Club
Crookwell	Wednesday	20 May 2020	6pm	Crookwell Council Chambers
Gunning	Wednesday	13 May 2020	6pm	Gunning Council Chambers
Taralga	Wednesday	6 May 2020	6pm	Taralga Masonic Hall

A foreshadowed motion was moved by Cr Searl and Cr O'Brien that:

1. Council receive and note the report as information and Council does not proceed with the Community Outreach Meetings due to the Coronavirus (COVID-19) pandemic noting the Council integrated planning and reporting strategic documents will be available for viewing during the public exhibition period.
2. That Council continue with the budget workshop as scheduled on 31 March 2020.

51/20

On being put to the Meeting the motion was carried.

RESOLVED Cr Searl and Cr O'Brien

1. Council receive and note the report as information and Council does not proceed with the Community Outreach Meetings due to the Coronavirus (COVID-19) pandemic noting the Council integrated planning and reporting strategic documents will be available for viewing during the public exhibition period.
2. That Council continue with the budget workshop as scheduled on 31 March 2020.

- CARRIED

Councillors who voted for:-

Crs P Culhane, D O'Brien, B McCormack, J Searl and J Stafford

Councillors who voted against:- Nil

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**ITEM 13.2 COSTS FOR INSTALLATION AND PROVISION OF WEBCASTING
AT GUNNING AND TARALGA VENUES**

52/20 RESOLVED by Clr Searl and Clr McCormack

1. Council receive and note the report as information and do not proceed with the installation of webcasting equipment at Gunning and Taralga.

- CARRIED

Councillors who voted for:- Crs P Culhane, D O'Brien, B
McCormack, J Searl and J
Stafford

Councillors who voted against:- Nil

SECTION 14: GENERAL MANAGER

Nil

SECTION 15: LATE REPORTS

53/20 RESOLVED by Clr Culhane and Clr O'Brien

1. That Late Items 15.1 and 15.2 be received.

- CARRIED

Councillors who voted for:- Crs P Culhane, D O'Brien, B
McCormack, J Searl and J
Stafford

Councillors who voted against:- Nil

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ITEM 15.1
54/20

GRANTS REPORT

RESOLVED by Clr Searl and Clr O'Brien

1. Council receive and note the report as information.

- CARRIED

Councillors who voted for:-

Crs P Culhane, D O'Brien, B
McCormack, J Searl and J
Stafford

Councillors who voted against:- Nil

ITEM 15.2
55/20

REPORTS FOR THE MONTH OF MARCH 2020

RESOLVED by Clr Culhane and Clr O'Brien

That Item 13.2 - [Minutes of Committee/Correspondence/Information]
listed below be received:

1. Sports and Recreation Committee (s355) – Minutes from
Meeting held on 4 March 2020.

- CARRIED

Councillors who voted for:-

Crs P Culhane, D O'Brien, B
McCormack, J Searl and J
Stafford

Councillors who voted against:- Nil

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**SECTION 16: REPORTS FROM OTHER COMMITTEES, SECTION 355
COMMITTEES AND DELEGATES**

ITEM 16.1 REPORTS FOR THE MONTH OF MARCH 2020

56/20 RESOLVED by Cllr Searl and Cllr O'Brien

That Item - [Minutes of Committee/Information] listed below be received:

1. Tuena Hall & Recreation Area Committee – Minutes from the AGM held 26 February 2020 – part 1.
2. Tuena Hall & Recreation Area Committee – Minutes from the AGM held 26 February 2020 – part 2.
3. Collector Village Pumpkin Festival Committee – Minutes from the meeting held on 24 February 2020 – with attachments.
4. Collector Community Association – Meeting Minutes from 17 February 2020.
5. Upper Lachlan Tourist Association – Minutes from meeting held 5 February 2020.
6. Economic Development Taskforce – Meeting Minutes from meeting held 25 February 2020.

- CARRIED

Councillors who voted for:- Crs P Culhane, D O'Brien, B McCormack, J Searl and J Stafford

Councillors who voted against:- Nil

SECTION 17: NOTICES OF MOTION

Nil

SECTION 18: QUESTIONS WITH NOTICE

Nil

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CLOSED COUNCIL ITEMS

Mayor Stafford announced that the meeting would be now moving into Closed Session and read the statement below.

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in 10A (2) of the Act and should be dealt with in a part of the meeting closed to the public and the media.

Note: Pursuant to Clause 25(1) of the Local Government (Meetings) Regulation, Council invites verbal representation by members of the public about whether the items listed below should not be considered by Council in a Closed Meeting. The items are:

57/20

RESOLVED by Cllr Searl and Cllr O'Brien

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to of the Local Government Act 1993: the press and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A (2c) and (2d(i)) as outlined above.
3. That the report relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

- CARRIED

Councillors who voted for:-

Cllrs P Culhane, D O'Brien, B McCormack, J Searl and J Stafford

Councillors who voted against:- Nil

Council closed its meeting at 6.49PM and the public, staff and press left the chambers.

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58/20

RESOLVED by Clr McCormack and Clr Searl

That Council move out of closed Council and into open Council.

- CARRIED

Councillors who voted for:-

Crs P Culhane, D O'Brien, B
McCormack, J Searl and J
Stafford

Councillors who voted against:- Nil

Open Council resumed at 6.52PM.

Resolutions from the Closed Council Meeting

The following resolutions of Council, while the meeting was closed to the public, were read to the meeting by the Mayor.

SECTION 19: CONFIDENTIAL SESSION

ITEM 19.1

PROCUREMENT OF NEW ROLLER

59/20

RESOLVED by Clr McCormack and Clr O'Brien

1. Council purchase one Cat CS56B Smooth Drum Roller from Westrac for the sum of \$176,201.08 (EX GST).
2. Council sell existing Roller (Plant 575) through Pickles Auction's providing best value for money.

- CARRIED

Councillors who voted for:-

Crs P Culhane, D O'Brien, B
McCormack, J Searl and J
Stafford

Councillors who voted against:- Nil

THE MEETING CLOSED AT 6.52PM

Minutes confirmed 16 APRIL 2020

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Mayor