

TEWKESBURY BOROUGH COUNCIL

**Minutes of an Extraordinary Meeting of the Council held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 25 October 2016 commencing at
6:00 pm**

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor Mrs G F Blackwell
Councillor H A E Turbyfield

and Councillors:

R E Allen, P W Awford, Mrs K J Berry, G J Bocking, K J Cromwell, D M M Davies, Mrs J E Day, M Dean, R D East, A J Evans, J H Evetts, D T Foyle, R Furolo, Mrs P A Godwin, Mrs M A Gore, Mrs J Greening, Mrs R M Hatton, B C J Hesketh, Mrs S E Hillier-Richardson, Mrs A Hollaway, Mrs E J MacTiernan, J R Mason, Mrs H C McLain, A S Reece, V D Smith, T A Spencer, Mrs P E Stokes, P D Surman, M G Sztymiak, R J E Vines, D J Waters, M J Williams and P N Workman

CL.53 APOLOGIES FOR ABSENCE

53.1 Apologies for absence were received from Councillors R A Bird, R Bishop and R E Garnham. Members were advised that Councillors R Bishop and R E Garnham were unable to attend due to pecuniary interests in the item of business which was being considered – Joint Core Strategy: Main Modifications.

CL.54 DECLARATIONS OF INTEREST

54.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

54.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
P W Awford	Item 4 – Joint Core Strategy – Main Modifications.	Is a Gloucestershire County Councillor. Tewkesbury Borough Council representative on the Lower Severn Internal Drainage Board. Member of Severn Wye Regional Flood Defence Committee.	Had received a dispensation to speak and vote on this item.

		Member of Wessex Regional Flood Defence Committee.	
		Life Member of the National Flood Forum.	
V D Smith	Item 4 – Joint Core Strategy – Main Modifications.	Is a Gloucestershire County Councillor.	Had received a dispensation to speak and vote on this item.
P D Surman	Item 4 – Joint Core Strategy – Main Modifications.	A Member of the Councillor's family owned land which had been identified as a potential strategic housing and employment land allocation within the main modifications document.	Had received a dispensation to speak and vote on this item.
M G Sztymiak	Item 4 – Joint Core Strategy – Main Modifications.	Is a Gloucestershire County Councillor. Councillor worked for Capita Insurance in the benefits section so had nothing to do with the flood work which had been undertaken by Capita.	Had received a dispensation to speak and vote on this item.
R J E Vines	Item 4 – Joint Core Strategy – Main Modifications.	Is a Gloucestershire County Councillor.	Had received a dispensation to speak and vote on this item.

54.3 There were no further declarations made on this occasion.

CL.55 ANNOUNCEMENTS

55.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

55.2 The Leader of the Council indicated that this would be the last Council meeting for the current Deputy Chief Executive, Rachel North. On behalf of the Council, he offered his best wishes for her new job and thanked her for her professionalism, input and expertise throughout her time with the Council.

CL.56 JOINT CORE STRATEGY - MAIN MODIFICATIONS

- 56.1 Attention was drawn to the report of the Head of Development Services, circulated at Pages No. 1-270, which sought to update Members regarding progress on the Joint Core Strategy (JCS) after the Council meetings in June 2016, the hearings in July and the Inspector's Note of Recommendations made at the hearing session on 21 July 2016; to advise Members about the work undertaken to address the conclusions and recommendations of the Inspector regarding the June 2014 Pre-Submission JCS; to seek approval of the proposed main modifications to the June 2014 Pre-Submission JCS for the purposes of undertaking formal public consultation; to advise of the next steps in the JCS process, including arrangements for consultation about the proposed main modifications; and to identify the key evidence and supporting documents which were related to the recommended proposed main modifications. Members were asked to consider the information provided and approve, for public consultation, the main modifications to the June 2014 Pre-Submission Gloucester, Cheltenham and Tewkesbury JCS, as set out in Appendix 1 to the report (including the proposed modifications to the proposals map and key diagram), as those which it endorsed and considered necessary to make the JCS sound and to delegate authority to the Chief Executive of Tewkesbury Borough Council to progress and sign a joint planning statement with Wychavon District Council in respect of development at land at Mitton. Attention was drawn to an additional sheet which set out a revision to Policy SD3 Retail and City/Town Centres – Primary Frontages and a revision to the recommendations contained within the report to support that policy change.
- 56.2 The Mayor explained that the Planning Policy Manager would present the report and Members would be given the opportunity to ask questions. A proposer and seconder would then be sought and the item opened up for debate.
- 56.3 The Planning Policy Manager explained that the JCS was being developed jointly by Tewkesbury Borough, Cheltenham Borough and Gloucester City Councils. Since submission of the JCS, the Planning Inspector had undertaken a detailed examination which had comprehensively scrutinised the objectively assessed need etc. The Inspector's Interim Report had been published in May 2016 and, following the receipt of that report, all three JCS authorities had considered it and made their comments to it; particularly in response to her proposals that there should be a 5% uplift to the objectively assessed need and that allocations at Fiddington, Mitton and Twigworth should be included in the JCS. The proposed main modifications were attached to the report at Appendix 1 with the significant modifications summarised at section two of the report. In respect of capacity at the Ministry of Defence (MoD) site at Ashchurch, the Planning Policy Manager advised that a verbal update had been received that some phases would no longer be released within the plan period as previously envisaged. At this stage the Council had no further information but this matter would be considered in detail when further information was received and it was anticipated at this stage that any shortfall would be dealt with through the Plan review. In terms of a possible allocation on land at Mitton, a joint statement was being prepared with Wychavon District Council (the district within which the land fell) on how that could be taken forward. Members were advised that Cheltenham Borough and Gloucester City Councils had already approved the main modifications, as set out at Appendix 1 to the report, and, subject to approval from Tewkesbury Borough Council, consultation would take place on the main modifications which would be followed, sometime in the New Year, by further examination hearings with the Inspector. Ultimately the three JCS authorities would then need to approve the final document before it was implemented as planning policy.

- 56.4 The Mayor invited Members to ask questions of the Officers. Referring to Paragraph 2.2.7, Policy SD4, a Member indicated that he had been pleased about the Council's approach to the use of solar panels on roofs to date but this Policy seemed to be moving away from that requirement and he questioned why this was and whether anything could be done about it within the JCS. In response, the Planning Policy Manager explained that, during the time the examination had been ongoing, changes had been made in national legislation which removed the requirement to provide standards in this regard and the amended Policy was in line with that legislation. Another Member questioned whether, if the main modifications were accepted, there would be a chance to consider other modifications in the future either after the Inspector made her decision or in five to ten years' time. In response, the Legal Advisor explained that, only those things that did not materially affect the policies set out within the JCS could be changed subsequently to the document being found sound. Any changes in five to ten years' time would be a question of plan review. In response to a query regarding the consultation on the main modifications, and the resultant final report, Members were advised that this would ultimately come back to the Council for adoption.
- 56.5 The Mayor thanked Members for their questions and sought a motion from the floor. It was proposed and seconded that the proposed main modifications to the June 2014 Pre-Submission Gloucester, Cheltenham and Tewkesbury Joint Core Strategy be approved for public consultation, as set out in Appendix 1 to the report (including proposed modifications to the proposals map and key diagram), as those it endorsed and considered necessary to make the JCS sound; that authority be delegated to the Chief Executive of Tewkesbury Borough Council, the Corporate Director of Services and Neighbourhoods of Gloucester City Council and the Director of Planning of Cheltenham Borough Council, in consultation with the relevant Leaders of each of those Councils, to make minor changes to the proposed main modifications (and proposed modifications to the Proposals Map and key diagram) in terms of formatting, presentation and accuracy, including any minor changes arising from the consideration of the proposed modifications by each of the Joint Core Strategy Councils, prior to publication for consultation purposes; that Appendix Ai "Indicative Site Layout – Twigworth Urban Extension", Appendix Aii "the City of Gloucester Proposed Primary Shopping Area, Primary Frontage and Secondary Frontage", Appendix B "Superseded Development Plan Policies on Adoption of the JCS" and the "Addendum for Council – Primary Frontages" be incorporated into the proposed main modifications to the June 2014 Pre-Submission Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, as set out at Appendix 1 to the report (including proposed modifications to the proposals map and key diagram), as those it endorsed and considered necessary to make the JCS sound; and that authority be delegated to the Chief Executive of Tewkesbury Borough Council, in consultation with the Leader of Tewkesbury Borough Council, to progress and sign the joint planning statement with Wychavon District Council and thereafter any formal memorandum of agreement in respect of the delivery of development on land at Mitton making a contribution towards Tewkesbury Borough's housing requirements. The proposer felt that it was extremely important that the Council had a plan in place and, even though it was not perfect, the plan set out within the main modifications was the best the JCS authorities could do within the constraints forced upon them by the Planning Inspectorate and the government.

- 56.6 Another Member proposed, and it was seconded, that amendments to the existing proposal be made: that the proposed main modifications to the June 2014 Pre-Submission Gloucester, Cheltenham and Tewkesbury Joint Core Strategy be approved for public consultation, ~~as set out in Appendix 1 to the report (including proposed modifications to the proposals map and key diagram)~~ as those it endorses and considers necessary to make the JCS sound; that authority be delegated to the Chief Executive of Tewkesbury Borough Council, the Corporate Director of Services and Neighbourhoods of Gloucester City Council and the Director of Planning of Cheltenham Borough Council, in consultation with the relevant Leaders of each of those Councils, to make minor changes to the proposed main modifications (and proposed modifications to the Proposals Map and key diagram) in terms of formatting, presentation and accuracy, ~~including any minor changes arising from the consideration of the proposed modifications by each of the Joint Core Strategy Councils, prior to publication for consultation purposes~~; that ~~Appendix Ai “Indicative Site Layout – Twigworth Urban Extension”, Appendix Aii “the City of Gloucester Proposed Primary Shopping Area, Primary Frontage and Secondary Frontage”, Appendix B “Superseded Development Plan Policies on Adoption of the JCS” and the “Addendum for Council – Primary Frontages”~~ be incorporated into the proposed main modifications to the June 2014 Pre-Submission Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, ~~as set out at Appendix 1 to the report (including proposed modifications to the proposals map and key diagram)~~, as those it endorses and considers necessary to make the JCS sound; and that authority be delegated to the Chief Executive of Tewkesbury Borough Council, in consultation with the Leader of Tewkesbury Borough Council, to progress and sign the joint planning statement with Wychavon District Council and thereafter any formal memorandum of agreement in respect of the delivery of development on land at Mitton making a contribution towards Tewkesbury Borough’s housing requirements.
- 56.7 The Legal Advisor expressed concern that the amendments were confusing as they appeared to entirely remove reference to the proposed main modifications at Appendix 1 which meant there would be nothing to agree or to consult upon. In addition, Members were reminded that Cheltenham Borough and Gloucester City Councils had already approved Appendix 1 so, if changes were made, they would have to reconsider the matter. In offering clarification she explained that the minor changes referred to in recommendation 2 would be presentation, grammar etc. and if that was removed from the resolution every single change that was made would have to come back to the Council including such minor things as formatting and presentation. In response, the proposer explained that the JCS was 95% of the way to being a plan that he could approve but he was of the strong view that Twigworth should not be included in the JCS as a strategic allocation; this was the main change which his proposal was designed to achieve. With regard to the sentence referring to minor changes, Members felt that, as long as some clarification of the definition of a minor change was provided, they would consider leaving that sentence in and, in response, the Borough Solicitor advised that a minor change could be an inconsistency, typographical error or something written in the double negative etc. As a further example, the Legal Advisor explained that, at the meeting of Gloucester City Council, Members had noted the omission of a word which in itself did not change the policy but the sentence did not make sense without it. The proposer of the amendment expressed the view that many Members were not happy with the inclusion of Twigworth as a strategic allocation. He indicated that the area had been removed from the original JCS document and there was no way that it should be included at this stage. He was of the view that Gloucester City could find its own solutions through brownfield sites within its own urban area that would make up for the shortfall following the removal of Twigworth. He noted sites such as Myers Road, Gloucester, which was a controversial brownfield site that had capacity for around 400 dwellings and had not been highlighted to either Members or the Inspector; both large and small sites at

Winnycroft to the east of the city; land to the south of Grange Road; and Blackfriars – all of those sites added up to 1,580 dwellings which made him wonder why Tewkesbury should be using its precious Green Belt and flood plain to meet Gloucester's needs. He was firmly of the view that, if Twigworth was included in the main modifications document for consultation purposes, there would be a perception that the Council supported it which it did not. There was some concern expressed that the wish to exclude Twigworth as a strategic allocation was not clear within the amendments proposed and it was further proposed that the first recommendation be amended to read: that the proposed main modifications to the June 2014 Pre-Submission Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, *excluding Twigworth*, be approved for public consultation, as set out in Appendix 1 to the report (including proposed modifications to the proposals map and key diagram), as those it endorsed and considered necessary to make the JCS sound.

- 56.8 During the discussion which ensued, a Member expressed concern that there were many references to Twigworth throughout the JCS main modifications so it would not be as simple as just removing it as a strategic allocation. In response, the Legal Advisor explained that taking Twigworth out would have a huge impact on the numbers in the JCS and, it was her understanding that many, if not all, of the sites in Gloucester which had been mentioned by the speaker were already contained within the Gloucester City Plan or the JCS, a straight swap of numbers would therefore not be possible. With this in mind the JCS authorities would be unable to present replacements to the Inspector so would instead need to persuade her that what was put forward was sound. If this was what Members were minded to do she felt an adjournment would be sensible to give Officers the time to work up the amendments and bring them back to all three JCS authorities. In addition, the Planning Policy Manager advised that Gloucester City Council had identified urban capacity of around 8,000 dwellings following a comprehensive review of its area but this was not enough to match the overall need which was the reason for Tewkesbury helping Gloucester through the JCS process.
- 56.9 Referring to the fourth recommendation within the report which related to land at Mitton, a Member requested whether the proposer of the amendment would accept a further amendment, which was duly seconded, to remove that recommendation in its entirety ~~to delegate authority to the Chief Executive of Tewkesbury Borough Council, in consultation with the Leader of Tewkesbury Borough Council, to progress and sign the joint planning statement with Wychavon District Council and thereafter any formal memorandum of agreement in respect of the delivery of development on land at Mitton making a contribution towards Tewkesbury Borough's housing requirements.~~ He expressed the view that the JCS had been developed in partnership and all three authorities had been happy with it until the Inspector had changed it and now it did not work. He felt the arbitrary way that the Inspector had proposed a 5% uplift to the objectively assessed need was completely unreasonable and the sites that she had recommended as additional strategic allocations were not supported by evidence which, in his mind, made them unsound. He was particularly unhappy with land at Mitton being included in the JCS due to flooding concerns in the area which he did not feel had been properly addressed.
- 56.10 At 6:50pm, the Mayor proposed an adjournment so that Officers may consider the best way forward in respect of the amendments that had been proposed. Following the adjournment the meeting reconvened at 7:15pm with the same Membership present.

- 56.11 The Chief Executive indicated that the amendment as proposed was very significant and Officers had not had an opportunity to work on it in detail. It was clear that the amendment was designed to remove Twigworth as a strategic allocation from the JCS main modifications and he felt Members needed to be aware of the implications of this as well as the issues with the site. He explained that the site had originally been included in the JCS and approved by the Council but in a later iteration it had been removed following a change in the objectively assessed need which meant it was not required. Through the Inspector's work during the examination the objectively assessed need for housing had increased and the Inspector had made her own recommendations which included the proposal to add Twigworth as a strategic allocation. Following that, Officers went back to her to request that the JCS went forward without the inclusion of Twigworth but her letter of 6 October had made it clear that this may result in soundness issues in the plan if there were no good land use planning reasons put forward in the submission. It was obvious that a number of Members felt there were good planning reasons but the Inspector needed to be able to make that judgement. In addition, the Legal Advisor advised that the substance of the amendment as proposed would have a huge 'knock on' effect for the drafting of the plan. It had to be considered where this may ultimately lead. All three Councils could agree to remove Twigworth but the Inspector may still say this approach was unsound and unable to make main modification recommendations. This would mean the JCS authorities had no plan in place but did have needs numbers and the evidence on the sustainability of sites from the examination which, no doubt in respect of all sites, would be open to developers to refer to. Alternatively, the other two Councils may not agree and that would also ultimately get to the same place of no plan, but numbers and the evidence from the examination. The Planning Policy Manager explained that, as part of the work in developing the main modifications, the JCS team had carried out further evidence-based work but this had yielded no land use reason to present as a sound case to the Inspector with regards to Twigworth. He understood that flood risk was a key concern on the site; however, some areas were in flood zone one and as such were acceptable for development purposes. However, if development came forward, it needed to do so in a sustainable way i.e. development being wholly located in flood zone one; flood risk management being a critical part of the masterplan; and the general flood risk policy itself being that development must avoid areas of flood risk and must not increase flooding. It was borne in mind that, whilst the JCS set out the principle of development on sites, the planning application had to be submitted to the Council's satisfaction in line with the policies within the plan. The Chief Executive felt that Members needed to listen to the advice of Officers to ensure a way forward was achieved which was properly constructed and supported and which allowed full consideration by all of the JCS partners.
- 56.12 During the debate which ensued, a Member indicated that she had thought long and hard about the amendment that had been proposed but the issues in relation to flooding, transportation, roads etc. were just too great to ignore. She was also concerned that the information provided in terms of flooding seemed to ignore climate change, and the recommendations of the Environment Agency in that regard, and she felt this was a huge problem. She hoped the Council would be able to debate the issues raised and take the vote on the amendment as proposed so that it could make up its own mind. Another Member expressed the view that the Council needed to make a decision on whether to send the plan onto the next stage. She felt the Inspector's amendments had de-railed the plan as she had made major alterations to it but there seemed little point in making any further amendments as the Inspector just did not listen to anything the Council said. Another Member agreed that the original plan had been fine as it had omitted certain sites in recognition of flooding issues. He felt the Inspector's views were such that the Council needed to write to the government to set out its case. He was of the view that it was unacceptable that the local representatives for the Borough

were effectively not being allowed to decide on their own plan for the area. Another Member indicated that he could not vote for building in the flood plain and was of the view that there was no need to include a strategic allocation at Twigworth as without it the plan offered 95% of the housing needed and the last 5% could be found later from available land. A number of Members agreed that Twigworth should not be part of the consultation document as this would result in there being a presumption that Members were supportive of it as a strategic allocation when they were not. In response to a query as to when the Council had provided a mandate for Twigworth to be put to the Inspector, the Planning Policy Manager explained that, in drafting the main modifications, Officers had gone to the Inspector citing reasons that Twigworth should not be included; recognising the shortfall and suggesting that it could be dealt with through a plan review. However, she had maintained her position and so her recommendation of the site for residential development of at least 750 dwellings; this was the reason it was now with Members for determination. In terms of the proposal to remove Twigworth from the plan, Members were advised that it was not as simple as it might sound as Twigworth was contained within the policy wording, the mapping, the background wording, trajectories and numbers etc. In addition, the Planning Policy Manager explained that the spatial strategy had to be taken into account which stated that development should take place in and around the urban areas of Cheltenham and Gloucester so any alternative sites would need to meet that strategy. There were a lot of sites available but none that would compensate for the loss of Twigworth. In terms of evidence, the JCS team was happy that there was a vast amount of evidence that supported the JCS which was robust. In terms of the sites that it had been suggested could replace Twigworth in and around Gloucester City; the Legal Advisor reiterated that some, if not all, of those were already included within the figure for the JCS as they were part of the City's urban capacity or sites already to be allocated in the JCS.

- 56.13 A Member explained that he fully understood what the amendment was trying to achieve but he felt it would result in taking away the opportunity for residents to speak to the Inspector and have their say on whether or not Twigworth should be a strategic allocation. He understood that residents had evidence in respect of flooding and highways issues and they needed to ensure the Inspector had sight of that through the examination process. Another Member disagreed with this view and felt the only way to ensure Twigworth was safe was not to include it as a strategic allocation in the main modifications. He indicated that everyone remembered the 2007 floods and the issues caused by previous building in the flood plain and he felt lessons should be learnt. The evidence from residents was good and there was some really interesting information for Officers to look at in respect of Twigworth. He felt the best way forward would be for Members to defer consideration of the main modifications to allow time for Officers to digest that additional information and look at how Twigworth could be removed from the plan. He understood that the Borough needed a plan but he wanted one which protected the flood plain and, as such, the one currently before the Council was not acceptable. He felt confident that, if Officers were given time, they would be able to recommend a suitable way forward. A Member expressed the view that, if the JCS was not put forward in line with what the Inspector had suggested, it was likely that, instead of the Council deciding where development was located, this would be down to the developers; they would choose the sites and those sites would be agreed on appeal – he questioned whether the Council really wanted to risk that scenario.
- 56.14 In offering some clarification in respect of evidence and documents that had been referred to that evening, the Legal Advisor indicated that there appeared to be some evidence which had not been provided to Officers so, in response to questions about its robustness, Officers were unable to comment.

- 56.15 In reference to comments made that the JCS authorities could have a plan forced upon them, a Member indicated that the local Member of Parliament had been advised that this was unlikely to happen. In addition, the Member questioned the standard of the evidence that had been put to the Inspector with the inclusion of comments such as 'there were no known traffic and transport issues' - he refuted this given the huge impact any development at Twigworth would have on the operation of the strategic road network, e.g. Longford roundabout, which was already operating over capacity; that 'the allocation could provide the opportunity to reduce crime as it would provide good quality housing which people wanted to look after'; that there would be 'long term positive effects on health'; and that 'no significant negative environmental effects had been identified'. Capita had produced a report on flooding but so had Robert Hitchins and one of the things included in that report was that the new flood levels, once escalated based on the updated climate change guidance, had concluded that the proposed location of the primary school at Twigworth may be vulnerable and was therefore at risk.
- 56.16 A Member expressed the view that he wanted a sound plan and wondered if a deferral would be a sensible way forward. Following advice from the Borough Solicitor he proposed, and it was seconded, that the evidence be provided to Officers for them to work on and that consideration of the main modifications be deferred to come back to Members for a decision with all of the evidence provided. In offering clarification as to the correct way to deal with the proposals made, the Borough Solicitor advised that there were two proposals, one of which had been amended, and in this situation it was at the discretion of the Mayor which proposal was taken first. In line with the advice received, and using her discretion the Mayor, confirmed that the first proposal (the amendment) would be taken first and she asked for the Borough Solicitor to clarify the wording. Members were advised that a means of achieving the intent of the amendment would be that the Officers bring to the Council for approval proposed main modifications to the June 2014 Pre-Submission Gloucester, Cheltenham and Tewkesbury Joint Core Strategy which did not include Twigworth as part of the Innsworth/Twigworth strategic allocation but otherwise was as set out in Appendix 1 to the Council report. The proposer of the amendment thanked the Borough Solicitor for her clarification and, in summing up, he advised that his amendment had not been intended to 'wreck' the process but more to be a constructive amendment to enable the plan to move forward. He knew there were alternative brownfield sites within Gloucester City that needed to be explored and he felt work needed to be done on that before the plan came back to the Council. He was aware of the need for a plan but felt that there were certain areas that needed to be protected. In offering further clarification, the Borough Solicitor explained that the removal of Twigworth was a significant amendment and she felt that everyone needed to know what the plan would look like without its inclusion. There was some confusion expressed over whether the Council was voting for the amendment or a deferral. In offering clarification, the Borough Solicitor explained that the Mayor had decided to put the amendment to the vote. However, the Officer advice was that there was a need for Members to see exactly how the plan would change, if Twigworth were not allocated, which was the reason for suggesting that it come back for further consideration. If, upon being put to the vote, that amendment was lost then the deferral would be considered. The proposer and seconder of the amendment accepted the suggested wording changes and, accordingly, it was

RESOLVED That Officers bring to the Council for approval, proposed main modifications to the June 2014 Pre-Submission Gloucester, Cheltenham and Tewkesbury Joint Core Strategy which do not include Twigworth as part of the Innsworth/Twigworth strategic allocation but otherwise was as set out in Appendix 1 to the Council report.

CL.57 SEPARATE BUSINESS

57.1 The Mayor proposed, and it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

CL.58 LEGAL PROCEEDINGS

(Exempt –Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

58.1 The Council received a report from the Borough Solicitor to enable it to determine a response to legal proceedings. Members resolved that, having considered the merits of the case, they wished to continue to defend the proceedings in the High Court.

The meeting closed at 8:55 pm