

City Council

Date: Tuesday, 26 April 2022

Time: 18:45

Venue: Cathedral Room

Present: Councillor Ruth Alcroft, Councillor Trevor Allison, Councillor Louise Atkinson, Councillor James Bainbridge, Councillor Robert Betton, Councillor Pamela Birks, Councillor Jeffrey Bomford, Councillor Mrs Marilyn Bowman, Councillor Lisa Brown, Councillor Nigel Christian, Councillor John Collier, Councillor Dr Helen Davison, Councillor Gareth Ellis, Councillor Ms Jo Ellis-Williams, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Colin Glover, Councillor Stephen Higgs, Councillor Neville Lishman, Councillor Mrs Elizabeth Mallinson, Councillor John Mallinson, Councillor Mrs Ann McKerrell, Councillor Keith Meller, Councillor Mrs Linda Mitchell, Councillor Michael Mitchelson, Councillor David Morton, Councillor Paul Nedved, Councillor Lucy Patrick, Councillor Fiona Robson, Councillor David Shepherd, Councillor Miss Lee Sherriff, Councillor Christopher Southward, Councillor Peter Sunter, Councillor Dr Les Tickner, Councillor Raymond Tinnion, Councillor Miss Jeanette Whalen, Councillor Christopher Wills

Officers: Town Clerk and Chief Executive
Corporate Director of Governance and Regulatory Services

C.55/22 Apologies for Absence

No apologies for absence were submitted.

C.56/22 Minutes

The Mayor moved the receipt and adoption of the minutes of the meeting of the City Council held on 1 March 2022.

RESOLVED - That the minutes of the meeting of the City Council held on 1 March be received; and were signed by the Mayor.

C.57/22 Public and Press

It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

C.58/22 Declarations of Interest

In accordance with the Council's Code of Conduct the following declaration of interest was submitted:

Councillor Keith Meller declared a Registrable Interest in respect of item 23 - Proposals from the Executive in relation to the Council's Budget and Policy Framework (i) Tullie House (Project Tullie, Phase 2). The interest related to his role as the City Council Trustee on the Tullie House Museum and Art Gallery Trust Board

Councillor Colin Glover declared a Registrable Interest in respect of item 23 - Proposals from the Executive in relation to the Council's Budget and Policy Framework (i) Tullie House (Project Tullie, Phase 2). The interest related to his role as the City Council Trustee on the Tullie House Museum and Art Gallery Trust Board

C.59/22 Announcements

(i) The Mayor

The Mayor advised that St Aidan's Church was holding an event to raise funds for Ukraine where the Border Concert Band would play 'Music from the Musicals', payment would be by donation.

The Mayor informed Council that Ms Rachel Rodway, founder of the local Foodbank, had recently passed away. Councillors Brown, Southward, Mrs Mallinson and the Mayor paid tribute to Ms Rodway's work. Council agreed that a condolence card be sent.

The Mayor noted that the meeting marked her last as Mayor of the City, she thanked Members and Officers for the support and assistance they had provided during her term of office.

(ii) The Leader of the Council

There were no announcements from the Leader of the Council.

(iii) Members of the Executive

There were no announcements from Members of the Executive.

(iv) Town Clerk and Chief Executive

There were no announcements from the Town Clerk and Chief Executive.

C.60/22 Questions by Members of the Public

Pursuant to Procedure Rule 10.1, the Corporate Director of Governance and Regulatory Services reported that no questions had been submitted on notice by members of the public.

C.61/22 Presentation of Petitions and Deputations

Pursuant to Procedure Rule 10.11, the Corporate Director of Governance and Regulatory Services reported that the following deputation had been submitted by members of the public.

“The Friends of Carlisle Victorian and Turkish Baths would like to present a deputation to the meeting of Carlisle City Council on 26 April 2022 the object of which is to make Councillors aware of the increased usage of the Carlisle City Council owned Turkish Baths, the proposals by the Friends Group for the creation of a Centre for Health and Wellbeing at the James Street Public Baths, how the Centre would support Carlisle's ambitions as a WHO Healthy City and the likely closure of the Turkish Baths in October this year.”

The Mayor invited Ms Minns, Mr Yeates and Mrs Yeates to present their deputation to Members.

Mrs Yeates stated that a year ago the Leader had read a statement to Council wherein he took the groundswell of public concern about the Turkish Baths as indication that they were wanted and needed by the people of Carlisle. Mrs Yeates gave an overview of the Friends campaign in the preceding year which demonstrated that the Baths were wanted and needed, including an increase in usage of the Turkish Baths of 107%.

In April 2021, residents had been told that the future of the Baths would depend on increased usage and a business plan to be provided by the Council's Feasibility Study. The study was published in February 2022 and proposed a number of options for the Baths, only one of which proposed retaining the Baths in regular use, and none of which included a business plan.

The long term future of the Baths was to be decided by the Cumberland Authority and the Friends would seek to inform its decision with their viability study on developing the James Street Baths as a Centre for Health and Wellbeing.

It was a decision for the Council whether to keep the Turkish Baths open once the new pools had become operational. The deputation requested that the Turkish Baths not be closed in September for the following reasons: GLL had offered to continue to operate the Turkish Baths; subsidising facilities that support health and wellbeing ought not to be objectionable to Members; the amount of money required to keep the Baths open was the same as the annual subsidy paid for golfing provision. The Leader had stated at the Health and Wellbeing Scrutiny Panel in February 2022 that the amount of money required to keep the Baths open would not be the determining factor as the sum required was likely to be de minimis.

Report CS.19/22 stated that Baths must close in September. In a set of reports accompanying the Council's Feasibility Study, Mott MacDonald identified the work required to demolish the 1970s pool. It stated that five intrusive surveys were required at the site prior to demolition which would take approximately two days to complete and, identified a number of mitigating actions that would enable the Baths to remain in operation during the works. The Mott MacDonald report envisaged the Baths remaining open whilst the Station Gateway Project was carried out.

The deputation asked Members to reject the proposed September closure. They further requested the Members ask; why when an operator was available, budget was not an issue and contractors managing the gateway project were able to do so without affecting the operation of the Baths, why they were being asked to close in September; why Members were being asked to close the Baths without a plan for how or if they would reopen? Finally, the deputation asked why the Council was not doing more, as Carlisle residents had done, to keep the unique facility open?

C.62/22 Deputation from Friends of Carlisle Victoria and Turkish Baths

A report of the Deputy Chief Executive (CS.19/22) regarding the deputation from the Friends of Carlisle Victorian and Turkish Baths was submitted for consideration.

The Culture, Heritage and Leisure Portfolio Holder tabled a document 'Turkish Baths - Recommendations from the Executive' which contained the following text:

- GLL, the Council's Leisure Operator, is already working with the Friends to complete refurbishment work to the interior of the Turkish Baths. The City Council will continue to work with the Friends to help them develop their Vision.
- The City Council has also undertaken to work with the Friends to see if an asset transfer offers the best way forward and, if so, to accomplish it.
- GLL has offered to train Friends' volunteers to operate the Turkish Baths and to assist them in getting the necessary certification.
- The City Council will monitor the progress of the Station Gateway project and, in the event of any delays, it will work with the Friends to see if the operation of the Turkish Baths can be maintained.
- The City Council will also fund the utility costs of any operation of the Turkish Baths after the GLL decant until 31st March 2023.
- There is a funding element within the Station Gateway project to provide new power and heating plant for the Turkish Baths. There is an allowance too for some alteration/refurbishment. The City Council will work with the Friends to maximise the benefit from this funding for the future operation of the Turkish Baths.

The meeting adjourned at 7.02pm for Members to consider the document and reconvened at 7:20pm.

The Culture, Heritage and Leisure Portfolio Holder clarified that the points contained in circulated document were not formal recommendations of the Executive. All discussion relating to the Turkish Baths during the meeting would be taken forward to a future meeting of the Executive.

Responding to matters raised by the Friends of Carlisle and Victorian and Turkish Baths, the Culture, Heritage and Leisure Portfolio Holder stated that he was not aware that GLL had offered to staff the Baths following the closure of the Pools and so had developed bullet point 3 above, either option would be acceptable for it to consider the matter.

The report recommended that the Baths close at the same time as the Pools, the Culture, Leisure and Portfolio Holder advised that he was happy to work with the contractor appointed to deliver the Station Gateway Project with a view to keeping the Baths open.

The Corporate Director of Governance and Regulatory Services advised Members that report CS.19/22 had been provided to facilitate discussion following the deputation. The document circulated by the Culture, Heritage and Leisure Portfolio Holder was a statement of position which would be read into the record. The issues covered in debate would be a matter for the Executive to consider at a future meeting.

Substantial discussion ensued wherein Members debated the following issues: Community Asset Transfer of the Baths; whether GLL would continue to operate the Baths following the closure of the Pools; whether it was necessary for the Baths to close at the same time as the

Pools; whether it was feasible for the Baths to be run by volunteers once the Pools had closed; the location of the central boiler; the architectural merit of the building; the importance of the Baths as a health and wellbeing facility; the work done by The Friends and the Council's Communications team to highlight the facility and increase usage of it; the importance of Officers meeting with the Friends as agreed at the February 2022 scrutiny meeting.

Councillor Bomford asked whether it was possible to clarify whether GLL were prepared to continue to run the Baths once the Pools were no longer operating and for that information to be circulated to all Members?

The Culture, Heritage and Leisure Portfolio Holder undertook to contact GLL on the matter and to provide a written response to all Members.

RESOLVED - 1) That report CS.19/22 be noted.

2) That the Culture, Heritage and Leisure Portfolio Holder's statement of position be noted.

3) That the Culture, Heritage and Leisure Portfolio Holder referred the matter of the Turkish Baths to the Executive for its consideration.

4) That the Culture, Heritage and Leisure Portfolio Holder contact GLL to clarify whether it was willing to operate the Turkish Baths following the closure of the Pools, and provide a written response to all Members.

C.63/22 Questions from Members of the Council

(i) Pursuant to Procedure Rule 11.2, the Corporate Director of Governance and Regulatory Services to report that the following questions have been submitted by Councillor Glendinning:

"1. Given the construction of the pools and new build at the Sands Centre is virtually on time and set to open as scheduled this autumn, are you yet in a position to give us the date for the demolition of James Street pools.

The Culture, Heritage and Leisure Portfolio Holder confirmed that the construction of the redeveloped Sands Centre was on time. The demolition works for the James Street Pools were to be undertaken as part of the Station Gateway Project for which Cumbria County Council was the lead authority on behalf of Borderlands, it was understood that works would likely take place in January 2023, but the date had not been formally confirmed.

Pursuant to Procedure Rule 11.6 Councillor Glendinning asked the following supplementary question:

"The Deputy Chief Executive's report stated that Staples must be demolished before the Pools, why were the Turkish Baths to be close, why were they not able stay open longer?

The Culture, Heritage and Leisure Portfolio Holder stated that until the details of the Station Gateway Project were known, a full understanding of the timeline of requisite works was not possible. Once the information was available discussions would take place with interested parties.

2. It is understood that there is a sum of money allocated from the Borderlands project for the construction of a new heating plant for the Victorian Baths Suite on James Street. Has a contractor been engaged and a date set for the construction to start.”

In response, the Culture, Heritage and Leisure Portfolio Holder reiterated that such detail would not be available until the details of the Station Gateway Project were known.

Pursuant to Procedure Rule 11.6 Councillor Glendinning asked the following supplementary question:

"The Mott McDonald report identified that as a result of the demolition of the Pools, the Turkish Baths would require a new connection to mains water. As the Turkish Baths building was owned by the Council it was up to the authority to make that provision, had a request for a new connection been made, and if so when had it been submitted?"

The Culture, Heritage and Leisure Portfolio Holder undertook to provide a written response on the matter.

Pursuant to Procedure Rule 11.2, the Corporate Director of Governance and Regulatory Services to report that the following question has been submitted by Councillor Dr Tickner:

“My question relates to the newly created temporary seating and plastic grass area in the Greenmarket. At a time when Carlisle residents are having to deal with ever increasing cost of living increases and the highest taxation seen in over 70 years does the Executive accept that they have badly misread the feeling of the public in spending £50,000 on this feature? Could the executive please advise council of the level of consultation that was undertaken to inform the decision, the money spent to date on the project and the money yet to be spent on removing the feature?”

The Culture, Heritage and Leisure Portfolio Holder did not accept that public feeling had been misread, he noted that a large number of people had been using and benefiting from the relaxing surroundings, children had enjoyed playing on the grassed area. The monies to pay for the project had been provided by the European Regional Development Fund and therefore had to be used to deliver the project.

Pursuant to Procedure Rule 11.6 Councillor Dr Tickner asked the following supplementary question:

"Do you agree that people with the cost of living crisis have a right to be unhappy about the Council spending the money?"

The Culture, Heritage and Leisure Portfolio Holder agreed the people did have the right to be unhappy about the monies spent, however those were not the only views that had been put forward.

Pursuant to Procedure Rule 11.2, the Corporate Director of Governance and Regulatory Services to report that the following question has been submitted by Councillor Alcroft:

“The Friends of the Turkish Baths group are keen to work with the council to look at ways of saving, maintaining and developing the Turkish Baths on James St.

Can the executive confirm that they, and officers, will meet with the group as soon as possible to allow this to happen, and commit to meeting with the group on an ongoing basis?"

The Culture, Heritage and Leisure Portfolio Holder confirmed that he was agreeable to meeting with the Friends Group.

Pursuant to Procedure Rule 11.6 Councillor Alcroft asked the following supplementary question:

"The Council was a signatory to the Cumbria Compact, an agreement between the public and third sectors on service delivery, why where the Friends not been told that the Turkish Baths were to close in September?"

The Culture, Heritage and Leisure Portfolio Holder responded that he did not know if the Turkish Baths would need to close in September, the matter was still to be decided by others.

Councillor Alcroft further asked whether the Friends would be consulted as the process continued?

The Culture, Heritage and Leisure Portfolio Holder stated that he had already indicated that the Friends would be involved in discussions, and he was happy to underline that point.

RESOLVED - The Culture, Heritage and Leisure Portfolio Holder to provide a written response to Councillor Glendinning regarding the installation of a new mains water connection to the Turkish Baths.

C.64/22 Minutes of the Executive

Councillor Mallinson (J) moved, and Councillor Ellis seconded that the Minutes of the meetings of the Executive held on 21 February and 21 March 2022 be received and adopted.

RESOLVED – That the Minutes of the meetings of the Executive held on 121 February and 21 March 2022 be received and adopted.

C.65/22 Executive - Portfolio Holder Reports

Copies of reports from the following Portfolio Holders had been circulated prior to the meeting:

C.65/22(i) Culture, Heritage and Leisure

The Culture, Heritage and Leisure Portfolio Holder moved his report. Members discussed a number of topics set out in the report and the Culture, Leisure and Heritage Portfolio responded to questions.

RESOLVED - That the report of the Culture, Heritage and Leisure Portfolio Holder be received.

C.65/22(ii) Communities, Health and Wellbeing

The Communities, Health and Wellbeing Portfolio Holder moved her report and responded to questions regarding the 'Veg City' initiative.

RESOLVED - That the report of the Communities, Health and Wellbeing Portfolio Holder be received.

C.65/22(iii) Environment and Transport

The Environment and Transport Portfolio Holder moved his report and responded to questions relating to the provision of public access electrical vehicle charging points and the impact of the free weekend and bank holiday parking scheme.

RESOLVED - That the report of the Environment and Transport Portfolio Holder be received.

C.65/22(iv) Economy, Enterprise and Housing

The Economy, Enterprise and Housing Portfolio Holder moved her report and responded to questions relating to the Carlisle Southern Relief Road, the Rural Strategy and how the Council worked with partners to support people dealing with hoarding.

RESOLVED - That the report of the Economy, Enterprise and Housing Portfolio Holder be received.

C.65/22(v) Finance, Governance and Resources

The Finance, Governance and Resources Portfolio Holder moved his report and responded to questions relating to the delivery of the government's Council Energy Tax Rebate Payment scheme.

RESOLVED - That the report of the Finance, Governance and Resources Portfolio Holder be received.

C.65/22(vi) Leader's Portfolio

The Leader moved his report.

RESOLVED - That the report of the Leader be received.

C.66/22 Minute Book

The Mayor moved and Councillor Mitchelson seconded receipt and adoption of the minutes of the meetings as detailed within Minute Book Volume 48(6):

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E c c o n o m i c G r o w t h S c r u t i n y P a n e l	3 M a r c h a n d 1 7 M a r c h 2 0 2 2
R e g u l a t	1 6 M a r c h

o r y P a n e l	2 0 2 2
D e v e l o p m e n t C o n t r o l C o m m i t t e e	2 3 F e b r u a r y a n d 2 5 F e b r u a r y 2 0 2 2
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RESOLVED - That the minutes of the meetings as detailed above be received and adopted.

C.67/22 Scrutiny

Copies of reports from the following Scrutiny Panel Chairs had been circulated prior to the meeting:

C.67/22(i) Chair of Health and Wellbeing Scrutiny Panel

Councillor Finlayson moved her Chair's Report.

RESOLVED - That the Report of the Chair be received.

C.67/22(ii) Chair of Business and Transformation Scrutiny Panel

Councillor Bainbridge moved his Chair's Report.

RESOLVED - That the Report of the Chair be received.

C.67/22(iii) Chair of Economic Growth Scrutiny Panel

Councillor Brown moved her Chair's Report.

RESOLVED - That the Report of the Chair be received.

C.68/22 Notice of Motion

Pursuant to Procedure Rule 12, the Corporate Director of Governance and Regulatory Services reported that no motions had been submitted on notice.

C.69/22 Proposed Change to Overview and Scrutiny Arrangements

C.69/22 – Proposed Change to Overview and Scrutiny Arrangements

Pursuant to minute BTSP.09/22, consideration was given to a report of the Monitoring Officer following a request to amend the Constitution to revise the Council's overview and scrutiny arrangements. A copy of report GD.20/22 had been circulated.

Councillor Bainbridge gave an overview of the history of the operation of the Council's scrutiny function and the Local Government Association (LGA) Peer Challenge which had recommended changes to its existing format.

Councillor Bainbridge moved recommendations 1 - 4 as set out in the report, Councillor Ms Ellis-Williams seconded the proposal.

Council debated the matter with some Members expressing concerns in relation to: the appropriateness of implementing the proposed changes in the context of Local Government Reorganisation in Cumbria; the impact on Officer workload; the reduced number of Members who would participate in the scrutiny function; and, the increased number of items on the Work Programme of each Panel.

Councillor Dr Tickner moved recommendation 5 to reject the changes set out in the report. Councillor Southward seconded the proposal.

The matter was put to the vote and it was:

RESOLVED - That Council:

1. Endorsed and approved the changes set out in Report GD.20/22;
2. Approved the amended Article 6 to the Constitution set out in Appendix 3;
3. Approved the revised Table 1 of the Overview & Scrutiny Procedure Rules of the Constitution set out in Article 4; and
4. Authorised the Monitoring Officer to make any further consequential amendments to the Constitution.

C.70/22 Scrutiny Annual Report 2021-22

Consideration was given to report OS.14/22 enclosing the Annual Report of the Council's Overview and Scrutiny function for 2021-22. The report summarised the work of the Scrutiny Panels over the last year and provided recommendations for future work programmes.

In accordance with agreed procedure, the report had been considered by the Business and Transformation; Health and Wellbeing; and Economic Growth Scrutiny Panels.

Councillor Bainbridge thanked the Democratic Services team and the Overview and Scrutiny Officer for the support they had provided to the Panels during the previous year, and moved the report. Councillor Finlayson seconded the report, and it was:

RESOLVED – That the Council formally accepted the Annual Report of the Council’s Overview and Scrutiny function for 2021-22.

C.71/22 Report of the Independent Remuneration Panel - Maternity and Parental Leave Policy

Pursuant to minute extract C.13/22, consideration was given to the report and recommendations of the Independent Remuneration Panel who had been requested by Council to investigate the adoption by Council of a maternity and parental leave policy for Councillors. A copy of report GD.25/22 had been circulated.

Councillor Ellis moved the recommendation to approve for implementation the Maternity and Parental Leave Policy for Members as attached to report GD.25/22. Councillor Robson seconded the recommendation.

RESOLVED - That Council, having had regard to the report of the Independent remuneration Panel, thank the Panel for their Report and resolve to approve for implementation the Maternity and Parental Leave Policy for Members as attached at Appendix A of GD.25/22 which covers maternity, paternity, adoption and shared parental leave.

C.72/22 Report of the Independent Remuneration Panel - Members Allowance Scheme

Consideration was given to the recommendations of the Independent Remuneration Panel following a review of the existing Members' Allowance Scheme. A copy of report GD.26/22 had been circulated.

Councillor Ellis moved recommendations a and b as set out in the report Councillor Robson seconded the proposal.

RESOLVED - 1) That Council, having regard to the recommendation of the Independent Remuneration Panel, thank the Panel for their review and confirm that the existing Members' Allowance Scheme be used unaltered from 1 April 2022 onwards.

2) That Council confirmed the application of section 15 of the Scheme in respect of the index linking of allowances to the agreed pay award for staff, the consistency of travel and subsistence with staff rates, and the dependent carer's allowance increasing in line with the national minimum wage.

C.73/22 Audit Committee Annual Report 2021/22

Pursuant to Minute AUC.08/22, consideration was given to the Annual Report of the Audit Committee for the municipal year 2021/22 (RD.74/21). An extract from the Minutes of the Audit Committee meeting held on 23 March 2022 was also submitted.

Councillor Meller moved the Annual Report, which was duly seconded by Councillor Mrs Mitchell.

RESOLVED – That the Council noted and approved the Audit Committee’s Annual Report for 2021/22.

C.74/22 Operations of the Provisions Relating to Call-in and Urgency

Pursuant to Procedure Rule 15(j) of the Overview and Scrutiny Procedure Rules, the Corporate Director of Governance and Regulatory Services reported (GD.21/22) on the Operation of Call-in and Urgency Procedures over the past year.

RESOLVED – That report GD21/22 be noted.

C.75/22 Communications

There were no communications or items of business brought forward by the Mayor as a matter of urgency to be dealt with at the meeting.

C.76/22 PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A to the 1972 Local Government Act.

C.77/22 Proposals from the Executive in relation to the Council's Budget and Policy Framework

(i) Project Tullie - Phase 2 (Arts Council England, Town Deal and Future High Streets funded project)

(Not for publication by virtue of paragraph 3)

Pursuant to Minute EX.65/22, consideration was given to a recommendation from the Executive regarding the Project Tullie proposals and in particular Phase 2 (which concerned the redevelopment of the Tullie House atrium, community classroom, rear yard and properties on castle Street) and recommend the freehold disposal of the Council's Castle Street assets to support Tullie House's aspirations. A copy of private report ED.09/22 and relevant minute extract was circulated.

The Leader moved the recommendations and thanked Officers for their work on the matter. The Culture, Heritage and Leisure Portfolio Holder seconded the recommendations.

RESOLVED - That Council:

1). Approved the transfer of the freehold interest in the Castle Street assets to the Tullie House Trust (THT) for the nominal consideration of £1.00 conditional upon appropriate grant funding agreements being entered by the THT with external funding bodies and the Council as detailed in the Heads of Terms contained in Appendix 5 of the attached Executive report (ED.09/22) and delegated authority to the Head of Property Services following consultation with the Portfolio Holder for Finance, Governance and Resources and Culture, Heritage and Leisure to agree the final terms of the disposal contract.

2). Approved a capped capital contribution initially funded from prudential borrowing for inclusion in the capital programme to fund a Reverse Premium as specified in Appendix 5 of the attached Executive report (ED.09/22) to the THT to enable them to carry out necessary repairs and re-purposing work to the Disposal Property as part of PTph2 with a requirement that the THT determine the most economically efficient manner of procuring and carrying out the re-purposing works required to put the Disposal Property into a useable condition capable of beneficial occupation.

The Meeting ended at: 21:39