### **BARROW BOROUGH COUNCIL**



TOWN HALL DUKE STREET BARROW-IN-FURNESS

8th May, 2015

To: The Members of Barrow Borough Council

Madam Mayor, Ladies and Gentlemen

You are hereby summoned to attend the Annual Meeting of BARROW BOROUGH COUNCIL which will be held in the COUNCIL CHAMBER at the TOWN HALL, BARROW on MONDAY the 18<sup>th</sup> day of MAY, 2015 COMMENCING AT <u>2.00 P.M.</u> for the transaction of the business specified below.

**Executive Director** 

Prior to the business of the meeting, Prayers will be offered.

### Business

- 1. TO ELECT THE CHAIRMAN AND MAYOR FOR THE ENSUING YEAR.
- 2. TO ELECT THE VICE-CHAIRMAN AND DEPUTY MAYOR FOR THE ENSUING YEAR.
- (A) VOTE OF THANKS TO THE EX-CHAIRMAN AND MAYOR AND RETIRING MAYORESS.
  - (B) PRESENTATION OF FORMER MAYOR'S MEDAL.
- DECLARATIONS OF INTEREST.

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency,

to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

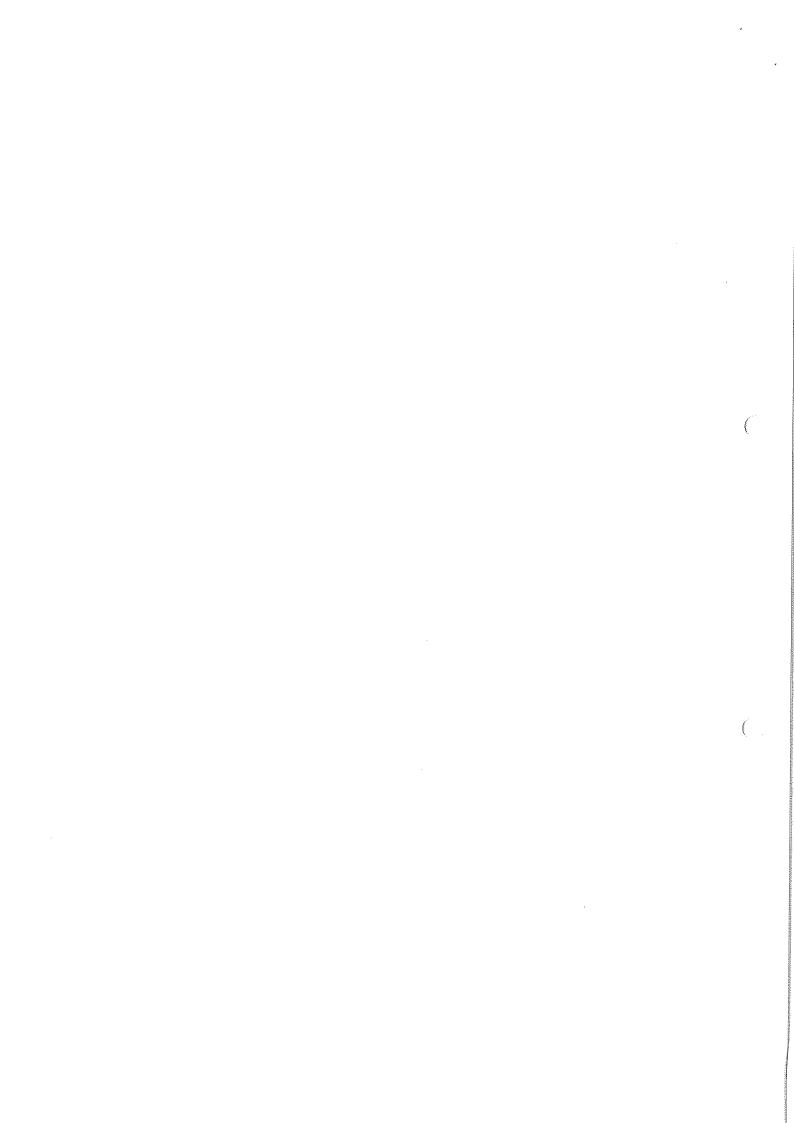
- 5. MINUTES. To confirm the Minutes of the Council's proceedings held on 17th March, 2015.
- 6: TO RECEIVE APOLOGIES FOR ABSENCE
- 7. TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF THE PAID SERVICE.
- 8. TO ELECT THE LEADER OF THE COUNCIL.
- 9. TO RECEIVE A REPORT FROM THE MONITORING OFFICER.
- 10. TO APPOINT THE FOLLOWING COMMITTEES:
  - (1) Executive
  - (2) Planning
  - (3) Licensing
  - (4) Licensing Regulatory
  - (5) Overview and Scrutiny
  - (6) Audit
- 11. TO AGREE THE TERMS OF REFERENCE OF THE ABOVE COMMITTEES, THE SCHEME OF DELEGATION FOR COMMITTEES AND OFFICERS.
- 12. ANNUAL COUNCIL MEETING 2016 DATES AND TIMES OF COUNCIL AND COMMITTEE MEETINGS IN 2015/2016.
- 13. TO RECEIVE A REPORT FROM THE EXECUTIVE DIRECTOR ON A REVIEW OF THE REPRESENTATION OF THE DIFFERENT POLITICAL GROUPS OF THE COUNCIL ON COMMITTEES AND DECIDE: **To follow** 
  - (i) The size of Committees
  - (ii) The allocation of seats and substitute seats to political groups, and
  - (iii) Delegate to Committees the power to make appointments to outside bodies appropriate to their terms of reference.
- 14. TO RECEIVE NOMINATIONS AND APPOINT COUNCILLORS (AND SUBSTITUTES) TO SERVE ON COMMITTEES. To follow
- 15. TO APPOINT THE CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES. To follow
- 16. TO APPOINT THE CHAIRMAN AND MEMBERS OF THE HOUSING MANAGEMENT FORUM. To follow

### 17. TO APPOINT THE FOLLOWING OFFICIAL SPOKESPERSONS:-

Children and Young People
Economic Development/Regeneration
Environment and Planning
Equalities and Diversity
Health and Safety
Health and Well-being
Housing
Human Resources
Leisure and Tourism
Licensing
Media
Member Development
Sport
Wildlife, Heritage and Culture

### 18. TO PASS THE FOLLOWING RESOLUTION, THAT IS TO SAY:

That the Council authorises the fixing of its Common Seal to any documents to give effect to the Minutes and proceedings of the Committees submitted to or approved by this meeting and any other matters dealt with at this meeting.



### **BOROUGH OF BARROW-IN-FURNESS**

A MEETING OF THE COUNCIL of this Borough was held at the Town Hall, Barrow-in-Furness at 5.30 p.m. on Tuesday the 17th day of March, 2015 to take into consideration and determine upon the following subjects, namely: -

- 1. DECLARATIONS OF INTEREST (IF ANY).
- 2. MINUTES.
- 3. TO RECEIVE APOLOGIES FOR ABSENCE.
- 4. ANNOUNCEMENTS.
- 5. (A) TO RECEIVE REPORTS FROM THE FOLLOWING COMMITTEES AND CONSIDER RECOMMENDATIONS.
  - (1) PLANNING
  - (2) LICENSING REGULATORY
  - (3) LICENSING
  - (3) EXECUTIVE
  - (4) AUDIT
  - (B) QUESTIONS TO THE LEADER OF THE COUNCIL.
- 6. STATEMENT OF RETIREMENT OF MEMBERS OF THE COUNCIL.
- 7. TO ORDER THE COMMON SEAL TO BE AFFIXED TO DOCUMENTS.

PRESENT:- Councillors Derbyshire (Mayor in the Chair), Barlow, Bell, Biggins, Burns, Callister, Cassidy, Doughty, Garnett, Graham, Guselli, Hamilton, Husband, Irwin, Johnston, R. McClure, McKenna, Maddox, Murphy, Opie, Pemberton, Pidduck, Pointer, Preston, Roberts, Seward, Sweeney, C. Thomson, M. A. Thomson, Thurlow and Wilson.

The meeting was opened with Prayers by the Mayor's Chaplain.

### 72 - Declarations of Interest

Councillor Barlow declared a disclosable pecuniary interest in Minute No. 141 of the Executive Committee – Increase in Charges for Schedule Two Waste. He was the Vice-Chairman of the Governors of George Hastwell School.

Councillor Pidduck declared a disclosable pecuniary interest in Minute No. 141 of the Executive Committee – Increase in Charges for Schedule Two Waste. He was the Chairman of the Governors of St. James Junior School.

### 73 - Minutes

The Minutes of the meeting of the Council held on 3rd March, 2015 were taken as read and confirmed.

### 74 - Apologies for Absence

Apologies for absence were received from Councillors W. McClure, Richardson and Williams.

### 75 - Announcements

There were no announcements from the Chairman, Leader or Head of Paid Service.

### REPORTS OF COMMITTEES

### 76 - Planning

It was moved by Councillor M. A. Thomson, and

RESOLVED:- That the report of the meetings of the Planning Committee held on 3rd February and 10th March, 2015 be received.

### 77 – Licensing Regulatory

It was moved by Councillor Callister, and

RESOLVED:- That the report of the special meeting held on 27th January and the meetings of the Licensing Regulatory Committee held on 5th February and 12th March, 2015 be received.

### 78 - Licensing

It was moved by Councillor Callister, and

RESOLVED:- That the report of the special meeting held on 25th February and the meeting of the Licensing Committee held on 12th March, 2015 be received.

### 79 - Executive

It was moved by Councillor Pidduck and seconded by Councillor Sweeney that the report of the meetings of the Executive Committee held on 21st January and 11th

March, 2015 be received and that each of the recommendations contained therein be adopted.

RESOLVED:- That the report of the meetings of the Executive Committee held on 21st January and 11th March, 2015 be received and that each of the recommendations contained therein be adopted.

### 80 - Audit

It was moved by Councillor Burns; and

RESOLVED:- That the report of the meeting of the Audit Committee held on 5th March, 2015 be received.

### 81 - Questions to the Leader of the Council

There had been no questions submitted to the Leader of the Council under Notice as required by Standing Order 10.2 and 10.4.

No Members had any questions for the Leader of the Council relevant to the business before them.

### 82 - Statement of Retirement of Members of the Council

The Executive Director reported that the Whole Council Elections for all Councillors of the Borough Council would be held on 7th May, 2015. The term of office of all Members of the Council expired on 11th May, 2015.

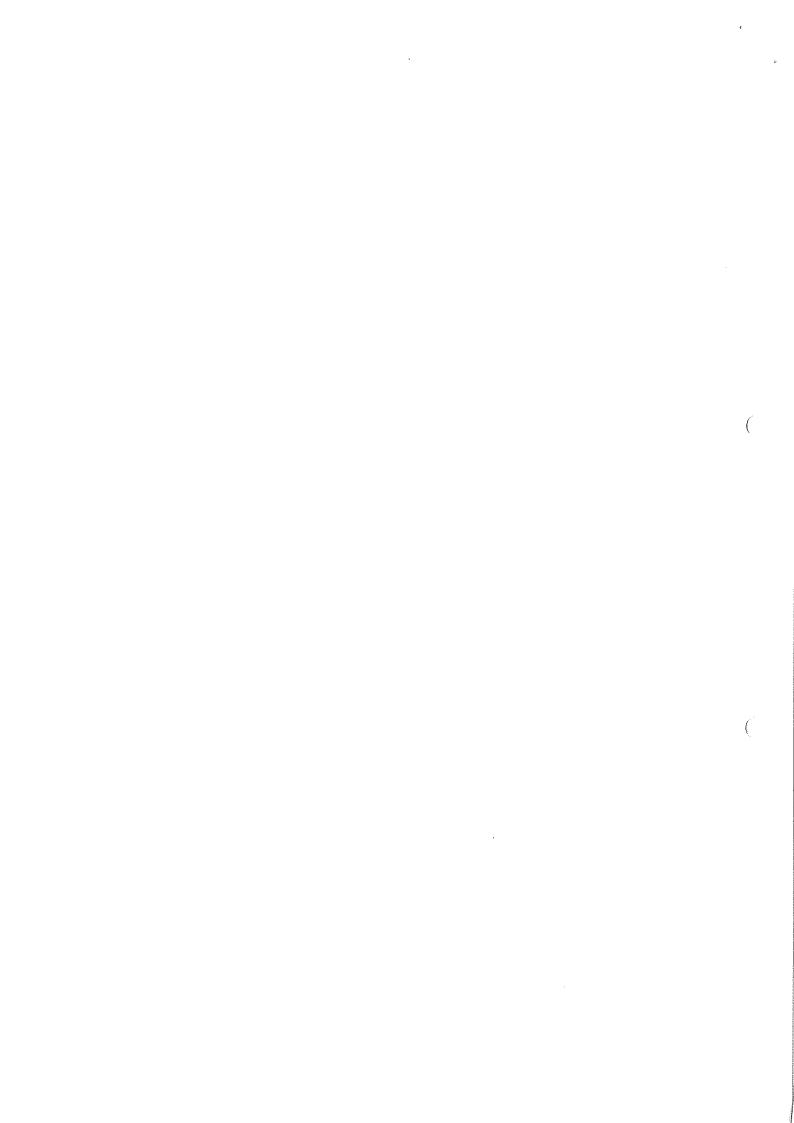
The Leader of the Council conveyed his thanks on behalf of the Borough to all Councillors for their work.

RESOLVED:- That such statement be noted.

### 83 - Common Seal

RESOLVED:- That the Council authorises the affixing of its Common Seal to any documents to give effect to the Minutes and proceedings of the Committees submitted to or approved by this meeting and any other matters dealt with at this meeting.

The meeting closed at 5.38 p.m.



### COUNCIL

Date of Meeting:

18th May 2015(Annual Meeting)

Agenda Item 9

Reporting Officer:

**Monitoring Officer** 

Title:

Constitution

### **Summary and Conclusions:**

The Constitution needs to be amended to reflect the Local Authorities (Standing Orders) (Amendment) Regulations 2015.

### Recommendation:

To recommend the Council:-

- To agree that in place of the Designated Independent Person process the disciplinary process of the most senior officers would be taken transparently by full council, who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigations into the proposed dismissal, and any recommendations from the officer concerned;
- To agree to invite independent persons who have been appointed for the purposes of the members' conduct regime under section 28 (7) of the Localism Act 2011 to form an independent panel, and must include in that invitation any of its independent persons who are electors for that council's area;
- To appoint the Appeals Panel as a committee appointed under Section 102 (4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the Authority;
- 4. To note that the changes became effective on 11<sup>th</sup> May 2015; and
- 5. To authorise the Monitoring Officer to make any necessary amendments to the Constitution.

### Report

The Local Authorities (Standing Orders) (Amendment) Regulations 2015 will come into operation on 11<sup>th</sup> May 2015.

These regulations, which apply to all principal councils in England, simplify and localise the disciplinary process for the most senior officers of a council i.e. the Head of Paid Services, the Monitoring Officer and the Chief Finance Officer. They remove the requirement that a Designated Independent Person be appointed to investigate and make a binding recommendation on disciplinary action against these senior staff.

The Regulations provide that, in place of the DIP process, the decision will be taken transparently by full council, who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal, and any representation from the officer concerned.

In the case of a proposed disciplinary action against one of these most senior officers, the council is required to invite independent persons who have been appointed for the purposes of the members' conduct regime under Section 28 (7) of the Localism Act 2011 to form an independent panel, and must include in that invitation any of its independent persons who are electors for that council's area.

Councils are required to modify their standing orders to implement these Regulations no later than the first ordinary meeting of the council after the Regulations come into force on 11<sup>th</sup> May 2015.

The regulations require the Council to invite independent persons to form an Independent Panel. We are currently in discussions with South Lakeland District Council and other District Council's in Cumbria about a reciprocal arrangement to appoint independent persons to these panels.

Background Papers - Nil

### COUNCIL

Date of Meeting:

18th May 2015(Annual Meeting)

Agenda ltem 12

Reporting Officer:

**Executive Director** 

Annual Council Meeting 2016 - Dates and Times of Title: Council and Committee Meetings in 2015/2016

### **Summary and Conclusions:**

This report puts the under-mentioned recommendations for the date and time of the Annual Council meeting in 2016 and other meetings during 2015/2016.

### Recommendation:

That.

- i) The Annual Council meeting in 2016 will be held on Tuesday, 10th May, 2016 at 2.00 p.m.
- The under-mentioned dates be fixed for Council meetings in 2015/2016 ii) namely:-

26th May 2015

21<sup>st</sup> July, 2015 13<sup>th</sup> October, 2015

19<sup>th</sup> January, 2016 1<sup>st</sup> March, 2016 (Budget Council)

22<sup>nd</sup> March 2016

(iii The programme of ordinary meetings for Committees and the Housing Management Forum shown at Appendix 1 to this report be agreed.

### Report

The Annual Council meeting is to be held in May on a date and at a time fixed by the Council.

The Council at its Annual meeting is also required to approve a programme of ordinary meetings of the Council for the year a copy of which is attached at Appendix 1.

### Background Papers

Nil



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Sat	26 BOXING DAY	23	21/	26	23	21
Sun Mon	28 TOWN HALL CLOSED	24 25	28 29	27 28 EASTER MONDAY	24	22 23
Tue	29 TOWN HALL CLOSED	26		29	26 PLANNING	24
Wed	30 TOWN HALL CLOSED	2/		30	27	25
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### **BARROW-IN-FURNESS BOROUGH COUNCIL**

Annual Meeting; 18th May 2015

### Agenda Item No. - ELECTION OF COUNCILLORS

At the election of Councillors held on 7th May 2015, the following persons were duly elected and have each been requested to make and subscribe prior to the commencement of the Annual Council Meeting the declaration of acceptance of office as a Councillor which is required by law.

<u>WARD</u>	<u>NAME</u>	NO. OF VOTES	RETIRES
Wainey North	Des Barlow	1452	2019
	Anthony Callister	1208	2019
	Anita Husband	1344	2019
Walney South	Frank Cassidy	1437	2019
	Colin Thomson	1312	2019
	Helen Wall	1187	2019
Barrow Island	Allison Johnston	589	2019
Hindpool	Anne Burns	Uncontested	2019
	Dave Pidduck	Uncontested	2019
	Ann Thomson	Uncontested	2019
Central	Trevor Biggins	840	2019
	Alec Proffitt	690	2019
Ormsgill	Derek Brook	Uncontested	2019
	Bill McEwan	Uncontested	2019
	Lovinia Williams	Uncontested	2019
Parkside	Susan Opie	1259	2019
	Debbie Seward	1106	2019
	Brendan Sweeney	1073	2019
Risedale	Lesley Graham	1310	2019
	Kevin Hamilton	1361	2019
	Hayey Preston	1474	2019
Hawcoat	Levi Gill	1470	2019
	Alan Pemberton	1502	2019
	Dave Roberts	1640	2019
Newbarns	Marie Derbyshire	1213	2019
	Wendy McClure	1247	2019
	John Murphy	1226	2019

Roosecote	Derek Gawne	1356	2019
	Rory McClure	1428	2019
	Martin McLeavy	1259	2019
Dalton North	Jill Heath	1309	2019
	Sean Harkin	1213	2019
	Ann Thurlow	1255	2019
Dalton South	William Bleasdale	1243	2019
	Wendy Maddox	1298	2019
	Gordon Murray	1218	2019

P HUCK, EXECUTIVE DIRECTOR.

COUNCIL		Agenda
Date of Meeting: 18th May, 2015 (Annual Meeting)		Item
Reporting Officer:	Executive Director	13

Title:

Review of Representation of Political Groups on

**Committees** 

### **Summary and Conclusions:**

Section 15 of the Local Government and Housing Act, 1989 places a duty on the Local Authority at its Annual Meeting (or as soon as practicable after the meeting) to review the representation of the different Political Groups on the Council.

This report deals with that review and the consequent recommendations.

### Recommendations:

To recommend the Council -

- 1. To agree the size of Committees;
- 2. To agree the allocation of seats and substitute seats to political groups in accordance with the details at **Appendix 2**; and
- 3. To agree the allocation of seats on Outside Bodies, the number of seats and allocations in respect of Forums, Panels, Working Groups etc. in accordance with the details at **Appendix 3** and (with the exception of the Housing Management Forum) delegate to the appropriate committees the power to make the necessary appointments.

### Report

It is the duty of the Council or of a relevant Committee in performing this function to determine the allocation to different political groups of the seats which fall to be filled by appointments and in making such determinations to give effect, so far as reasonably practicable, to the following principles:-

1. That not all the seats on the body are allocated to the same political group.

- 2. That the majority of the seats on the body is allocated to a particular political group if the number of members belonging to that group is a majority of the Authority's membership.
- 3. Subject to Nos. (1) and (2) above, that the number of seats on the ordinary Committees of the Authority which are allocated to each political group bears the same proportion to the total of all seats on the ordinary Committees of that Authority as is borne by the number of Members of that group to the membership of that Authority;
- 4. Subject to Nos. (1) and (3) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of Members of the group to the membership of the Authority; and
- 5. The number of seats held on the Council by each group is:-

Labour Group 27 Conservative Group 9

The relevant Regulations require that <u>so far as is reasonable</u> the proportion of the total seats on Committees and on individual Committees held by the Political Groups bear the same proportion to their seats on the Council.

Appendix 2 shows the recommended allocation of seats on Committees and Sub-Committees.

Members are asked to note the following:-

- 1. The number of seats on the Executive, Licensing, Licensing Regulatory, Planning and Overview and Scrutiny Committee have been set at twelve.
- 2. The Council's Constitution provides that -
  - (a) Members of the Executive Committee <u>shall not be eligible</u> to be members of the Planning Committee <u>and vice-versa.</u>
  - (b) One Executive Committee member from each political group may be appointed to the Overview and Scrutiny Committee subject to the proportionality rules. All other Councillors qualify to sit on the Committees and any Sub-Committee established.
- 4. The number of Councillors on the Housing Management Forum has been set at eight.
- 5. The number of Councillors on the Audit Committee has been set at six.

The recommended seat allocations in respect of those Outside Bodies to which the proportionality rules have been applied and in respect of Forums, Working Groups and Panels are at **Appendix 3**.

It is recommended that the Council delegate to Committees the power to make appointments to outside bodies etc. appropriate to their terms of reference.

### **Background Papers**

Nil



### **APPENDIX 2**

# MAY 2015 CALCULATION OF POLITICAL BALANCE ON COMMITTEES

### STAGE 1 – Percentage Representation on the Council:

Party	Membership	Percentage %	
Labour	27	75	
Conservatives	9	25	

### STAGE 1A - Total number of seats on Committees to be Allocated:

Committee	Membership
Executive	12
Planning	12
Licensing Regulatory	12
Licensing	12
Overview and Scrutiny	12
Audit	6
Total	66

### STAGE 2 - Total Allocation of Seats to Each Party

Party	Number of seats	Seats
Labour	49.5	50
Conservatives	16.5	16

# STAGE 3 - Percentage Allocation of Total Number of Seats on Committees:

Party	Number of seats	%
Labour Conservatives	50 16	75.76 24.24
Total		100%

## STAGE 4 - Allocations on Individual Committees

To ensure that so far as reasonably practicable the number of seats allocated to a group on each committee is in the same proportion as the number of members of the group on the council as a whole)

Committee	Party	Seats on Committee	Seat Entitlement	Total
Executive	Labour Conservatives	12	9 3	9 3
Planning	Labour Conservatives	12	9	9 3
Licensing Regulatory	Labour Conservatives	12	9 3	9 3
Licensing	Labour Conservatives	12	9 3	9 3
O&S	Labour Conservatives	12	9 3	9 3
Audit	Labour Conservatives	6	5 1	5 1
			Total Seats	66
			Labour Conservative	50 16
SUB-COMMI	TTEE			
Licensing	Labour Conservatives	3	2.25 0.75	2 1

# ANNUAL COUNCIL MEETING, 18TH MAY, 2015

	Allotments Liaison Committee Barrow Local Committee – Highways Advisory Group Barrow Borough Sports Council Cumbria Police and Crime Panel Cumbria Local Nature Partnership Board Wildlife and Countryside Advisory Committee	OUTSIDE BODIES ETC.
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20 6	LAB CON 7 2 2 1 1 0 1 0 7 2	NOTIONAL SEAT ALLOCATIONS
	(2) (2) (2) (1) (2) (2) (2) (1)	SEE NOTES ON CATEGORIES

# Categories

- 3 A body established to advise on a particular matter or administer a particular budget allocated by the Council and as such, subject to the Proportionality Rules.
- $\mathfrak{D}$ A Committee on which the Local Authority is represented, which is advisory and which deals with matters which may have a bearing on a Local Authority's functions or makes representations on its behalf and which, on balance, are subject to the Proportionality Rules applied so far as reasonably practicable.
- **£** ω A Committee either established (or not) by this Local Authority, although it has representatives appointed to it, and is not subject to the Proportionality
- An advisory body the representation on which has been determined by the Local Authority on a Ward basis.

Housing Management Forum Renovation Grants Panel *Medical Assessment/Housing Applications Appeals Panel *Review Board - Housing Register/Homeless Applicants Planning Policy Working Group (2 Members Executive Committee and 4 Members Planning Committee) Planning Panel *Appeals Panel Early Retirement/Voluntary Redundancy Panel Grading Appeals Panel Tenant Scrutiny Working Group Taxi/Private Hire Liaison Group Taxi Licensing Working Party Licensing Policy Consultation Working Group Barrow Alcohol Inquiry Working Party Homelessness Funding Working Group Member Training Working Group Health and Safety Management Board Constitution Working Group Excluding	FORUMS, WORKING GROUPS, PANELS ETC.
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Selected by Executive Director in accordance with proportionality rules when required

# COMMITTEES - 2015/2016 - ORDINARY MEMBERS

Williams, Lovinia	Wall, Helen	Thurlow, Ann	Thomson, Colin	Thomson, Ann	Sweeney, Brendan	Seward, Debra	Roberts, Dave	Proffitt, Alec	Preston, Hayley	Pidduck, Dave	Pemberton, Alan	Opie, Susan	Murray, Gordon	Murphy, John	Maddox, Wendy	McLeavy, Martin	McEwan, Will	McClure, Wendy	McClure, Rory	Johnston, Allison	Husband, Anita	Heath, Jill	Harkin, Sean	Hamilton, Kevin	Graham, Lesley	Gill, Levi	Gawne, Derek	Derbyshire, Marie	Cassidy, Frank	Callister, Tony	Brook, Derek	Burns, Anne	Bleasdale, Bill	Biggins, Trevor	Barlow, Des	L	
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# COMMITTEES - 2015/2016 - SUBSTITUTE MEMBERS

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### **BARROW-IN-FURNESS BOROUGH COUNCIL**

Annual Meeting; 18th May 2015

AGENDA ITEM No. 15

## <u>APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN OF COMMITTEES</u> <u>2015-16</u>

**EXECUTIVE** 

CHAIRMAN - COUNCILLOR PIDDUCK

VICE-CHAIRMAN - COUNCILLOR SWEENEY

AUDIT

CHAIRMAN - COUNCILLOR BURNS

VICE CHAIRMAN - COUNCILLOR C-THOMSON HAVICIN

**PLANNING** 

CHAIRMAN - COUNCILLOR M A THOMSON

VICE CHAIRMAN - COUNCILLOR C THOMSON

LICENSING

CHAIRMAN - COUNCILLOR CALLISTER

VICE CHAIRMAN - COUNCILLOR SEWARD

LICENSING REGULATORY

CHAIRMAN - CALLISTER

VICE CHAIRMAN - SEWARD

OVERVIEW AND SECRUTINY CHAIRMAN - HEATH

VICE CHAIRMAN - CASSIDY

AGENDA ITEM No. 16

# HOUSING MANAGEMENT FORUM MEMBERSHIP 2015-16

**COUNCILLORS BARLOW** 

**BLEASDALE** 

CASSIDY Brook

HAMILTON HEATH JOHNSTON McEWAN THURLOW

AGENDA ITEM No.

### OFFICIAL SPOKESPERSONS 2015-16

CHILDREN AND YOUNG PEOPLE - COUNCILLORS PRESTON AND BROOK

ECONOMIC DEVELOPMENT/REGENERATION - COUNCILLOR PIDDUCK

ENVIRONMENT AND PLANNING - COUNCILLOR M A THOMSON (A

PROFFITT TO SHADOW M A THOMSON FOR ONE YEAR)

EQUALITIES AND DIVERSITY - COUNCILLOR SWEENEY

HEALTH AND SAFETY - COUNCILLOR BARLOW

HEALTH AND WELL-BEING - COUNCILLOR GRAHAM

HOUSING - COUNCILLOR HAMILTON

HUMAN RESOURCES - COUNCILLOR PIDDUCK

LEISURE AND TOURISM - COUNCILLOR MURPHY

LICENSING AND ENVIRONMENTAL HEALTH - COUNCILLOR CALLISTER

MEDIA - COUNCILLOR CASSIDY

COMMUNITY MEMBER DEVELOPMENT - COUNCILLOR BROOK

SPORT - COUNCILLOR CALLISTER

WILDLIFE, HERITAGE AND CULTURE - COUNCILLOR WALL