

**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre Kalbarri on**  
**Friday 18<sup>th</sup> November 2022**

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TABLE OF CONTENTS

11.1	OPENING	3
11.2	ACKNOWLEDGEMENT OF COUNTRY	3
11.3	PRESENT	3
11.3.1	PREVIOUSLY APPROVED LEAVE OF ABSENCE (by Resolution of Council	3
	October 2022 meeting)	3
11.3.2	APOLOGIES	3
11.4	QUESTION TIME	4
11.5	DISCLOSURE OF INTEREST	4
11.6	CONFIRMATION OF MINUTES	4
11.6.1	CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING FRIDAY	
	21 <sup>st</sup> OCTOBER 2022 (ITEM 7.5.1)	4
11.6.2	BUSINESS ARISING FROM MINUTES	4
11.7	RECEIVAL OF MINUTES	5
11.7.1	RECEIVAL OF MINUTES – AUDIT COMMITTEE MEETING FRIDAY 18 <sup>th</sup>	
	NOVEMBER 2022	5
11.7.2	BUSINESS ARISING FROM MINUTES	5
11.7.3	AUDIT COMMITTEE MEETING OF COUNCIL – 18 NOVEMBER 2022	5
11.8	WORKS & ENGINEERING REPORT	5
11.8.1	INFORMATION ITEMS MAINTENANCE /CONSTRUCTION WORKS	
	PROGRAM (ITEM 7.1.1)	5
11.9	HEALTH & BUILDING REPORT	6
11.9.1	BUILDING STATISTICS FOR THE MONTH OF OCTOBER 2022 (ITEM	
	7.2.1)	6
11.10	TOWN PLANNING REPORT	6
11.10.1	SUMMARY OF PLANNING INFORMATION ITEMS (ITEM 7.3.1)	6
11.10.2	PROPOSED REMOVAL OF MANAGEMENT ORDER OVER RESERVE – LOT	
	514 WOOD STREET, KALBARRI (ITEM 7.3.2)	6
11.11	FINANCE REPORT	7
11.11.1	ACCOUNTS FOR PAYMENT (ITEM 7.4.1)	7
11.11.2	MONTHLY FINANCIAL STATEMENTS – SEPTEMBER 2022 (ITEM 7.4.2)	7
11.12	ADMINISTRATION & CORPORATE REPORT	7
11.12.1	ELECTION OF DELEGATES AND COMMITTEE MEMBERS (ITEM 7.5.1)	7

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**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre Kalbarri on**  
**Friday 18<sup>th</sup> November 2022**

---

11.12.2	SHIRE OF NORTHAMPTON – LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS 2022 AND LOCAL RECOVERY PLAN 2022 (ITEM 7.5.2)	8
11.12.3	CR PETER STEWART - RESIGNATION (ITEM 7.5.3)	8
11.12.4	CR SUDLOW – REQUEST TO ATTEND DECEMBER 2022 COUNCIL MEETING BY INSTANTANEOUS COMMUNICATION (ITEM 7.5.4)	10
11.12.5	MIDWEST REGIONAL WASTE CONTRACT – NEW CONTRACT (ITEM 7.2.2)	11
11.12.6	CEO RECRUITMENT (ITEM 7.5.5)	11
11.12.7	RETIRING CEO - ELIGIBLE TERMINATION PAYMENTS (ETP) APPLICATION (ITEM 7.5.6)	12
11.12.6	EXTENSION OF ACTING CEO APPOINTMENT (ITEM 7.5.7)	13
11.13	PRESIDENT’S REPORT	13
11.14	DEPUTY PRESIDENT’S REPORT	14
11.15	COUNCILLORS’ REPORTS	14
11.15.1	CR SUCKLING	14
11.16	NEW ITEMS OF BUSINESS	14
11.17	NEXT MEETING OF COUNCIL	15
11.18	CLOSURE	15

**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre Kalbarri on**  
**Friday 18<sup>th</sup> November 2022**

---

**11.1 OPENING**

The President thanked all Councillors and staff present for their attendance and declared the meeting open at 1.00pm

**11.2 ACKNOWLEDGEMENT OF COUNTRY**

We would like to respectfully acknowledge the Yamatji People who are the Traditional Owners and First People of the land on which we meet. We would like to pay our respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of the Yamatji People.

**11.3 PRESENT**

Cr L Sudlow	President	Northampton Ward
Cr R Horstman	Deputy President	Northampton Ward
Cr R Suckling		Northampton Ward
Cr D Pike		Kalbarri Ward
Cr T Gibb		Kalbarri Ward
Cr P Stewart		Kalbarri Ward
Mr Maurice Battilana	Acting Chief Executive Officer	
Mrs Michelle Allen	Planning Officer	
Mr Grant Middleton	Deputy Chief Executive Officer	
Ms Wendy Dallywater	Environmental Health Officer	joined the meeting at 1.48pm.

**11.3.1 PREVIOUSLY APPROVED LEAVE OF ABSENCE (by Resolution of Council  
October 2022 meeting)**

Cr T Hay	Northampton Ward
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**11.3.2 APOLOGIES**

Cr R Burges	Kalbarri Ward
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**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre Kalbarri on**  
**Friday 18<sup>th</sup> November 2022**

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**11.4 QUESTION TIME**

Nil

**11.5 DISCLOSURE OF INTEREST**

Cr GIBB declared a proximity interest in Item 7.3.1 Proposed Removal of Management Order over Reserve 25447 – Lot 514 Wood Street, Kalbarri as Reserve 25447 is adjacent to his land.

Cr SUCKLING declared an impartiality interest in Items 7.5.5 and 7.5.6 as she is related to the Chief Executive Officer, Garry Keeffe.

Acting Chief Executive Officer, Maurice Battilana, declared an impartiality interest as he is related to the Chief Executive Officer, Garry Keeffe.

Acting Chief Executive Officer, Maurice Battilana, declared a financial interest in Item 7.5.7 Extension of Acting CEO Appointment as he may incur a gain or loss from the decision of Council.

**11.6 CONFIRMATION OF MINUTES**

**11.6.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING  
FRIDAY 21<sup>st</sup> OCTOBER 2022 (ITEM 7.5.1)**

Moved Cr GIBB seconded Cr SUCKLING

That the minutes of the Ordinary Meeting of Council held on the 21<sup>st</sup> October 2022 be confirmed as a true and correct record.

CARRIED 6/0

**11.6.2 BUSINESS ARISING FROM MINUTES**

Moved Cr SUCKLING seconded Cr GIBB

That Council deal with confidential items 7.2.2, 7.5.5, 7.5.6 and 7.5.7 at completion of Administration and Corporate Report.

CARRIED 6/0

**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre Kalbarri on**  
**Friday 18<sup>th</sup> November 2022**

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**11.7 RECEIVAL OF MINUTES**

**11.7.1 RECEIVAL OF MINUTES – AUDIT COMMITTEE MEETING FRIDAY 18<sup>th</sup> NOVEMBER 2022**

Moved Cr SUCKLING seconded Cr STEWART

That the minutes of the Audit Committee Meeting held on the 18th November 2022 be received.

CARRIED 6/0

**11.7.2 BUSINESS ARISING FROM MINUTES**

Nil

**11.7.3 AUDIT COMMITTEE MEETING OF COUNCIL – 18 NOVEMBER 2022**

Moved Cr GIBB seconded Cr STEWART

That Council receive:

1. The Review of Financial Management, Risk Management, Legislative Compliance and internal Controls Report as presented; and
2. The Risk Management Compliance Calendar, as presented.

CARRIED 6/0

**11.8 WORKS & ENGINEERING REPORT**

**11.8.1 INFORMATION ITEMS MAINTENANCE /CONSTRUCTION WORKS PROGRAM (ITEM 7.1.1)**

Noted.

**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre Kalbarri on**  
**Friday 18<sup>th</sup> November 2022**

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**11.9 HEALTH & BUILDING REPORT**

**11.9.1 BUILDING STATISTICS FOR THE MONTH OF OCTOBER 2022 (ITEM 7.2.1)**

Noted.

**11.10 TOWN PLANNING REPORT**

**11.10.1 SUMMARY OF PLANNING INFORMATION ITEMS (ITEM 7.3.1)**

Noted.

Cr GIBB declared a proximity interest in Item 7.3.1 Proposed Removal of Management Order over Reserve 25447 – Lot 514 Wood Street, Kalbarri as Reserve 25447 is adjacent to his land.

Cr GIBB departed the meeting at 1.15pm

Moved Cr PIKE seconded Cr STEWART

That Council agrees that Item 7.3.2 be dealt with and Cr GIBB be permitted to attend the meeting for the duration of discussion.

CARRIED 5/0

Cr GIBB returned to the meeting at 1.16pm.

**11.10.2 PROPOSED REMOVAL OF MANAGEMENT ORDER OVER RESERVE – LOT 514 WOOD STREET, KALBARRI (ITEM 7.3.2)**

Cr GIBB departed the meeting at 1.20pm.

Moved Cr STEWART seconded Cr HORSTMAN

That Council agree to relinquish a portion of Reserve 25447m being Lot 514 on Deposited Plan 424035.

CARRIED 5/0

Cr GIBB returned to the meeting at 1.23pm.

**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre Kalbarri on**  
**Friday 18<sup>th</sup> November 2022**

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**11.11 FINANCE REPORT**

**11.11.1 ACCOUNTS FOR PAYMENT (ITEM 7.4.1)**

Moved Cr HORSTMAN seconded Cr GIBB

That Municipal Fund Cheques 22276 to 22300 inclusive totalling \$79,834.87, Municipal EFT payments numbered EFT24068 to EFT24228 inclusive totalling \$952,113.00, Direct Debit payments numbered GJ0403 to GJ0410 inclusive totalling \$268,399.11 be passed for payment and the items therein be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

**11.11.2 MONTHLY FINANCIAL STATEMENTS – SEPTEMBER 2022 (ITEM 7.4.2)**

Moved Cr STEWART seconded Cr SUCKLING

That Council adopts the Monthly Financial Report for the period ending 31 October 2022.

CARRIED 6/0

**11.12 ADMINISTRATION & CORPORATE REPORT**

**11.12.1 ELECTION OF DELEGATES AND COMMITTEE MEMBERS (ITEM 7.5.1)**

Moved Cr HORSTMAN seconded Cr STEWART

That Council appoints members to the following Committees:

- Cr GIBB – Disability Services Committee
- Cr HORSTMAN – Audit Committee
- Cr HAY – Senior Staff Employment Performance Review Committee

**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre Kalbarri on**  
**Friday 18<sup>th</sup> November 2022**

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That Council appoints the following Delegates:

- Cr PIKE – Kalbarri Visitor Centre
- Cr HAY – Local Emergency Management Committee
- Cr SUDLOW and Cr HORSTMAN – Northern Country Zone of WALGA.
- Chief Executive Officer – Proxy in the absence of either Elected Member of the Northern Country Zone of WALGA.

CARRIED 6/0

11.12.2 SHIRE OF NORTHAMPTON – LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS 2022 AND LOCAL RECOVERY PLAN 2022 (ITEM 7.5.2)
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Moved Cr HORSTMAN seconded Cr SUCKLING

1. That Council acknowledge the formation of the Shire of Northampton Local Emergency Management Committee.
2. That the minutes of the Shire of Northampton Local Emergency Management Committee meeting held on the 19<sup>th</sup> October 2022 be received.
3. That Council endorse the Shire of Northampton Local Emergency Management Arrangements 2022 and the Shire of Northampton Local Recovery Plan 2022, as presented.

CARRIED 6/0

11.12.3 CR PETER STEWART - RESIGNATION (ITEM 7.5.3)
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1. Moved Cr PIKE seconded Cr SUCKLING

That Council request approval from the Western Australian Electoral Commission, under section 4.17(2) of the Local Government Act, 1995, to defer filling the Kalbarri Ward Elected Member vacancy created by the resignation of Cr Peter Stewart until the October 2023 Local Government Ordinary Elections.



**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre Kalbarri on**  
**Friday 18<sup>th</sup> November 2022**

---

2.
  - a) That Council conducts an extraordinary election to fill the Kalbarri Ward Elected Member vacancy in accordance with the Local Government Act, 1995, and a date for the election to be set by the Shire President in accordance with section 4.9 of the Act.
  - b) The extraordinary election to fill the Kalbarri Ward Elected Member vacancy be conducted as a postal election undertaken by the WA Electoral Commission in accordance with section 4.61(2) of the Local Government Act, 1995, and authorise the Chief Executive Officer to amend the 2022/2023 Budget accordingly to cover the cost of this contract service.
  - c) That Council seeks approval of the Electoral Commissioner, in accordance with section 4.20(4) of the Local Government Act, 1995, to appoint a person other than the CEO to be the returning officer of the local government for the WA Electoral Commission to conduct a postal election to fill the Kalbarri Ward Elected Member Vacancy.
3. To ensure the continued functionality of the Council, request approval from the Minister for Local Government under section 5.7 of the Local Government Act, 1995, to:
  - a) reduce the number of offices of members required for a quorum at a Council meeting from the current situation of five (5) to four (4) to accommodate the reduction in Elected Member numbers from nine (9) to seven (7).
  - b) reduce the number of offices of member required at a Council meeting to make a decision required for an Absolutely Majority from the current situation of five (5) to four (4) to accommodate the reduction in Elected Member numbers from nine (9) to seven (7).

CARRIED BY ABSOLUTE MAJORITY 6/0

**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre Kalbarri on**  
**Friday 18<sup>th</sup> November 2022**

---

11.12.4 CR SUDLOW – REQUEST TO ATTEND DECEMBER 2022 COUNCIL MEETING BY INSTANTANEOUS COMMUNICATION (ITEM 7.5.4)

Moved Cr STEWART seconded Cr GIBB

That Council:

1. Approve Cr SUDLOW's attendance at the December 2022 Ordinary Council Meeting by instantaneous communication in accordance with section 5.25 of the Local Government Act, 1995, and the Local Government (Administration) Regulation, 1996.
2. Authorise the Deputy President (Cr HORSTMAN) to preside over the December 2022 Council meeting.

CARRIED 6/0

The President adjourned the meeting at 1.48pm.

Shire's Environmental Health Officer, Wendy Dallywater, joined the meeting at 1.48pm.

The President reconvened at 1.52pm with the following in attendance:

Cr SUDLOW, Cr HORSTMAN, Cr STEWART, Cr PIKE, Cr SUCKLING and Cr GIBB, M BATTILANA, G MIDDLETON, M ALLEN & W DALLYWATER.

CONFIDENTIAL ITEMS

Moved Cr HORSTMAN seconded Cr GIBB

Council closed the meeting to the public in accordance with the Local Government Act, 1995 for the following Agenda Items:

- 7.2.2 – Section 5.23(c) – matter deals with a contract entered into, or which may be entered into by the local government; and
- 7.5.5, 7.5.6 & 7.5.7 – Section 5.23(a) - matters affecting an employee or employees.

CARRIED 6/0

**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre Kalbarri on**  
**Friday 18<sup>th</sup> November 2022**

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11.12.5	MIDWEST REGIONAL WASTE CONTRACT – NEW CONTRACT (ITEM 7.2.2)
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Moved Cr GIBB seconded Cr STEWART

That Council agrees to accept the revised pricing as stated on the submitted spreadsheet from Cleanaway for the waste collection services only, and that Council agrees to a new 10-year contract period with the term being for 8 years plus 2 years (extension on mutual agreement basis).

CARRIED BY AN ABSOLUTE MAJORITY 6/0

Shire’s Environmental Health Officer, Wendy Dallywater, left the meeting at 2.01pm

11.12.6	CEO RECRUITMENT (ITEM 7.5.5)
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Moved Cr HORSTMAN seconded Cr SUCKLING

Council:

1. Endorse the appointment of Lydia Highfield as the Recruitment Consultant to assist the Shire with the recruitment process for a replacement Chief Executive Officer.
2. Endorse the following variation to the 2022/2023 Budget to accommodate the services of the Recruitment Constancy service and a contingency amount:

COA/Job No.	COA/Job Description	Adopted Budget	Proposed Revised Budget	Budget Variance	Comments
104080.08	Consultancy Services	\$45,000	\$53,000	+\$8,000	No provision in the 22/23 budget for CEO recruitment
138120.08	Refuse Collection	\$400,000	\$392,000	-\$8,000	Budget based on \$3.70 per lift, new contract rate = \$1.97 per lift, Savings approx. \$150K

CARRIED 6/0

**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre Kalbarri on**  
**Friday 18<sup>th</sup> November 2022**

---

Moved Cr STEWART seconded Cr GIBB

**RECOMMENDATION 2 (SIMPLE MAJORITY) - CEO RECRUITMENT PANEL–TERMS OF REFERENCE 2022**

Council endorse the “*CEO Recruitment Panel–Terms of Reference 2022*” as per Attachment 3 to comply with the Standards and relevant Regulations and appoint the following as Panel Members:

- President
- Deputy President
- Cr Pike
- Cr Suckling
- Independent Member – Hellene McTaggart.
- Recruitment Consultant – Lydia Highfield.

CARRIED 6/0

Moved Cr SUCKLING seconded Cr GIBB

Council endorse the “*Confidentiality Agreement 2022*” as per Attachment 4 to comply with the Standards and relevant regulations.

CARRIED 6/0

<b>11.12.7 RETIRING CEO - ELIGIBLE TERMINATION PAYMENTS (ETP) APPLICATION (ITEM 7.5.6)</b>
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Cr Suckling declared an impartiality interest in the matter and remained at the meeting.

Maurice Battilana declared an impartiality interest in this item and departed the meeting at 2.14pm.

Grant Middleton and Michelle Allen departed the meeting at 2.14pm.

Maurice Battilana was invited back to the meeting at 3.00pm by Council.

Moved Cr HORSTMAN seconded Cr SUCKLING

Council seek legal advice on this matter before further consideration.

CARRIED 6/0

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**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre Kalbarri on**  
**Friday 18<sup>th</sup> November 2022**

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**11.12.6 EXTENSION OF ACTING CEO APPOINTMENT (ITEM 7.5.7)**

Maurice Battilana declared a financial interest in the matter and departed the meeting at 3.05pm.

Maurice Battilana was invited back to the meeting at 3.10pm by Council

Moved Cr STEWART seconded Cr GIBB

That Council:

1. Extend Mr Maurice Battilana's appointment as Acting Chief Executive Officer until the 31<sup>st</sup> March 2023 (excluding the period 24/12/22 to 31/1 2023 inclusive) with the understanding this appointment period may be terminated earlier by either Council or Mr Battilana.
2. Council authorise the Acting CEO to vary the budget accordingly to accommodate the additional expenditure to fund the costs associated with the appointment extension.

REOPEN MEETING TO PUBLIC

Moved Cr HORSTMAN seconded Cr GIBB

That Council reopen the meeting to the public at 3.12pm.

CARRIED 6/0

Grant Middleton and Michelle Allen returned to the meeting at 3.12pm.

**11.13 PRESIDENT'S REPORT**

Since the last Council meeting Cr SUDLOW reported on her attendance at:

- 24/10/2022 Jon Haines, Teams meeting Leadership sessions Kalbarri
- 27/10/2022 Fred Porter, Networking Opportunities Kalbarri & Northampton
- 27/10/2022 Rex Smith, Big River Ranch – Kalbarri
- 27/10/2022 Northampton District Agricultural Society – Airing of Quilts in Northampton
- 27/10/2022 Kalbarri Branch of Geraldton Chamber of Commerce and Industry

**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre Kalbarri on**  
**Friday 18<sup>th</sup> November 2022**

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- 27/10/2022 Business Networking Dinner, Kalbarri Skywalk
- 02/11/2022 John Schliescher, Kalbarri War Memorial
- 3/11/2022 Rural Development Australia, leadership/Community Building Reference Group Teams meeting
- 7/11/2022 Local Recovery Coordination Group meeting, Northampton Council Chambers

**11.14 DEPUTY PRESIDENT'S REPORT**

Since the last Council meeting Cr HORSTMAN reported on his attendance at:

- 24/10/2022 Jon Haines, Teams meeting Leadership Sessions Kalbarri (Teams meeting)
- 26/10/2022 Karen Godfrey, Rotary funding (Phone meeting)
- 7/11/2022 Local Recovery Coordination Group Meeting (Teams Meeting)
- 16/11/2022 Samantha Edwards, Cyclone Recovery Officer

**11.15 COUNCILLORS' REPORTS**

**11.15.1 CR SUCKLING**

Since the last Council meeting Cr SUCKLING reported on her attendance at:

12/11/2022 RSL Dinner, Northampton

**11.16 NEW ITEMS OF BUSINESS**

Acting Chief Executive Officer, Maurice Battilana, discussed the advice provided by Ben Will (Principal of St Mary's School). St Mary's School recently hired the community bus to take children on camp to Perth with several mechanical and electrical problems being encountered on the excursion interrupting the experience for 27 children and staff.

Moved Cr SUCKLING seconded Cr HORSTMAN

That Council agrees this late item of business can be dealt with.

CARRIED 6/0

**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre Kalbarri on**  
**Friday 18<sup>th</sup> November 2022**

---

Moved Cr SUDLOW seconded Cr SUCKLING

That Council waiver the fee in its entirety for hire of the community bus to St Mary's School.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

**11.17 NEXT MEETING OF COUNCIL**

The next Ordinary Meeting of Council will be held on Friday 16<sup>th</sup> December 2022 commencing at 1.00pm at the Northampton Council Chambers.

**11.18 CLOSURE**

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 3.23pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 15 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON FRIDAY 16<sup>th</sup> DECEMBER 2022.

PRESIDING MEMBER: \_\_\_\_\_

DATE: \_\_\_\_\_