

**MINUTES OF THE COUNCIL OF THE BOROUGH OF HARROGATE
HELD IN THE COUNCIL OFFICES, HARROGATE
ON 19 JULY 2007
(FROM 5.30 PM TO 7.48 PM)**

PRESENT: The Mayor (Councillor Trotter in the Chair). Councillors Anthony Alton, Mrs Atkinson, Bayliss, Beer, Philip Broadbank, Jayne Brotherton, Brown, Jean Butterfield, Trevor Chapman, Jim Clark, Cooper, Mrs de Courcey-Bayley, Ellington, Fawcett, John Fox, Galloway, Mike Gardner, Goss, Harrison, Hawke, Hawkins, Horton, Bill Hault, Andrew Jones, Pat Jones, Chris Lewis, Morris Lightfoot, Don MacKenzie, Pat Marsh, Reg Marsh, Pauline McHardy, Bob Nash, Andrew Parkes, Parnaby, Peter Phillips, Charlie Powell, Rothwell, John Savage, Simms, Theakston, Geoff Webber, Andrew Williams, Willis and Willoughby.

Late Arrivals: None.

Early Departures: Councillor Andrew Williams at 6.22 pm.
Councillor Hawke at 6.22 pm.
Councillor Horton at 6.35 pm.
Councillor Charlie Powell at 6.35 pm.
Councillor Bob Nash at 7.06 pm.
Councillor Fawcett at 7.23 pm.
Councillor Cooper at 7.40 pm.

21/07 - **PRAYER:** Councillor Philip Broadbank led Members in prayer, prior to the commencement of the meeting.

22/07 - **APOLOGIES FOR ABSENCE:** Apologies for absence were received from Councillors Jean Burdett, Grange, Alwyn Hinchcliffe, Anne Jones (health reasons), John Lockhart, Newby, Ward, Wilson and Wren.

23/07 - **URGENT BUSINESS:** There were no items of urgent business.

24/07 - **DECLARATIONS OF INTEREST:** The following declarations of interest were made:-

Councillor Cooper – a personal interest in any relevant items appearing before the Council associated with the HIC and the use of its premises by his employer for conference purposes.

Councillor Cooper – a prejudicial interest in respect of Cabinet Minute 38/07.
Councillor Cooper left the Chamber during the consideration of this Minute.

Councillor Willis – a personal interest in respect of Cabinet Minute 38/07 arising from his coverage of the matter as a freelance journalist.

25/07 - **EXEMPT INFORMATION:**

RESOLVED:

That in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the public during the discussion of Minute 34/07(05) as there will be a disclosure of exempt information as defined in Section 100I of the Act.

The exempt information in question relates to the financial or business affairs of any particular person as defined in paragraph 3 of Schedule 12A to the Local Government Act 1972 as amended.

26/07 - MINUTES:

Moved by Councillor Mike Gardner

Seconded by Councillor Cooper

and **RESOLVED:**

That the Minutes of the Extraordinary meeting of the Council held on 4 July 2007 be approved as a correct record and signed by the Chairman.

27/07 - COMMUNICATIONS:

(01) MR PAT FITZGERALD – DIRECTOR OF DEVELOPMENT SERVICES:

The Mayor announced that the Director of Development Services, Mr Pat Fitzgerald was attending his last meeting of the Council, having decided to retire from the Council's employment after more than 23 years of service and on behalf of all Members of the Council thanked Pat for his services to the Council, and wished him all the best for his forthcoming retirement.

28/07 - PUBLIC ARRANGEMENTS – PETITIONS: No petitions had been received.

29/07 - PUBLIC ARRANGEMENTS – QUESTIONS: Pursuant to Standing Order 27, the following questions had been received: -

(01) Question to the Leader from Honorary Alderman George Crowther OBE in relation to the Government's "Invitation to Councils in England to make Proposals for Unitary Structures" dated October 2006

(a) Does the Leader recognise the widespread dissatisfaction felt by the 155,300 residents and 6,500 businesses in Harrogate District about the manner in which the whole issue has been conducted by Central Government, North Yorkshire County Council and Harrogate Borough Council, compounded in recent days by the realisation that the three originally responsible Ministers: Kelly, Woolas and Smith, are no longer in relevant posts, being replaced by Hazel Blears and others who have also now been assigned to the region's flooding problems.

(b) What possible courses of action does the Leader foresee once the Government decisions, scheduled to be announced later this month, have been made public?

(c) Will the Leader recognise and support the wealth creators located within this District who in their recent submission to Government stated “We wish to invite the Minister to fully investigate, evaluate and allow proper public consultation that this District has a compelling case that it should become a Unitary Council entirely based on existing boundaries”. In this way it can play a full part in the emerging Leeds City Region, in partnership with its immediate neighbouring unitary councils in York, Leeds and Bradford. It could thereby restore the effective links to the west that existed for over 1,000 years, rejecting the unsatisfactory arrangement imposed in 1974, which over the past 33 years has proved not to be in the best interests of this community.

(a) The Leader recognised the widespread dissatisfaction felt by the residents and businesses of this District and was very keen to represent their views but rejected entirely the suggestion that Harrogate Borough Council had any part in those feelings of disaffection.

This Council had complied fully with the requirement of the Government’s bid document unlike both North Yorkshire County Council and the Government itself.

We had discussed the future with our colleagues in the other six District Councils and agreed a proposal for joint working which was fully in line with the Government’s proposal.

Officers were fully engaged in preparing the District’s response at Stage 1 and then the District’s further submission at Stage 2, which ran to 950 pages.

Officers also ran a variety of meetings and other consultation exercises across all sections, and consulted 7,000 people and groups by letter. The Council had contributed to the cost of two Ipsos MORI polls of residents and Parish Councils across North Yorkshire. Over 1,200 letters of support were received across the County (nearly 400 in this District alone).

We were one of three District Councils mounting a legal challenge.

Our Officers also prepared detailed material for the District’s Joint Response to the late and probably inappropriately late submission by the County Council.

Officers had briefed all seven North Yorkshire Members of Parliament on all developments and provided a briefing note to opposition Members of the House of Lords on the recent Amendment debate.

The Leader personally went to London to lobby the Minister.

The Leader was shocked at how little Honorary Alderman George Crowther OBE seemed to know about this and was appalled at his clear failure to recognise the vast amount of work put into this by our Officers and, indeed by Councillors.

He also pointed out that those District Authorities which did not comply with the Government’s rules all had their cases thrown out. So acting as Honorary Alderman

George Crowther OBE wanted and making our own case without regard to our partner Districts would have been a considerable waste of time and effort.

(b) It depends: -

If the Government threw out the North Yorkshire County Council bid – we would be developing a shared services agenda with the County and the other districts as required by the Government;

If the Government allowed the County Council bid to go forward we would continue our legal challenge and look also at whether the Second Stage evaluation was in full compliance with the law.

We would also continue to lobby against any re-organisation on that scale.

(c) That recent submission to the Government was not in accordance with the rules and would not be considered as part of this process.

This is an important constitutional issue, we have complied exactly with the Government's requirements and it was a major part of our legal challenge that others have not. Supporting a submission, which does not comply, would be wrong and inconsistent.

We were, however, very enthusiastic about the City Region and continue to play a full part in its development and so obviously that would be a major consideration if in the future the rules change again and Unitary Councils are back on the agenda.

(02) Question to the Cabinet Member for Planning and Transport from Amanda Brayshaw

In light of a number of concerns raised by the business community in relation to business signage, will the council look again at its policies to ensure they are both consistent and fair?

The Cabinet Member responded by advising that the Control of Advertisement Regulations required that applications for signs be determined in the interests of amenity and public safety. In each of the two cases, permission for signage was refused, in one case retrospectively after the sign had already been put up without planning permission, the latter case being in his own ward, Harlow Moor. Both cases went to appeal, and the Secretary of State rejected both appeals. He was quite sure that the Council acted both consistently and fairly in both cases, and the Planning Inspectors were of the same opinion.

Looking to the future; he had approved for public consultation a Development Control policies Issues and Options report. The consultation was being held over an 8-week period, beginning tomorrow and ending on Friday 14 September. This consultation provided an opportunity for businesses in Harrogate District to submit views on the specific subject of planning control of business signage within the scope of amenity and public safety. The interests of a particular business could not be taken into account in planning decisions or in planning policy.

Information on how to take part in this consultation could be viewed on the Council's web site. Alternatively, copies of the consultation document could be requested by telephoning the offices.

He welcomed the question from Avenir Properties and gave an assurance to them and to the wider business community that any representations made would be given full consideration.

30/07 - **BEST VALUE PERFORMANCE INDICATORS (BVPI) – PRESENTATION ON SURVEY RESULTS:** Council received the benefit of a presentation of the key findings of the general BVPI survey 2006 prepared by Glen Joseph, Senior Research Executive, BMG Research.

The presentation encompassed the following aspects:-

Introduction and methodology;
Overall Satisfaction;
Image of the Council;
Information provision;
Environmental Services;
Cultural and Community Services;
The Local Community

The survey had concluded that overall satisfaction remained largely unchanged since 2003; but that environmental, cultural and recreational services had either seen marked improvements or were bucking national trends over the same period.

Mr Joseph then responded to Members' questions on the survey findings following which the Mayor thanked him for his attendance.

31/07 - **MEMBERS' QUESTION TIME:** Pursuant to Standing Order 12, the following questions had been received:-

(01) Question to the Leader from Councillor Webber:

"Will the Leader tell the Council how much has been spent so far on outside legal costs with regard to his application for judicial review of Harrogate Borough Council's planning decision which was the subject of a Local Government Ombudsman's report dated 14 December 2006".

The Leader advised that the external legal costs to date had been £8,450, all but £50 of which went to the barrister who had been advising the Council. The remainder related to a Court fee.

(02) Question to the Leader from Councillor Pat Marsh

A motion was put to Council on 1 March 2006 saying, "That this Council initiates an investigation into the provision of a "Resident's Permit" which could be used to

provide discount to Harrogate District Council Tax payers, initially on leisure facilities and parking, but ultimately also for other services.

As an amendment to the Notice of Motion it was proposed by Councillor Gardner and seconded by Councillor Cooper that in the first line, the word "initiates" be deleted and replaced with the word "continues".

What steps have since been taken by the Executive to pursue this "continuing" action?

The Leader advised that whilst the provision of a residents' permit remained one of the Council's aspirations, the Council had been required to address a number of other priorities over the last year, exemplified by the refurbishment of the Royal Hall, the issue of single status and the increasing cost of concessionary fares and the uncertainty of the level of Government grant to contribute towards that particular cost. In addition, the Government had announced its own spending review of Local Government services, and which was expected to have a detrimental impact on the financing of local services. As a consequence, the Council had to remain prudent with its expenditure proposals. Notwithstanding this, the Council continued to deliver good value for money to its residents and taxpayers at the same time as avoiding cuts in services which were to the benefit of all in the District. Sound financial management remained paramount.

In responding to a supplemental question from Councillor Pat Marsh seeking a more specific answer to the question raised, the Leader reiterated his earlier answer and advised that specific actions resulting from the 2006 Notice of Motion would be brought forward to the Council in due course.

(03) Question to the Cabinet Member for Public Protection and Rural Affairs from Councillor Goss

Could the Cabinet Member explain why the alcohol-free zone surrounding the war memorial is still being used by young people to consume alcohol?

The Cabinet Member explained that the area referred to was not an "alcohol free zone" it was a designated public area as described in the Criminal Justice and Police Act 2001. It received this status following completion of the process laid down in the Act in late 2002.

Within a Designated Public Area the consumption of alcohol was not banned. Clause 13 of the Act allowed local authorities to designate areas of public space where they were satisfied that nuisance; annoyance or disorder had been associated with public drinking of alcohol in that area. The offence was not the drinking of alcohol in a designated public space, but drinking after being required by a Police Officer not to do so. And it would only apply in areas that had experience of public drinking problems. These were unlikely to include peaceful, family picnic areas.

If people were drinking alcohol in a designated area and not displaying any anti-social behaviour it was unlikely they would be challenged by a Police Officer. If, however, the alcohol consumption was fuelling behaviour that was causing a Police

Officer concern, the Officer could then require the persons to stop drinking, if they did not stop they had then committed an arrestable offence and would be dealt with by the Officer.

Additional to this power Police Officers and PSCOs had the power to confiscate alcohol from persons who were in any public area and displaying unacceptable behaviour. They could also confiscate alcohol from persons under 18.

If people consumed alcohol in any of the designated public areas across the Harrogate District (War Memorial, Montpellier Hill, Valley Gardens and Ripon City Centre) and displayed behaviour that caused harassment, alarm or distress to one or more people then it should be reported to North Yorkshire Police who could deal with the matter using the powers he had described.

In responding to supplementary question from Councillor Goss regarding under-age drinkers in this vicinity, the Cabinet Member advised that the appropriate course of action was to report any such incidents to the local police.

(04) Question to the Cabinet Member for Public Protection and Rural Affairs from Councillor Goss

Could the Cabinet Member please explain why the Woodfield/Bilton Wards are currently operating without Community Police Officers? Would the Cabinet Member, through his partnership arrangements with the Police, ensure that officers are appointed without delay?

In responding, the Cabinet Member referred to the advice received from Chief Superintendent Bernie Mitchell of the North Yorkshire Police.

“North Yorkshire Police is currently undertaking a comprehensive review regarding our capacity and capability to deliver policing services. This review will provide detailed information on the basis of which the future shape and direction of the Force will be determined. The review will enable us to provide the best possible policing service for the community of the North Yorkshire Policing area.

Whilst that review is ongoing, all vacancies are currently on hold.

Although this means that we do not currently have a dedicated Bilton Police Constable in place, the Community Support Officers remain insitu. They are now line managed by response Inspectors and Sergeants, and where an issue needs referral for Police Officer attention or action then this occurs. Acting Sergeant Nick Widdowson is also performing a co-ordinating function as a central point of contact for the Community Support Officers to provide further support for them.

North Yorkshire Police remain firmly committed to Neighbourhood Policing and the Chief Constable has re-affirmed that Safer Neighbourhoods will continue to be a cornerstone for our policing strategy”.

(05) Question to the Cabinet Member for Cultural Services from Councillor Philip Broadbank

In the event of a stand alone Trust for Starbeck Baths not proving viable by this autumn, will the Cabinet Member confirm that a phased programme of repairs will be prepared to ensure this facility, used by around 55,000 people each year will continue to meet their needs in the future?"

The Cabinet Member advised that the Council had identified a Medium Term funding strategy of Starbeck Baths three years ago, and this investment was being delivered. At the same time, it offered support to the Starbeck Community to look at the option of establishing a Trust to provide the future management of the Baths.

Cabinet Members and Council Officers had been liaising with Starbeck Councillors in considering the feasibility of the trust option. Work on this was to be undertaken in due course. It would be possible to give further consideration to the future of Starbeck Baths in the light of the:

- The assessment of the feasibility of the trust option
- The latest assessments of the structural condition of the baths
- The outcome of the Cultural Services Resource Reallocation Review

All of this information should be available towards the end of the year to inform decisions about the future of Starbeck Baths.

In response to a supplementary question from Councillor Broadbank regarding the announcement made in March 2007 regarding the availability of a £500,000 fund and whether the Baths would be one of the Council's buildings that would benefit from such a fund, the Cabinet Member advised that this could be the case, although the facility would have to compete with other priorities in terms of available funding.

32/07 - **MEMORANDA OF REPORT FROM OVERVIEW AND SCRUTINY COMMISSIONS:** The Chair of the Governance Panel for 2006/2007, Councillor Don MacKenzie submitted the Governance Panel annual report for 2006/2007. In introducing the report, Councillor MacKenzie advised that this was the first year of operation as the Audit Committee for the Council and that good practice indicated that the Panel should prepare an annual report setting out the Panel's work and performance during the past year. In this regard, Council were referred to the written report, which explained how the Panel had met its terms of reference for that year, the main areas reviewed, and issues arising, and the formal review of the effectiveness of the Panel itself.

In concluding, Councillor MacKenzie commended the report to the Council.

Moved by Councillor MacKenzie

Seconded by Councillor Mike Gardner

and **RESOLVED:**

That the report be received.

33/07 - **REPORT BACK ON PREVIOUS NOTICES OF MOTION:** In accordance with Standing Order 10(6)(a), the Council considered the following report on the Notice of Motion referred from Council at its meeting held on 18 April 2007.

33/07(01) **NORTH YORKSHIRE PRIMARY CARE TRUST DEBT:** The Cabinet Member for Public Protection and Rural Affairs submitted a written report arising from a Notice of Motion proposed by Councillor Andrew Jones and seconded by Councillor Richard Cooper, calling on the Government to write off the historic debt of the North Yorkshire Primary Care Trust. In meeting with the mover and seconder of the motion, discussions had centred around the effect of the historic debt, the strong local support for local health services, the excellent performance of local hospitals, the broad political support for writing off the historic debt, and the use of the surplus generated by the NHS nationally. The meeting had also discussed the petition circulated by Councillor Jones, seeking support for writing off the debt.

The meeting had concluded with support for the Notice of Motion.

Moved by Councillor Ellington

Seconded by Councillor Butterfield

and **RESOLVED:**

That the report and action of the Cabinet Member be accepted.

34/07 - **MINUTES OF COMMITTEES AND CABINET:** The Council resolved upon the various non-delegated Minutes of Committees and Cabinet as follows: -

34/07(01) – **STANDARDS COMMITTEE – 13 JUNE 2007:**

Moved by Mr G Badcock

Seconded by Councillor Willis

and **RESOLVED:**

That the Minutes of the meeting of the Standards Committee held on 13 June 2007 be approved and adopted.

34/07(02) – **CABINET – 30 MAY 2007:**

Moved by Councillor Mike Gardner

Seconded by Councillor Cooper

and **RESOLVED:**

That the Minutes of the meeting of Cabinet held on 30 May 2007 be approved and adopted.

34/07(03) – **CABINET – 27 JUNE 2007:**

Moved by Councillor Mike Gardner

Seconded by Councillor Cooper

and **RESOLVED:**

That the Minutes of the meeting of Cabinet held on 27 June 2007 be approved and adopted.

34/07(04) – CABINET 4 JULY 2007:

Moved by Councillor Mike Gardner Seconded by Councillor Jean Butterfield

That the Minutes of the meeting of Cabinet held on 4 July 2007 be approved and adopted.

38/07 - **EXHIBITION HALLS REDEVELOPMENT:** The following amended recommendations were submitted by the Leader in clarification of and correction to the recommendations of the Cabinet of 4 July 2007 in respect of this redevelopment.

That authority be granted;

- (1) to the Director, Harrogate International Centre to:
 - (i) complete the necessary negotiations as per confidential Appendix A;
 - (ii) progress further feasibility work on the remaining phases of the project with a view to securing a satisfactory and affordable financial solution, and to make a further report to the Council in due course;
 - (iii) advise local stakeholders of the proposals and seek comments to inform the further development of the scheme;
 - (iv) commission the external project team to develop Phase 1 of the scheme;
- (2) to the Director of Development Services to invite tenders in accordance with the EU Public Procurement regime to construct Phase 1 of the scheme;

The Minutes of the meeting of Cabinet of 4 July 2007 were then approved and adopted.

Councillor Willis wished to record his opposition to the motion.

Councillor Cooper declared a prejudicial interest in Minute 38/07 and left the Chamber during its consideration.

34/07(05) – GENERAL PURPOSES COMMITTEE – 28 JUNE 2007:

Moved by Councillor Harrison Seconded by Councillor Mike Gardner

and **RESOLVED**

That the Minutes of the meeting of the General Purposes Committee held on 28 June 2007 be approved and adopted.

34/07(06) – CABINET – 19 JULY 2007:

Moved by Councillor Mike Gardner

Seconded by Councillor Jean Butterfield

That the recommendations of the meeting of Cabinet held on 19 July 2007 be approved and adopted.

In response to a question from Councillor Webber regarding the process of rehousing the tenants of Spacey Houses Farm into Council accommodation, the Cabinet Member for Housing agreed to let the Member (copied to all other Members of the Council for information) have a written reply.

Minute dealt with in exempt session.

The recommendations of the Cabinet of 19 July 2007 were then approved and adopted.

35/07 - **PRESENTATIONS TO THE COUNCIL BY THE EXECUTIVE:** In accordance with Standing Order 28, the Cabinet Member for Environment addressed the Council on the major and/or topical issues arising under his portfolio as summarised below.

Looking Back

- Recycling
 - Recycling rates
 - Public satisfaction
- Keeping our district clean
 - Street cleanliness
 - Public satisfaction
- Working in the community
 - Climate Action Project for Schools
 - The Bafters
 - Light bulb scheme
 - Council Car Share Scheme
- Getting our own house in order
 - Energy and waste reduction
 - Bog hogs

Looking Ahead

- Environmental Initiatives Fund Schemes
 - Four new schemes coming on stream
- Microgeneration
 - Microgeneration Conference 2007
 - New ground source heat pumps

- Working in the community
 - Climate Action Project for Schools
 - Electric Cars
 - Work with schools on recycling
- Waste collection and recycling
 - Members' seminars
 - Targets
 - Collection

The Cabinet Member then responded to Members' questions.

Council were advised that in order to allow for the presentation received under Minute No 30/07 above, the Leader of the Council had agreed to defer his presentation to the Council and which would now be made at the meeting of the Council to be held on 11 October 2007.

36/07 - **NOTICES OF MOTION RECEIVED:** In accordance with Standing Order 10, the Head of Legal and Democratic Services submitted those Notices of Motion received, of which that shown at (02) below was debated by Council.

(01) This Council recognises the growing and important role played by community transport in the Harrogate district.

But it notes that on 1 April next year the government will introduce free bus travel across the country. This facility will not be available to the elderly and infirm who use community transport so successfully in growing numbers.

This Council calls upon the government to secure a level playing field with the free facility also being offered at no cost to the council to users of community transport.

Proposed: Councillor Jim Clark

Seconded: Councillor Fred Willis

The Mayor ruled that in accordance with Standing Order 10(6)(a) this motion stood referred to the Cabinet Member for Planning and Transport.

(02) That this Council voices its strong opposition to a single countywide unitary authority for North Yorkshire. This Council believes that this proposal would be too geographically vast to deliver responsive services, would concentrate power in too few hands and would make local government more remote from those it is supposed to serve.

This Council believes that the way forward is the retention and enhancement of the current two tier system by greater co-operation between all the Authorities in North Yorkshire, by developing new ways of working and as a result delivering cost effective local services to all residents of North Yorkshire.

That this Notice of Motion be sent to the Unitary Structures Consultation Team, in London, as a submission, on the unitary bid, on behalf of the people of this District.

Proposed: Councillor M A C de Courcey-Bayley Seconded: Councillor P Broadbank

In accordance with standing order 10 (6) (F) this notice was debated by Council.

In proposing the motion, Councillor de Courcey-Bayley signified her acceptance of the following amendment, proposed by Councillor Mike Gardner and seconded by Councillor Cooper.

In the first line of the Motion, remove the words "voices" and replace with the following "continues to voice".

At the end of the first sentence add "and reinforces the existing stance".

In the second sentence remove the second reference to the word "this" and insert the words "the county's".

Upon a vote being taken on the Notice as amended, the Mayor declared the motion unanimously carried.

(03) This Council views with concern the introduction of charges by North Yorkshire Police in connection with the policing of charitable non-profit making events within our local communities.

These charges appear to have been introduced without consultation under the powers contained in Section 25 of the Police Act 1996.

This Council believes that the police withdrawal from active assistance to local communities in respect of organisational advice, provision of road signs, barriers etc will have a detrimental effect on both community relations and social cohesion.

This Council believes that this action will also place an additional burden on both Harrogate Borough Council and the North Yorkshire County Council and therefore calls upon the North Yorkshire Police to provide 100% abatement of such charges for charitable and non-commercial events.

Proposed: Councillor Bill Hoult Seconded: Councillor Christine Willoughby

The Mayor ruled that in accordance with Standing Order 10(6)(a) this motion stood referred to the Cabinet Member for Cultural Services.

(04) This notice of motion calls upon the Council to investigate ways of encouraging developers who provide affordable housing, to supply a wider range of house types. At present the majority of affordable dwellings built are one and two bedroomed properties. It is apparent that there are only a small number of affordable three bedroomed houses being constructed throughout the district. A more even balance across the range of accommodation available would benefit most communities.

Proposed: Councillor Trevor Chapman

Seconded: Councillor Chris Lewis

The Mayor ruled that in accordance with Standing Order 10(6)(a) this motion stood referred to the Cabinet Member for Housing.

37/07 - **COMMON SEAL:**

Moved by Councillor Mike Gardner

Seconded by Councillor Cooper

and **RESOLVED:**

That (1) the Common Seal of the Council be affixed to the Deeds and documents necessary to carry out the resolutions conferred and passed this day; and

(2) no Deed shall be treated as being conditional upon the Council proceeding to completion of the transaction relevant to any Deed.