

MINUTES MAY 2017

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Chair Person, Shire President Cr Megan Tuffley, declared the meeting opened at 4.52 pm.

2. RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE

Members

Cr M Tuffley	Shire President
Cr T Borgward	Member
Cr A Smith	Member
Cr G Browne	Member
Cr S Crosby	Member
Cr M Stephens	Member

Staff

JP Bentley	Chief Executive Officer
M Bamess	Deputy Chief Executive Officer

Members of the Public

Mr KR Stephens

Apologies

DW Long	Works Manager
Cr R Jury	Deputy Shire President
Cr G Collins	Member

Members on Leave of Absence

3. DECLARATION OF INTERESTS:

- **Financial Interest:**
- **Members Impartiality Interest -**
 - 9.1.6 Proposal – Alternative Hotel Siting - Cr S Crosby
 - 11.1.2 Pingrup Pavilion Upgrade – Cr Smith Cr Borgward
- **Proximity Interest:**

4. PUBLIC QUESTION TIME:

5. APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE:

6. CONFIRMATION and RECEIVING OF MINUTES/BUSINESS ARISING:

6.1 Ordinary Meeting of Council held on Wednesday 19 April, 2017

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 19 April, 2017 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

4778 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S Crosby / Cr A Smith

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 19 April, 2017 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

9.1.3 PINGRUP PLAYGROUP - Request regarding the use of the Old School Building in Pingrup for the duration of the renovations to the Pingrup Pavilion. Council resolved to lay the matter on the table until the next council meeting on Wednesday 17 May 2017. Pingrup Playgroup to be asked to liaise with Pingrup Councillors to discuss their request. As no information could be obtained the matter to continue to lay on table pending further discussion with the Pingrup Playgroup.

9.1.6 PROPOSAL – SHARED CESM - Woodanilling still to confirm their interest in joining the Shires of Kent and Lake Grace to share a CESM.

**CARRIED 6/0
By Simple Majority**

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:

8.1 Nyabing Sports Club – Nyabing Inn Proposal to use Nyabing Pavilion to conduct a commercial business for the duration of the building of a new hotel.

4.48pm - Mr KR Stephens, President Nyabing Sport Club, addressed the meeting in relation to the proposal that the Sports Club has received from Pepe and Victoria Dart to relocate the Nyabing Hotel business to the Nyabing Pavilion while the new hotel building is being built . He spoke about how the Sports Club is more than willing to be helpful with the proposal going ahead but due to issues with current bar licence needing to be surrendered to allow this business to operate and the probability that this licence would not be renewed upon re-application or possibly be renewed with more restrictions and stringent conditions, the Sports Club was not willing to support the proposal. Presentation concluded: 5.02pm

9. OFFICERS REPORTS:

9.1.1 MONTHLY FINANCIAL REPORTS TO 30 APRIL 2017

DATE:	2 May 2017
SUBJECT:	Monthly Financial Reports to 30 April 2017
PROPONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Michelle Bamess –Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess –Deputy Chief Executive Officer
FILE NO:	FIN30.20
ASSESSMENT NO:	N/A

PURPOSE

In accordance with the Local Government (Financial Management) Regulations 1996, to follow is the presentation of the Monthly Financial Reports to Council.

BACKGROUND

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines.
To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan.

COMMENT

The Monthly Financial Reports as presented indicate that Council continues to be in a sound financial position.

ATTACHMENTS

Monthly Financial Reports to 30 April 2017 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 30 April 2017)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Reports be received by Council:

- o Monthly Financial Reports to 30 April 2017

4779 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G Browne / Cr S Crosby

That the following Monthly Financial Reports be received by Council:

- o **Monthly Financial Reports to 30 April 2017**

**CARRIED 6/0
By Simple Majority**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 30 APRIL 2017

DATE:	2 May 2017
SUBJECT:	Schedule of Accounts Paid
PROONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess – Deputy Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	N/A

FUND VOUCHERS AMOUNT

Municipal Fund	\$226,707.48
Trust Fund	\$656.43
Direct Debits	\$116,397.31
Spoiled Cheques	
Cancelled Cheques	

ATTACHMENTS

Schedule of Accounts submitted 17 May 2017.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That vouchers from the Municipal Fund and Trust Fundas detailed, be approved by Council:

Municipal Fund	\$226,707.48
Trust Fund	\$656.43
Direct Debits	\$116,397.31
TOTAL	\$343,761.22

4780- COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr M Stephens / Cr G Browne

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

Municipal Fund	\$226,707.48
Trust Fund	\$656.43
Direct Debits	\$116,397.31
TOTAL	\$343,761.22

**CARRIED 6/0
By Simple Majority**

9.1.3 REQUEST FOR ONE-OFF FINANCIAL SUPPORT FOR INSTALLATION OF SOLAR PANELS TO PINGRUP COMMUNITY RESOURCE CENTRE

<p>DATE: PROPONENT: LOCATION: SUBJECT: AUTHOR: REPORTING OFFICER: FILE NO: ASSESSMENT NO:</p>	<p>1 May 2017 Pingrup Community Resource Centre N/A Request for one-off payment for installation of solar panels to Pingrup CRC Michelle Bamess – Deputy Chief Executive Officer Peter Bentley – Chief Executive Officer N/A</p>
--	---

PURPOSE

To consider a request from the Pingrup Community Resource Centre for a one-off payment towards the cost of installing solar panels.

BACKGROUND

A letter has been received from Rosi Lathwell, Pingrup CRC Co-ordinator, requesting a one-off payment of \$2,000 from Council towards the cost of installing solar panels on the roof of their building.

The Pingrup CRC is looking at a more sustainable method of energy use and have sought and received quotes from two companies. They have chosen to accept a quote from Perth Solar Force who have quoted them \$4,499 for the installation of 24 x 270W panels, including travel and accommodation.

STATUTORY IMPLICATIONS

No known statutory implications.

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

Council has not made provision in its 2016-2017 Budget for \$2,000 to provide further funding to the Pingrup.

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan.

COMMENT

Council has historically made provision in its Budget to support the Pingrup CRC's ongoing utility costs. In its 2016-2017 Budget Council provided an allocation of \$1,200 to support utility costs. Should Council agree to the request from the Pingrup CRC for funding for the installation of solar panels, contributions for utility costs in future years would no longer be required to be budgeted for.

ATTACHMENTS

Letter – Pingrup CRC

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Support the Pingrup Community Resource Centre request for \$2,000 towards the cost of the installation of solar panels.

4781 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G Browne / Cr M Stephens

That the Council:

Support the Pingrup Community Resource Centre request for \$2,000 towards the cost of the installation of solar panels.

**CARRIED 6/0
By Simple Majority**

9.1.4 2017 COMMUNITY NEEDS SURVEY

DATE:	10 May 2017
PROPONENT:	N/A
LOCATION:	Whole of the Shire
SUBJECT:	2017 Community Needs Survey
AUTHOR:	Christie Smith – Executive Assistant
REPORTING OFFICER:	Christie Smith – Executive Assistant
FILE NO:	COU40.5
ASSESSMENT NO:	N/A

PURPOSE

Council are to accept 2017 Community Needs Survey and Disability Access Inclusion Plan (DAIP) Survey results and to ascertain whether to engage the services of a consultant to assist with community meetings prior to drafting the Strategic Plan.

BACKGROUND

In March 2017 a Community Needs Survey was sent out to all residents in the Shire of Kent. Forming part of the survey was also questions in relation to the DAIP, which is required to be reported on annually and reviewed every five years.

The survey forms part of the major review of Council's Community Strategic Plan, a full review of the plan is required every four years with a desktop review every two years. Council will also be required to engage with the community via another documented mechanism, which in this case will be community meetings.

220 hard copies of the survey were sent out in the post. An online survey was also set up through Survey Monkey with the link being sent out via community email and also on Council's Facebook page.

Results from the 2017 survey will be made publicly available through local media outlets, Council's Facebook page and Council's Website (once update is finalized).

STATUTORY IMPLICATIONS

Integrated Planning and Reporting (IPR) Framework and Guidelines 2016 states to achieve the standard in a major strategic review council are required to have '*Community engagement involves at least 500 or 10% of community members, whichever is fewer, and is conducted by at least 2 documented mechanisms*'

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

An allowance of \$15,000 has been allocated within the current (2016/17) budget for professional fees related with strategic planning.

STRATEGIC IMPLICATIONS

A major review of Council's Strategic Plan is currently due.

COMMENT

The responses of the Community Needs Survey are to be used to ensure that the strategic and budget priorities of the Council reflect the attitudes of the wider community.

As the current DAIP is due to expire this year, results received from this part of the survey will be incorporated in the DAIP 2017 – 2022.

In total 47 surveys were completed with only 3 surveys completed online and all others received being hard copies. Within the results there as not much project direction received especially in relation to long term projects which would assist when reviewing the 15 year Long Term Financial Plan.

The results of several concepts that may be of interest in particularly are:

- 21 strongly agreed that Council should provide more community housing or accommodation for long-term tenants, from comments received this relates to mainly shire staff housing.
- 21 strongly agree with Council accessing mobile clinics such as mole scanning, hearing tests etc. Only 7 strongly agreed with acquiring the services of a doctor with 12 strongly disagreeing to this concept due mainly to services being in neighbouring shires.
- There was some strong interest in the concept of Council continuing investigations and projects for the subdivision of land mainly for the future growth of our town.
- It was fairly strongly supported that the Nyabing caravan parking needs to be upgraded/improved.
- As always a high percentage agreed with the continuation of lobbying for improved communications and technology infrastructure, which is vital for all business operations.
- The results show that Council is well above average in meeting and planning for the needs of the Shire of Kent.
- Approximately 70% of results were from residents in Nyabing and the western half of the shire. The remaining 30% being Pingrup and the eastern half of the shire.
- There was not a lot future project development suggestions that came from the survey.

In accordance with the IPR framework and guidelines, Council are required to conduct one more documented account of community consultation. It is recommended that community meetings be held in both Nyabing and Pingrup utilising the professional services of a consultant. Steve Grimmer from the City of Albany may be able to assist Council with this.

ATTACHMENTS

2017 Community Needs Survey and DAIP Survey Results

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Accept the results from the 2017 Community Needs Survey and Disability Access Inclusion Plan (DAIP) Survey.

and

engages the services of a consultant to assist with community meetings and the review of the Strategic Plan.

4782 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr T Borgward / Cr A Smith

That the Council:

Accept the results from the 2017 Community Needs Survey and Disability Access Inclusion Plan (DAIP) Survey.

and

engages the services of a consultant to assist with community meetings and the review of the Strategic Plan.

**CARRIED 6/0
By Simple Majority**

9.1.5 SHIRE OF KENT – DRAFT LONG TERM FINANCIAL PLAN

DATE:	9 May 2017
PROPONENT:	N/A
LOCATION:	N/A
SUBJECT:	Draft Long Term Financial Plan
AUTHOR:	Christie Smith – Executive Assistant
REPORTING OFFICER:	Christie Smith – Executive Assistant
FILE NO:	FIN30.15
ASSESSMENT NO:	N/A

PURPOSE

Council are to consider adoption of the draft Long Term Financial Plan (LTFF) 2017/18 – 2031/32. The Long Term Financial Plan indicates a local government's long term financial sustainability, allows early identification of financial issues and their longer term impacts, shows the linkages between specific plans and strategies, and enhances the transparency and accountability of the Council to the community.

BACKGROUND

In accordance with section 5.56 of the Local Government Act 1995 Council is required to plan for the future of the district. Apart of the integrated planning framework set out by the Department of Local Government, the Long Term Financial Plan must include outcomes from the Strategic Community Plan, Corporate Business Plan, Workforce Plan, and Asset Management Plan.

The LTFF indicates a local government's long term financial sustainability, allows early identification of financial issues and their longer term impacts, shows the linkages between specific plans and strategies, and enhances the transparency and accountability of the Council to the community.

STATUTORY IMPLICATIONS

Section 5.56(1) of the Local Government Act 1995 requires local governments to develop a Plan for the Future.

Local Government (Administration) Regulations

These regulations control the requirements of the Community Strategy Plan and Corporate Business Plan, which have been used to develop the Long Term Financial Plan.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The draft LTFP has used assumptions to project out to fifteen years using the baseline data from the 2016/2017 budget. There are no financial implications to Council by adopting the LTFP.

STRATEGIC IMPLICATIONS

Council's LTFP has been drafted taking into consideration Council's current Strategic Plan.

COMMENT

The attached LTFP was developed with the assistance of Moore Stephens (previously Haines Norton). It provides the Council and the community with a picture of the Shire's long term financial circumstances and assists us to meet our strategic outcomes and objectives.

The LTFP will enable Council to model the financial impacts of various activities, initiatives, service levels and programs as well as perform risk analysis to measure the impacts of changing assumptions such as growth, inflation, grants and subsidises, etc. The LTFP will be used as a guide when considering the budget for the next financial year.

Capital projects provided within the scope of LTFP are based on suggestions/ideas that aren't necessarily likely to be addressed, they have been provided to give basis to enable staff to plan for the future. Once council has finished updating the strategic plan, the LTFP can be reviewed to better reflect the future needs of the Shire.

It should be noted that Council are still developing an Asset Management Plan and until this is finalised an important ratio (Asset Renewal Funding ratio) cannot be calculated.

ATTACHMENTS

Draft Long Term Financial Plan 2017/18 to 2031/32

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Adopt the Long Term Financial Plan 2017/18 to 2031/32 as per attachment.

4783 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr A Smith / Cr S Crosby

That the Council:

Adopt the Long Term Financial Plan 2017/18 to 2031/32 as per attachment.

**CARRIED 6/0
By Simple Majority**

9.1.6 PROPOSAL – ALTERNATIVE HOTEL SITING

DATE:	7 th April 2017
PROponent:	
LOCATION:	Whole of Shire
SUBJECT:	Alternative Hotel Siting
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	

Cr Crosby declared an Impartiality interest as he is a committee member of the Nyabing Progress Association who own the Nyabing Inn and lease it to Pepe and Victoria Dart.

Cr Browne declared an Impartiality interest as he has family members who are members of the Nyabing Progress Association.

Cr Tuffley declared an Impartiality interest as she is a member of the Nyabing Bowling Club.

PURPOSE

To consider a proposal from the Lessees of the Nyabing Hotel with regard to the alternative siting of the business at the Nyabing Pavilion for a period of six months.

BACKGROUND

The current Lessees of the Nyabing Inn have written to Council seeking Council's thoughts regarding the potential for running the Nyabing Inn from the Nyabing Pavilion from 1 March 2018 to 31 August 2018.

The proposal comes as a result of the owners of the hotel site, the Nyabing Progress Association, will be demolishing the existing hotel building and constructing the new Nyabing Community Hub. The proposal is to operate the hotel from the Nyabing Pavilion during the construction period for the new facility.

The Lessees have also sent a copy of the attached letter to the Nyabing Sports Club and Nyabing Bowling Club. I have asked the Bowling club to provide me with its thoughts on the proposal as it will be the club most affected by this proposal.

STATUTORY IMPLICATIONS

Local Government Act (1995)

Liquor Control Act (1988)

Liquor Control Act (1988)**36. Two or more licences for same premises, restrictions on**

- (1) *Subject to subsections (2) and (3), 2 or more licences shall not be granted in respect of the same part of any premises, but licences may be granted in respect of defined separate parts of the same premises.*

- (2) *More than one club restricted licence may be granted in respect of the same premises, subject to section 48(4)(a)(i), where at no time or day do the permitted hours specified in the respective licences coincide or overlap.*
- (3) *An occasional licence may be granted in respect of premises, or a part of premises, in respect of which some other licence is granted.*

39. Certificate of local government as to whether premises comply with laws

- (1) *An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the local government for the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.*
- (2) *A certificate referred to in subsection (1) shall state —*
 - (a) *whether or not the premises comply with all relevant requirements of —*
 - (i) *the Health (Miscellaneous Provisions) Act 1911; and*
 - (ia) *the Food Act 2008; and*
 - (ii) *any written law applying to the sewerage or drainage of those premises; and*
 - (iii) *the Local Government Act 1995; and*
 - (iv) *the Building Act 2011;*
 - and*
 - (b) *where the premises do not so comply, the manner in which the premises could be made to comply or that the premises could not reasonably be made to comply.*
- (3) *The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1).*

[Section 39 inserted by No. 12 of 1998 s. 26; amended by No. 43 of 2008 s. 148(2); No. 24 of 2011 s. 165(2); No. 19 of 2016 s. 101.]

40. Certificate of planning authority as to whether use of premises complies with planning laws

- (1) *An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises must be supported by a certificate from the authority responsible for planning matters in the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.*
- (2A) *The certificate referred to in subsection (1) is not required to be provided at the same time as the application but the application cannot be granted until the certificate has been provided to the licensing authority, unless the licensing authority otherwise determines.*
- (2) *A certificate referred to in subsection (1) shall state that the proposed use of the premises —*
 - (a) *will comply with the requirements of the written laws relating to planning specified; or*

- (b) *would comply with the requirements specified if consent were to be given by a specified authority, if it is known whether that authority will give the consent, and what specified conditions or specifications should be, or are likely to be, imposed; or*
 - (c) *will not comply with the requirements specified for the reasons specified.*
- (3) *In this section —*
specified *means specified in the planning certificate.*
- (4) *The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1).*

[Section 40 inserted by No. 12 of 1998 s. 26; amended by No. 38 of 2005 s. 15; No. 35 of 2015 s. 5.]

48. Club licence, kinds, conditions and effect of

- (1) *For the purposes of this Act a club licence —*
- (a) *which is expressed to be granted as a club restricted licence; or*
 - (b) *which is subject to conditions prohibiting the sale of liquor for consumption off the premises, or the removal of liquor from the premises, unless subsection (9) applies,*
- shall be referred to as a club restricted licence.*
- (2) *Subject to this Act a club licence authorises the sale, during permitted hours, of liquor —*
- (a) *to a member and to the guests of that member in the company of that member —*
 - (i) *for consumption on the licensed premises, subject to subsection (4)(b); or*
 - (ii) *ancillary to a meal supplied at the club by or on behalf of the club to a member and to each of the guests of that member (without limitation as to number), being guests of whose attendance prior notice was given to the club in accordance with rules approved by the Director;*
- or*
- (b) *to a member, for consumption by the guests of that member (without limitation as to number) at a function held by or on behalf of that member at the club if in accordance with rules approved by the Director; or*
 - (c) *to a member, if—*
 - (i) *the licence is not a club restricted licence; or*
 - (ii) *subsection (9) applies,**and the liquor is packaged liquor, subject to subsections (3) and (4)(c),*
if the constitution and rules of the club, as approved by the Director, are not thereby contravened.

- (3) *At a time when a sale of packaged liquor to a member who was not a lodger would not be within permitted hours or at a time authorised by the licence, any authority conferred by a club licence to sell packaged liquor to a member who is a lodger extends only to such quantities as might reasonably be consumed by the lodger on that day.*
- (4) *Every club licence is subject to the conditions that —*
- (a) *unless an extended trading permit otherwise authorises, the club has —*
 - (i) *where a club restricted licence applies — a right to occupy the licensed premises to the exclusion of others during the times when the sale of liquor is authorised by the licence; and*
 - (ii) *in any other case — exclusive right to occupy the licensed premises; and*
 - (b) *the authority to sell liquor for consumption by the guests of a member, otherwise than ancillary to a meal or at a function under subsection (2)(b), extends only to such persons, not exceeding 5 or such lesser number as may be permitted by rules approved by the Director, as are introduced as the guests of that member on that day; and*
 - (c) *packaged liquor be not removed —*
 - (i) *from premises to which a club restricted licence applies, unless subsection (9) applies; or*
 - (ii) *in any other case, from the premises except by or on the instructions of the member to whom it was sold; and*
 - (d) *as soon as is practicable after the making of any proposal for a change —*
 - (i) *in the appointment of a person as trustee to hold the licence for the club; or*
 - (ii) *to the constitution or rules of the club,*
the Secretary of the club shall provide to the Director certified particulars of the change proposed, and that effect is not given to the change without the prior approval of the Director; and
 - (e) *an up to date register of members, in respect of each class of membership, be continually available for inspection at the club premises; and*
 - (f) *the club ensures that its constitution and rules, as approved by the Director, are not contravened.*
- (5A) *Without limiting section 64, the Director may impose a condition on a club licence or club restricted licence requiring that any manager of the licensed premises (other than a person appointed under section 100(3)) be an approved unrestricted manager.*
- (5) *Subject to subsection (6), a person who is on any day visiting a club (the **host club**) as a member or an official of another club —*
- (a) *that is to engage in a pre-arranged event with the host club conducted for the purposes of one of the host club's principal objects; or*
 - (b) *that is to hold a pre-arranged function at the host club involving the use of the host club's sporting facilities,*

may, for the purposes of this Act, be taken to be a person who is accorded temporary membership of the host club on that day in accordance with rules approved by the Director.

- (6) *Where the Director is satisfied that the circumstances so require the Director may impose a condition on the licence requiring a club specifically to seek the approval of the Director before admitting persons to temporary membership.*
- (7) *Where in relation to the sale of liquor a club permits any contravention of its constitution or rules as approved by the Director a complaint may be lodged under section 95 on the ground that the licensed premises are not properly managed in accordance with this Act.*

[(8) deleted]

- (9) *Where the Director is satisfied that the members of a club which holds a club restricted licence cannot, without great inconvenience, obtain supplies of packaged liquor from a supplier other than the club —*
 - (a) *the Director may, by endorsement on that licence and subject to such conditions as may be imposed, authorise the sale of packaged liquor to members of the club; and*
 - (b) *effect shall be given to the endorsement as a variation of the terms of the licence fixed by this Act.*

[Section 48 amended by No. 12 of 1998 s. 31; No. 73 of 2006 s. 38; No. 56 of 2010 s. 11.]

49. Club licence, pre-requisites for grant of

- (1) *Subject to this section, the licensing authority shall not grant a club licence unless the applicant satisfies the licensing authority —*
 - (a) *that the applicant is a society, club, institution or other body of persons which —*
 - (i) *is incorporated or deemed to be incorporated under the Associations Incorporation Act 2015 or some other written law; or*
 - (ii) *is a body to which Schedule 2 applies or otherwise is of such a size or nature that it is appropriate that the body should be licensed notwithstanding that it is unincorporated, subject to the licence being held for the applicant by a trustee,*
*and that it comprises a body of persons (in this Act referred to as a **club**) associated by reason of a common interest of the kind referred to in section 37(1)(c)(i); and*
 - (b) *that the club has been, or in a case where the applicant is formed by the amalgamation of 2 or more clubs each of them has been, well managed for a period of not less than 12 months prior to the application; and*
 - (c) *unless subsection (4) applies, that the constitution and rules of the club are of a kind appropriate for the purposes of a club seeking to be licensed, having regard to the terms and conditions of the licence sought,*

and the content of that constitution and those rules is approved by the Director.

- (2) *Where the Director finds that the constitution or rules of an applicant club are not adequate to give effect to the requirements of this Act, the licensing authority may —*
- (a) *adjourn the hearing of the application to enable the constitution or rules to be varied; or*
 - (b) *grant the application subject to a condition requiring amendment of the constitution or rules.*
- (3) *Subject to subsection (4), the Director shall not approve the constitution or rules of a club for the purposes of this Act unless satisfied —*
- (a) *that proper provision is made for the management of the affairs of the club by a committee of management elected by the general body of members and for the appointment of a Secretary; and*
 - (b) *that provision is made for regular meetings of the general body of members and of the committee of management; and*
 - (c) *that appropriate conditions governing admission to membership of the club exist and, in particular —*
 - (i) *that a person may not become an ordinary member of the club unless duly nominated on proper notice being given to the ordinary members of the club, and subsequently elected by the general body of members or by a committee in accordance with the constitution and rules; and*
 - (ii) *that the number of persons who may be admitted to membership, or to a particular class of membership, does not exceed any limit imposed by the licensing authority having regard to the nature of the club or the accommodation in respect of which the licence is sought; and*
 - (iii) *where provision is made for honorary or temporary membership — that the number of persons who may be admitted to such membership does not exceed any limit that the licensing authority, having regard to the nature of the club, may impose; and*
 - (iv) *without limiting subparagraph (iii), that any provision for membership of the club by reason of reciprocal arrangements with another club is made in accordance with the regulations;*
- and*
- (d) *that provision is made for payment in advance of a defined annual, half-yearly, quarterly or monthly subscription by the ordinary members of the club; and*
 - (e) *that provision is made —*
 - (i) *for proper records to be kept of the proceedings of the club and of the committee of management; and*
 - (ii) *for proper accounts to be kept of the financial affairs of the club; and*
 - (iii) *in the case of an unincorporated club, for the appointment of a person as trustee to hold the licence for the club.*
- (4) *The licensing authority may approve the constitution or rules of a club for the purposes of this section notwithstanding that subsection (3) is not complied with if it*

is satisfied that the club is a body to which Schedule 2 applies or that otherwise, having regard to the nature of the club, a proper reason exists for doing so.

- (5) *Notwithstanding any other provision of this section or of section 48, Schedule 2 has effect in relation to —*
- (a) *the Anzac Club; and*
 - (b) *the Air Force Association (Western Australia Division) Club,*
- respectively.*
- (6) *Where a club licence is held by a body which was not previously incorporated under the Associations Incorporation Act 2015, on a copy of a certificate of incorporation under that Act being lodged with the Director by the Secretary of the club with the consent of the trustee the licence shall be vested in the incorporated body and shall be varied accordingly.*

[Section 49 amended by No. 12 of 1998 s. 32; No. 73 of 2006 s. 39; No. 30 of 2015 s. 232.]

94. Surrendering licences

- (1) *A person who is the holder of a licence or who is under section 86 authorised to carry on the business of a licensee may, by notice in writing to the Director, give notice of intention to surrender the licence and that licence —*
- (a) *shall be deemed to be surrendered; and*
 - (b) *shall cease to have effect,*
- on such date as is, in a notice of acceptance of the surrender given by the Director to that person, specified as the date of surrender.*
- (2) *The surrender of a licence does not affect liabilities incurred by the licensee under this Act up to the date of surrender.*
- (3) *The Director shall not give notice of acceptance of a surrender unless the Director is satisfied —*
- (a) *except where the licence is a club licence, that the written consent of every person entitled to any freehold interest in the licensed premises has been sought; and*
 - (b) *in the case of a club licence, that —*
 - (i) *the members of the club at a duly convened general meeting of members; or*
 - (ii) *where no such meeting is convened, any trustees of the club, have by a majority resolution consented to the surrender, or that the surrender is otherwise appropriate; and*
 - (c) *in all other cases, that so far as is practicable the consent of every person entitled to any interest in the licensed premises has been sought; and*
 - (d) *in all cases, that so far as is practicable the consent of every person entitled to any interest in the licensed premises under —*
 - (i) *a lease; or*
 - (ii) *a mortgage, charge or security affecting the premises,*

has been sought,

and that, except where reasonable cause is shown why a consent can not and should not be required to be obtained, all the persons of whom consent has been sought have so consented.

- (4) *In subsection (3), a reference to an interest includes an interest in possession, reversion or remainder.*

98. Hotel licence, permitted hours under

- (1) *The permitted hours under a hotel licence are —*
- (a) *on a day other than a Sunday — from 6 a.m. to midnight;*
 - (b) *on a Sunday — from 10 a.m. to 12 midnight;*
 - [(c) *deleted*]
 - (d) *on New Year's Day — from immediately after 12 midnight on New Year's Eve to 2 a.m.;*
 - (e) *on Good Friday or Christmas Day — from 12 noon to 10 p.m., but only for liquor sold ancillary to a meal supplied by the licensee;*
 - (f) *on ANZAC Day — from 12 noon to 12 midnight.*
- (2) *The permitted hours under a hotel licence for the sale of liquor to a lodger are unrestricted.*

[Section 98 inserted by No. 73 of 2006 s. 68; amended by No. 35 of 2015 s. 12.]

98E. Club licence and club restricted licence, permitted hours under

- (1) *The permitted hours under a club licence (other than a club restricted licence), excluding Good Friday, Christmas Day or ANZAC Day, are —*
- (a) *on a day other than a Sunday —*
 - (i) *from 6 a.m. to 12 midnight; and*
 - (ii) *then continuing, if the following day is other than a Sunday or New Year's Day, to 12.30 a.m., but only for liquor sold ancillary to a meal supplied by or on behalf of the licensee;*
 - (b) *on a Sunday that is not New Year's Eve —*
 - (i) *from immediately after 12 midnight on the previous day to 1 a.m.;*
and
 - (ii) *from 10 a.m. to 10 p.m.;*
 - (c) *on a Sunday that is New Year's Eve —*
 - (i) *from immediately after 12 midnight on the previous day to 1 a.m.;*
and
 - (ii) *from 10 a.m. to 12 midnight;*
 - (d) *on New Year's Day — from immediately after 12 midnight on the previous day to 2 a.m.*
- (2) *The permitted hours under a club licence (other than a club restricted licence) on Good Friday, Christmas Day and ANZAC Day are —*

- (a) *on Good Friday — from immediately after 12 midnight on the previous day to 12.30 a.m., but only for liquor sold ancillary to a meal supplied by or on behalf of the licensee;*
 - (b) *on Christmas Day —*
 - (i) *from immediately after 12 midnight on the previous day to 12.30 a.m.; and*
 - (ii) *from 12 noon to 10 p.m.,**but only for liquor sold ancillary to a meal supplied by or on behalf of the licensee;*
 - (c) *on ANZAC Day —*
 - (i) *that is a Sunday — from immediately after 12 midnight on the previous day to 1 a.m. and from 12 noon to 12 midnight; or*
 - (ii) *that is not a Sunday — from 12 noon to 12 midnight.*
 - (3) *The permitted hours under a club licence (other than a club restricted licence) for the sale of liquor to a lodger who is a member of the club are unrestricted.*
 - (4) *The permitted hours under a club restricted licence are as specified in the particular licence.*
- [Section 98E inserted by No. 73 of 2006 s. 68.]*

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

Various if the proposal is sanctioned

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan

COMMENT

There are a range of different issues to consider with this proposal, the existing licence at the pavilion, the effect on the various community groups and the general public, and on the Council with its obligations to hold various regional meetings.

Existing Licence

I have discussed this matter at great length with two different officers from the Department for Racing, Gaming and Liquor. The primary issue from the perspective of the Sports Club is that there is no guarantee that the existing licence would be re-issued. The officers, while understanding of the position, were not able to offer any certainty that the Sports Club would regain the ability to sell alcohol from the venue. Neither were they of the opinion that a suspension could be granted as there was no legislative framework to do this.

Some of the issues raised with me were that there would probably be a full review and investigation of the need for the licence, that the conditions of the licence may well be more stringent than the existing procedures and that there would be a greater requirement for compliance with the conditions and regulations than had

been the case in the past. The issue of population and the number of existing licences was also raised with the Hotel/Hub, Pistol Club, Golf Club also holding licences in a town of approximately 120 people.

Council will need to consider the possible impact of such a situation and whether it is prepared to take the risk that the licence will not be re-issued and what the effect on community groups will be given that the bar at the pavilion is a major fundraiser.

Effect – Nyabing Bowling Club

I have asked the Nyabing Bowling Club to provide me with its position regarding the proposal as it is the most affected club. A copy of its response is attached.

Income Loss

The Nyabing Bowling Club would normally operate until mid to late April so the club may well lose 6 weeks or more of revenue from bar sales. Historically the season finishes around the second week in April with the closing day following a week or two after the Semi Final and Grand Finals Days (two consecutive days Saturday and Sunday at the same location). The proponents have indicated that they would be prepared to negotiate a compensation position with the club.

League Events/Fixturing

Unfortunately the league fixturing will not be known until August and so the timing of league events will not be known until then. Once again these events are a great source of revenue for the club and they may well cross over this period. While the club may be able to affect the timing through its representation, there is no guarantee. At these events the club will be expected to provide catering for the bowlers at these events and this would not be possible if the event timing corresponds with the hotel manager's request.

Should the Club host finals at the end of the year there would be some significant difficulties in catering for the events as well, as it is expected that the host club provides meals and/or afternoon teas etc for open days. The partitioning off of a section of the facility may not work given that there could be 50 bowlers plus spectators at some of these events. Even for a pennant day it may well be a very tight fit.

The Bowling Club did at a time in the past try to use the tennis pavilion which was too small even for a pennant fixture. While it is acknowledged that this would be only a six or eight week incursion into the season it could have quite a significant effect on the club.

Member Costs

The Proponents have very graciously agreed to honour bowling club pricing for the members while the season is current and the bowling club welcomes this offer.

Kitchen Use

Use of the kitchen is a difficult issue as the club would be required to purchase food from the hotel rather than provide its own catering whether it be for club functions or league events. This may be costly for the club and its members as the catering is usually a volunteer driven process with members donating their time and goods to cater for the variety of events.

Effect – Community General

The move to have a temporary hotel at the Pavilion presents a number of challenges with regard to community groups using the facility.

Community Access

The community has access to the current facility for meetings, functions, funerals and other fundraising events. The Pavilion has for many years been the venue of choice for these community events. Fundraising events will be significantly affected if they are unable to be redirected to another facility.

Historically the community has used the pavilion for funerals and birthday celebrations and the kitchen facility has been used to cater for these events. By agreeing to this proposal the Council will need to ensure that the community is not disadvantaged. Once again this would preclude people from catering for these type of events through their own resources.

Functions such as quiz nights, winter social events have also been held and while somewhat less now in number the ability to have these events at the pavilion will not exist during this time.

Likewise the facility is significantly utilised for community body meetings, fitness club, commercial presentations and the like and a while the evening meetings will be well catered for there may be some issues with all day use and the requirement to utilise the hotel for food and refreshments. There also may be issues of confidentiality at meetings held where they encroach into hotel opening hours.

Effect – Shire of Kent**Utility Charges**

The proponents have suggested that they would be happy to visit this with regard to the lease fees that apply their usage of the facility and Council would need to review both its own average costs at the site and the hotel's average costs to make a determination on the value of any charges or lease additions.

Existing Cleaner

Council employs a cleaner at the facility and there would need to be some discussions as to how the situation would work with the existing employee and the lessee in terms of duties, hours and the like.

Town Planning Scheme

Part II of the Shire of Kent Town Planning Scheme No 2 deals with development on Reserves where that land is Parks & reserves, Public Purpose, Railway Reserve or Major Road Reserve.

To agree to the conduct of the Hotel business the Council would need to grant temporary planning approval to accommodate the business at the site as the land is zoned Parks and Reserves. This is because the TPS zoning table and Part III of the TPS are silent on the use of this type of reserve for any other purpose. The TPS states;

“Where an application for planning consent is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting consent.”

The granting of planning consent would require that a public comment period be put in place and advertised locally for a period of at least 21 days. Following this the Council would be required to approve or disallow the application based upon any submissions received. The Council does not have the power to grant planning consent without public consultation in this case.

Potential for anti-social behaviour/after Hours Activity

Although this potential exists at the current location as well it is not at a location owned by the Council. At times at the current location members of the public have milled around after closing time, sometimes for hours. While there is not necessarily any problems that arise from this behaviour, on occasion, some issues have arisen.

Historically at the pavilion, following functions, there has been a practice of doing the same, even lighting fires during winter to keep warm. Given that the facility is council owned there is a greater chance of potential damage to the facility itself or the other sporting facilities surrounding.

It is not seen as a huge problem as generally the behaviours are quite benign however the potential, as in the current location, for noise issues and poor behaviours do exist. The facility is somewhat out of the way and this could contribute to a more liberal view by patrons.

Public Liability

Regarding the hotel management's temporary use of the kitchen/bar facilities for their guests at the Shire owned pavilion it is noted that this is a temporary period while the hotel undergoes re-construction works.

I have discussed the issue with the Public Liability Scheme Manager and it has agreed to cover the Shire for the temporary additional use of the pavilion, should the Shire decide to proceed.

If Shire does proceed, LGIS request that the Shire has a formal legal agreement drawn up for both parties during this temporary arrangement. The agreement will legally clarify and distinguish the responsibilities of each party to the arrangement.

Additionally the agreement should contain an Indemnity clause that each party is responsible for its own negligence and where relevant agree to co-defend in any third party litigation. The hotel owners must provide proof of current liability insurance and that their insurer is aware of a second temporary location for their guest services.

Community Use

The Council may well need to assist in managing the expectations of the community should it agree to alternative siting. There would be a reduced level of service at this facility for six months and while some parts of the community may well support and understand the change, there are those who will oppose it and want the status quo to remain.

The Council will need to sell any decision to provide the facility to the proponents because of this reduced service level.

Caravan Park Users

While it is acknowledged that the caravan park usage is infrequent there is a potential for conflict between the use of the pavilion and the caravan park where the pavilion/hotel operates until midnight and there are patrons at the caravan park. This would be particularly evident where patrons are using shower facilities at times where the pavilion/hotel is busy. Council staff would likely need to step in to deal with these issues and could lead to conflict or potentially dangerous situations for staff.

It is acknowledged that this is likely to be an infrequent issue but would need to be taken into consideration through the decision making process.

Meetings and Functions

Council hosts a number of regional meetings throughout the year, zone meetings, GSRRAC, LG Pro and a number of others. The pavilion has been the best option for these meetings as the facilities and location are the most suitable we have. There may be some issues with these meetings as the Council would provide catering or the various bodies source it themselves. This would mean that these meetings would be locked into catering from the hotel management which may not suit by reason of cost.

Some of these meetings would carry over into hotel hours and this also may cause some issues with multi use.

Commercial Operations at Public Facility

The Council must be mindful that it will be stepping into a commercial environment and it will in essence be providing an alternative location for a business to operate from.

The Council is charged with providing good governance and applying fairness to the entire local community. Sometimes this is achieved through providing such alternative arrangements and while on the one hand that is good the Council must be aware of setting precedents, will it be prepared to provide such alternative business premises to other businesses, will the alternative arrangements create an unrealistic expectation in the community that whenever there is a problem of some sort that the Council will always provide a solution or premises. This aspect needs to be considered for future potential requests of Councils resources.

There is no doubt that the hotel in any country town is an important meeting place. It provides a place for business meetings, for social interaction and is a place where people can unwind after a hard days or weeks work. The proponents are quite genuine in their approach and are attempting to overcome as many issues as they can through this process and I applaud this approach.

The Council needs to take into consideration many things before making a decision as to what direction it takes with this proposal. What are the positive aspects of the proposal, what are the limitations that the community and community organisations will face, is there a potential to create a precedent that may prove difficult in the future, what are the negative issues around having no hotel for six months and a whole host more.

Certainly the proposal provides some negative outcomes but of course there are positive aspects that cannot be denied. If Council agrees to the proposal, what kind of conditions will it wish to impose on the lessees, what level of payment will be required to provide the facility, how will it determine liability for damage if it occurs? There are many questions and issues to deal with before the proposal can be approved.

From an operational perspective it is probably not ideal to have a hotel co-located within a council sporting/meeting facility but generally I am quite ambivalent as to whether the proposal is approved or not as long as there is a detailed set of conditions and requirements for the proponents, however the licence issue is one that is slightly worrying given that there is no legislative framework for the suspension of a licence temporarily with automatic repeal of the suspension.

Much of the resistance from the Nyabing Bowling Club could be taken out of the proposal by changing the period from 1 March to 1 May but we would need to ascertain whether this would be acceptable to the proponent. With a four month window it may well not be viable to change the venue. On the other hand if there are construction delays and the project delivery is delayed by two or three months this may well again have repercussions for the community.

It may well prove that there is no easy way to allay the concerns of the community or meet the expectations of all parties involved no matter which way the Council sees this issue. Even with stringent conditions the community may not be on side and the reverse may apply

if the conditions are too onerous. Likewise there may be other problems with conditions that are too lax.

The Council must now decide whether it wishes to invest further time and effort in trying to find a universally palatable way forward regarding this proposal.

ATTACHMENTS

Letter – Victoria & Pepe Dart

Letter – Nyabing Bowling Club

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

1. **Agrees/Declines to further consider the proposal for the hotel to transfer its operation to the Nyabing Pavilion for a period of six months as outlined within this item,**
2. **Delegate authority to the CEO, should the Council agree to further consider this proposal, to further negotiate with all parties to identify a suite of conditions that will be the best compromise situation,**
3. **Report the result of those negotiations to the Council for final consideration of the proposal.**

Council resolved to lay the matter on the table due to a lack of a quorum.

10. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

11. **NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL**

4784 - COUNCIL RESOLUTION

MOVED Cr G Browne /Cr M Stephens

That the council:

Consider the new business of urgent nature as presented.

CARRIED 6/0

11.1.1 REQUEST FOR SUPPORT – 2017 LGPA WOMEN'S FORUM ~ SUPPORT PARTNERSHIP

DATE:	16 th May 2017
PROPONENT:	Shire of Kent
LOCATION:	N/A
SUBJECT:	Request for Support – 2017 LGPA Women's Forum ~ Support Partnership
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	COU10.30
ASSESSMENT NO:	N/A

PURPOSE

To consider a request for support for the 2017 Local Government Professionals Association (formerly known as Local Government Managers Association) Women's Forum from the State office of the LGPA.

BACKGROUND

A letter has been received from Mr Warren Pearce, LGPA CEO, announcing that the 2017 Women's Forum will be held 31 August to 1 September 2017. This event has proven to be highly successful with feedback indicating that women working in local government highly value the opportunity to attend. This platform provides an opportunity to address topical issues and challenges facing women in the sector as well as providing an excellent opportunity for developing relationships and networks with colleagues across the sector. The theme for this year's Women's Forum is "Be Bold for Change!"

Unfortunately, the Forum does not attract a lot of support from commercial sponsors therefore local governments are being asked to consider contributing \$1,600, including GST, to the event. In return Council will receive two full registrations or two officers to attend the Forum as well as the Forum Dinner. In addition Council will also received acknowledgment as a support partner throughout the conference and on all conference promotional material, as well as the opportunity to provide promotional materials in the delegate satchels.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

The following policy is in Council's Policy Manual:

4.8 REQUESTS FOR DONATIONS AND GRANTS

That requests for contributions to fundraising appeals be declined unless the organisation is of a local nature, where such requests will be considered by Council. However, other requests may be presented to Council at the discretion of the Chief Executive Officer.

Council may, at it's discretion, grant a donation of up to 100% of the rates, levied on land, leased by various bodies for the purpose of raising funds to be utilised on improvements to facilities at recreation grounds within this Municipality.

An annual donation will be made to the host Golf Club and Cricket Club (ie. Either Pingrup or Nyabing) in respect of the Annual Jubilee Shield Tournament.

REVIEWED: 30/05/12

FINANCIAL IMPLICATIONS

The LGMA is requesting sponsorship of \$1,600.00, including GST,

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan.

COMMENT

The LGPA has written to Council in previous years requesting sponsorship of similar events – Council has not provided support for any of the past events

ATTACHMENTS

Letter from LGMA

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Will / will not provide Support Partnership of \$1,600 for the 2017 Women's Forum.

4785 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G Browne / Cr T Borgward

That the Council:

Will not provide Support Partnership of \$1,600 for the 2017 Women's Forum.

**CARRIED 6/0
By Simple Majority**

12. INFORMATION BULLETIN

4786 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr M Stephens / Cr G Browne

That the Information Bulletin be received by Council.

CARRIED 6/0

13. MATTERS BEHIND CLOSED DOORS

That the meeting be closed to the public in accordance with section 5.23 Local Government Act 1995, 5.5.23(2))

- Matters affecting employee(s)
- Personal affairs of any person(s), including financial and/or commercial Contracts

- Commercial Confidentiality
- Legal advice/matters
- Public safety/security matters where public knowledge may be prejudicial.

4787- COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr M Stephens / Cr G Browne

That Council closes the meeting to the public to consider matters of a confidential nature behind closed doors.

CARRIED 6/0

13.1.1 CONFIDENTIAL – CEO PERFORMANCE REVIEW

DATE:	10 May 2016
PROPONENT:	N/A
LOCATION:	N/A
SUBJECT:	CEO Performance Review
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	Personnel
ASSESSMENT NO:	N/A

PURPOSE

To conduct the Council's evaluation of the CEO's performance over the past 12 months.

BACKGROUND

Council is advised that it is required by the Local Government Act to review the performance of the CEO. This is due in May each year although the Council can elect to do this at any time during a year under certain guidelines.

STATUTORY IMPLICATIONS

Local Government Act (1995)

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

Local Government Administration Regulations (1996)

18D. Local government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan.

COMMENT

Attached is the previous year's performance review. Council decided after that review that it would undertake the process in a different manner this year. Council now has the ability to undertake the process in any way it chooses as long as both the Council and the CEO agree to that process and are equally afforded the ability to make constructive comment and suggestions with regard to any performance issues and that the process is fair and just for all concerned.

The process is a confidential one and neither the Council nor CEO should discuss the process or content of the review outside of its own meetings. Council can elect to undertake the process on its own or have a consultant manage the process.

I have previously advised the Council members that I will be keeping my eye out for a position in Perth so that I can be nearer my family and partner although this does not mean that I am rushing to be there. I will be selective in the positions that I apply for. This I would hope will see me moving away by the end of the year.

This may persuade Council to undertake a less vigorous process or in fact the reverse the decision is yours to make.

ATTACHMENTS

2016 Review documentation

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

- 1. Ascertain the method with which it wishes to use for the review process this year,**
- 2. Agree the terms of that process with the CEO,**
- 3. Undertake that process in a timeframe acceptable to both parties,**
- 4. Make any other recommendations thought to be appropriate at this time.**

4788 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr / Cr

That Council:

- 1. Ascertain the method with which it wishes to use for the review process this year,**
- 2. Agree the terms of that process with the CEO,**

3. Undertake that process in a timeframe acceptable to both parties,
4. Make any other recommendations thought to be appropriate at this time.

CARRIED
By Simple Majority

4789 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr / Cr

That Council:

Re-open the meeting to the general public

CARRIED

14. MEETING CLOSED

There being no further business the Shire President, Cr Megan Tuffley, closed the meeting at 5.57 pm.