



Shire of Northam

Heritage, Commerce and Lifestyle

SHIRE OF NORTHAM

**MINUTES
OF THE
SPECIAL COUNCIL MEETING
HELD ON
WEDNESDAY
30 JANUARY 2013**

SHIRE OF NORTHAM

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD ON 30 JANUARY 2013 AT 5:30 PM

	Page
1. OPENING AND WELCOME	2
2. DECLARATION OF INTEREST	3
3. ATTENDANCE	3
3.1 COUNCIL	3
3.2 GALLERY	3
4. APOLOGIES	3
5. LEAVE OF ABSENCE	3
6. PUBLIC QUESTION TIME	4
7. AGENDA ITEMS	4
7.1 SPECIAL ITEMS	4
7.1.1 FEES AND CHARGES- CONCESSION	4
8. DECLARATION OF CLOSURE	8

SHIRE OF NORTHAM

**Minutes of the Special Council Meeting held in the Council Chambers on
WEDNESDAY, 30 JANUARY 2013 at 5:30 pm**

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Northam for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Northam disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Northam during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Northam. The Shire of Northam warns that anyone who has an application lodged with the Shire of Northam must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Northam in respect of the application.

1. OPENING AND WELCOME

Cr S B Pollard declared the meeting open at 5.31pm.

2. DECLARATION OF INTEREST

Parts of Division 6 Subdivision 1 of the Local Government Act 1995 requires Council members and employees to disclose any direct or indirect financial interest or general interest in any matter listed in this agenda.

The Act also requires the nature of the interest to be disclosed in writing before the meeting or immediately before the matter being discussed.

NB A Council member who makes a disclosure must not preside or participate in, or be present during, any discussion or decision making procedure relating to the disclosed matter unless the procedures set out in Sections 5.68 or 5.69 of the Act have been complied with.

Cr D A Hughes declared an "Indirect Financial" Interest in item 7.1.1- Fees and Charges- Concession- as his wife is having a stall at the events

3. ATTENDANCE

3.1 Council

President	S B Pollard
Councillors	T M Little
	R M Head
	R W Tinetti
	A W Llewellyn
	U Rumjantsev
	D A Hughes
	D G Beresford
	J E Williams
Chief Executive Officer	N A Hale
Executive Manager Development Services	P B Steven
Executive Manager Corporate Services	D R Gobbart
Executive Manager Community Services	J McGready
Executive Manager Engineering Services	S Lee
Project Manager Community Infrastructure	C B Hunt

3.2 Gallery

4. APOLOGIES

Councillor	K D Saunders
------------	--------------

5. LEAVE OF ABSENCE

6. PUBLIC QUESTION TIME**7. AGENDA ITEMS****7.1. Special Items**

Cr D A Hughes declared an "Indirect Financial" Interest in item 7.1.1- Fees and Charges- Concession- as his wife is having a stall at the events

7.1.1 FEES AND CHARGES- CONCESSION

Name of Applicant:	Tanya Richardson, Avon Events & Marketing
Name of Owner:	Shire of Northam
File Ref:	1.3.16.8
Officer:	Phil Steven / Gill Mansfield
Officer Interest:	Nil
Policy:	Nil
Voting:	Absolute Majority
Date:	22.01.2013

PURPOSE

The purpose of this report is to seek clarification on a previous request for a variation to the 2012/13 Fees and Charges for Food Stallholders in respect to two particular large events which have not previously been held in Northam, being the Avon Valley Vintage Festival and the Avon Valley Gourmet Food and Wine Festival.

BACKGROUND

Council on 19 December 2012 considered a request from Tanya Richardson, Managing Director, Avon Events and Marketing (AE&M) for a variation to fees and charges associated with Food Stall applications and permits, and to some charges for the use of the recreation centre.

Attached for the Council's information is a copy of the previous report referred to above and copy of the letter of request from Tanya Richardson.

Following consideration of that report Council resolved, albeit "unconfirmed":-

- 1. That Council will cover the \$1,700-00 cost of hiring a suitable cover for the sports court floor.*

2. That delegated authority be given for the administration to negotiate acceptable fees associated with stalls at the Vintage Festival and Gourmet Food and Wine Festival to be conducted at Northam during 2013.

3. The fees to be structured to ensure that both events will be an ongoing inclusion in Northam's events calendar.

4. Council's allocated funding of \$8,700-00 for this activity together with an amount of \$1,700-00 for the hire of suitable cover for the sports court floor to be a consideration in the negotiations.

In relation to resolution 2, the *Local Government Act 1995* states that an absolute majority is required waive or grant concessions:

“6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

(a) when adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money; or*

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money, which is owed to the local government.

** Absolute majority required.”*

However the *Local Government Act 1995* prohibits local government delegation to the CEO, decisions which require the absolute majority of the local government:

“ 5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

(a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;

(b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;”

Therefore, as resolution number 2 is ultra vires it will need to be reconsidered.

STATUTORY REQUIREMENTS

Local Government Act 1995

Activities on Thoroughfares and Places and Trading Local Law 2008

CONFORMITY WITH THE PLAN FOR THE FUTURE

GOAL: To ensure the residents of the Shire are informed, represented, engaged with and provided with services and facilities expected of a contemporary sub regional centre.

BUDGET IMPLICATIONS

The combined fees applicable for the two events are:

Facility/Use	SON Fees	Response
Rec Centre Hire both festivals	\$10,030	AE&M will pay
Jubilee Oval Parking	\$1,500 + GST	AE&M trying to arrange Community Group possibly York Scout or Rotary to organise parking for Gold Coin donation
Hire covering for basket ball courts	\$1,700	Council has agreed to pay
Toilet Cleaning & Consumables	\$625	AE&M will organise cleaning and supply consumables
Event permit fee	\$150	AE&M will pay
Blanket Stakeholders	\$150	AE&M will pay
Food Stalls – Vintage x 3 days (approx. 19 stalls)	\$25 application \$25 permit/day \$1,900 total approx	Staff recommending, and AE&M indicate prepared to pay \$25 application & \$25 permit to cover 3 days = \$950 approx.
Food Stalls – Wine / Food x 2 days (approx. 65 stalls)	\$25 application \$25 permit/day \$4,875 total approx	Staff recommending, and AE&M indicate prepared to pay \$25 application (excluding those at both events) & \$25 permit to cover 2 days = \$2,775 approx.

OFFICER'S COMMENT

Since the last consideration of this matter by Council, the Executive Manager Development Services and Senior Environmental Health Officer have met with Tanya Richardson.

In relation to Food Stallholders, applications cannot be received or processed by Council's Health Services section until there is a determination in relation to AE&M submission requesting a variation to Council's fees and charges for these two large and new to Northam events. In order to progress the processing of the Food Stallholders applications, Councillors are required to make a determination regarding the request for a concession. Given each Stallholder is making a single application for a three day period, it is reasonable on this occasion to allow the \$25 permit fee to cover each event rather than each day of the event. Extenuating circumstances can be considered to exist in these circumstances as the Shire of Northam has not in the past had this experience of multiple day events, and it is likely that one inspection of the stallholders per event

would be sufficient, rather than daily inspections. Consideration of multiple day events should be considered during budget deliberations for the 2013/14 budget.

In relation to payment for the Jubilee Oval it is considered that \$1,500 +GST (\$300 per day) is a reasonable charge, which will assist Council fund any damage to the reticulated system or grass that may occur. In addition, if AE&M is able to secure a community group to undertake parking it will save them paying for car parking attendants.

RECOMMENDATION / COUNCIL DECISION

Minute No C.1948

**MOVED: R Head,
SECONDED: R Tinetti,**

That Council allow a concession on its scheduled 2012/13 Food Stallholders fees and charges, in respect to the Avon Valley Vintage and the Avon Valley Gourmet Food & Wine Festivals as follows:

Food Stallholders (Avon Valley Vintage and Wine & Food Festivals only)	\$25 permit/festival event
---	-----------------------------------

CARRIED BY ABSOLUTE MAJORITY 9/0

8. DECLARATION OF CLOSURE

There being no further business, the Presiding Officer, Cr S B Pollard declared the meeting closed at 5.34 pm.

“I certify that the Minutes of the Special Meeting of Council held on Wednesday, 30 January 2013 have been confirmed as a true and correct record.”

_____ President

_____ Date