



Bunbury City Council

Special Council Meeting

Minutes

22 October 2013

A meeting to elect a Deputy Mayor; appoint members to the Council (Standing) Committee; and confirm extended retail trading hours for the 2013 Christmas period.



City of Bunbury
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Bunbury City Council Special Council Meeting Minutes

Minutes of a Special Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street Bunbury on Tuesday 22 October 2013.

Minutes

22 October 2013

NOTE: Any recommendations contained in this document are not final and are subject to adoption, amendment or otherwise at the next ordinary meeting of the Council.

Note: Swearing-in Ceremony

Prior to the meeting the Chief Executive Officer presided at the swearing-in of the newly elected Mayor, Mr Gary Brennan. The Mayor presided at the swearing-in of the newly elected Councillors and the returning Councillors: Cr Wendy Giles, Cr Jaysen Miguel, Cr James Hayward, Cr Betty McCleary, Cr Michelle Steck, Cr Karen Steele and Cr Judy Jones.

1. Declaration of Opening by the Mayor

The Special Council meeting was declared open at 6.15pm by the Mayor, Mr G Brennan.

The Mayor sent his deepest thoughts and sympathies to Snookie Manea and family on the passing of Dr Ern Manea.

The Mayor stated that the City of Bunbury has spoken in terms of wanting change and he will be meeting with the Councillors individually to ascertain where they see the future of Bunbury is going. The Councillors will work together as a team to achieve this. There will be changes and he will be meeting with the CEO and the Directors to give details of what those changes will be.

2. Record of Attendance, Apologies and Leave of Absence

Present:

Council Members:	
Presiding Member	Mayor G Brennan
Members	Cr M Cook
	Cr W Giles
	Cr J Hayward
	Cr J Jones
	Cr B Kelly (Deputy Mayor Elect)
	Cr B McCleary
	Cr N McNeill
	Cr J Miguel
	Cr S Morris
	Cr D Prosser
	Cr M Steck
Cr K Steele	
Executive Leadership Team (Non-Voting):	
Chief Executive Officer	Mr A Brien
Director Community Development	Ms S Addison-Brown
Director Corporate Services	Mr W Wright
Director Planning and Development Services	Mr B Karaszewych
Director Works and Services	Mr P Harris
Council Officers (Non-Voting):	
Manager Corporate Performance	Mr G Golinski
Administration Officer Corporate	Ms N Hribar
Others (Non-Voting):	
Members of the Public	30 approximately
Members of the Press	2

3. Disclosures of Interest - Local Government Act 1995

Members should fill in <i>Disclosure of Interest</i> forms for items in which they have a financial, proximity or impartiality interest and forward these to the Mayor <u>before</u> the meeting commences.

There were no disclosures made.

4. Business of the Meeting

The purpose of the meeting is to:

1. Elect a Deputy Mayor;
2. Appoint members to the Council (Standing) Committee; and
3. Confirm extended retail trading hours for the 2013 Christmas period.

4.1 Election of the Deputy Mayor

Applicant/Proponent :	Internal Report
Author:	Greg Golinski, Manager Corporate Performance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Pursuant to clause 7 of Division 2 of Schedule 2.3 of the *Local Government Act 1995*, the Council is required to appoint a Deputy Mayor at its first meeting following an election day.

Accordingly, the Mayor will call for Councillors to nominate as candidates at the meeting. All Councillors, including newly elected Councillors, are eligible to nominate.

The roles and responsibilities of the Deputy Mayor are outlined in the *Local Government Act 1995*:

2.9 Role of the deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

Section 5.34 states:

5.34. When deputy mayors and deputy presidents can act

If –

- (a) the office of mayor or president is vacant; or*
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,*

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

2.8. Role of mayor or president

- (1) *The mayor or president –*
 - (a) *presides at meetings in accordance with this Act;*
 - (b) *provides leadership and guidance to the community in the district;*
 - (c) *carries out civic and ceremonial duties on behalf of the local government;*
 - (d) *speaks on behalf of the local government;*
 - (e) *performs such other functions as are given to the mayor or president by this Act or any other written law; and*
 - (f) *liaises with the CEO on the local government's affairs and the performance of its functions.*

The Deputy Mayor is also entitled to one quarter of the Mayoral allowance in addition to Council sitting fees.

In the event that there is more than one nomination for the position of Deputy Mayor, the Chief Executive Officer will act in the position of Returning Officer to conduct the ballot as required under the *Local Government Act 1995*. The ballot for the position of Deputy Mayor will be conducted pursuant to the provisions of clause 8 of Division 2 of Schedule 2.3 of the *Local Government Act 1995* as outlined below:

8. *How deputy mayor or deputy president is elected*

The council is to elect a councillor (other than the mayor or president) to fill the office.

The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.

Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.

(3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.

If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.

The council members are to vote on the matter by secret ballot as if they were electors voting at an election.

Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

The ballot for Deputy Mayor will be undertaken using the preferential voting system with the Chief Executive Officer being the Returning Officer.

The winner will be declared elected to the position of Deputy Mayor for a two-year term and will be required to read (and sign) a form titled "*Declaration for the Office of Deputy Mayor*".

Outcome – Special Council Meeting 22 October 2013

The Mayor called for nominations for the position of Deputy Mayor.

1. Cr Cook nominated himself
2. Cr McNeill nominated Cr Morris (accepted)
3. Cr Jones nominated Cr Steele (accepted)
4. Cr Steck nominated herself
5. Cr Hayward nominated Cr Kelly (accepted)

The voting was done by ballot paper with the winner being the candidate with the most votes. Each Councillor was given time to speak to the remaining Councillors as to why they would make a good Deputy Mayor.

The results of the count is as follows:

1st Cr Brendan Kelly with 5 votes

Equal 2nd Cr's Morris and Steele with 3 votes each

Equal 3rd Cr's Cook and Steck with 1 vote each.

Therefore Cr Brendan Kelly was declared the new Deputy Mayor for the 2013-2015 term.

The Mayor presided over the swearing-in of Cr Kelly as Deputy Mayor.

4.2 Reappoint Council (Standing) Committee and Appoint Committee Members

File Ref:	A00106
Applicant/Proponent :	Internal Report
Author:	Greg Golinski, Manager Corporate Performance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Under the existing meeting framework, the Mayor and Councillors meet as a 'Committee' on the Tuesday evening during the week preceding a Council Meeting. The meetings start at 6.00pm. A meal is provided at 5.15pm on a meeting night.

A copy of the previously adopted Schedule of Council and Council (Standing) Committee Meetings for the remainder of 2013 has previously been distributed to all Councillors.

It should be noted that Council will be given the opportunity to review the existing meeting frameworks prior to the end of 2013. As part of that process, a schedule of meeting dates for 2014 will need to be adopted and publicly advertised under the provisions of the *Local Government Act 1995*.

Members of the Council (Standing) Committee discuss reports submitted by officers and make recommendations to the meeting of the Council the following week.

Under current arrangements, all Councillors are members of the Council (Standing) Committee, whose terms of reference is as follows:

- “1. *To review reports and recommendations that are to be submitted to a meeting of the Council and (where appropriate) make alternative recommendations to those recommendations listed in the reports.*
2. *To request additional information necessary to assist the members of Council in making a decisions.*
3. *To make reference to appropriate legislation, Council's policies, local laws and the Strategic Plan when making Committee Recommendations to Council.”*

Pursuant to Section 5.12 of the *Local Government Act 1995*, the members of the Council (Standing) Committee will need to elect a Presiding Member and Deputy Presiding Member as the first item of business at the committee's first meeting.

Executive Recommendation

That Council, pursuant to subdivision 2 of Division 2 of Part 5 of the *Local Government Act 1995*:

1. Appoints a Council (Standing) Committee with the following terms of reference:
 - "1. *To review reports and recommendations that are to be submitted to a meeting of the Council and (where appropriate) make alternative recommendations to those recommendations listed in the reports.*
 2. *To request additional information necessary to assist the members of Council in making a decisions.*
 3. *To make reference to appropriate legislation, Council's policies, local laws and the Strategic Plan when making Committee Recommendations to Council."*
2. Appoints the Mayor and all Elected Members of the Bunbury City Council as the only members of the Council (Standing) Committee.

*Note: Absolute Majority vote is required

Outcome – Special Council Meeting 22 October 2013

The Executive recommendation (as printed) was moved Cr Steck, seconded Deputy Mayor Cr Kelly.

The Mayor put the motion to the vote and was adopted to become the Council's decision on the matter.

Council Decision 299/13

That Council, pursuant to subdivision 2 of Division 2 of Part 5 of the Local Government Act 1995:

1. ***Appoints a Council (Standing) Committee with the following terms of reference:***
 - "1. To review reports and recommendations that are to be submitted to a meeting of the Council and (where appropriate) make alternative recommendations to those recommendations listed in the reports.***
 - 2. To request additional information necessary to assist the members of Council in making a decisions.***
 - 3. To make reference to appropriate legislation, Council's policies, local laws and the Strategic Plan when making Committee Recommendations to Council."***

- 2. *Appoints the Mayor and all Elected Members of the Bunbury City Council as the only members of the Council (Standing) Committee.***

CARRIED

13 votes "for" / nil votes "against"

Absolute Majority vote attained

4.3 **Christmas Extended Trading Hours 2013**

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Greg Golinski, Manager Corporate Performance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

Since the deregulation of Sunday and public holiday retail trading hours in the Perth metropolitan area, there is no longer a package of extended Christmas Trading hours offered to non-metropolitan Local Government Authorities to consider implementing or adopting within their municipalities.

Local Governments that require amended trading hours need to consider their specific requirements, and if they are to vary from the general hours of trade, approval needs to be sought from the Department of Commerce.

Executive Recommendation

That Council seek approval from the Department of Commerce for the following extended trading hours for Bunbury over the 2013 Christmas period:

<u>Day/Date</u>	<u>Time</u>
Monday, 16 December 2013	8:00am – 9:00pm
Tuesday, 17 December 2013	8:00am – 9:00pm
Wednesday, 18 December 2013	8:00am – 9:00pm
Friday, 20 December 2013	8:00am – 9:00pm
Saturday, 21 December 2013	8:00am – 6:00pm
Monday, 23 December 2013	8.00am – 9.00pm
Wednesday, 25 December 2013	CLOSED
Friday, 27 December 2013	8:00am – 9:00pm
Saturday, 28 December 2013	8:00am – 6:00pm

Background

It is proposed that Council adopt extended Christmas trading hours similar to those adopted in recent years for Bunbury. Those hours vary only in relation to extra late night trade on critical days, as the City of Bunbury already operates a seven (7) day trading regime (Exemption Order) which was published in the Government Gazette on 21 November 2008 and came into effect on 4 January 2009.

This exemption order restricts trade in Bunbury on Sundays and Public Holidays (other than Good Friday, Easter Sunday, ANZAC day and Christmas day) to between the hours of 10.00am and 4.00pm. Any other public holidays are able to be traded upon between the hours of 10.00am and 4.00pm.

Legislative Compliance

Retail Trading Hours Act 1987 applies.

Officer Comments

In previous years, Council has typically applied for a schedule of extended retail trading hours that commence around mid-December. In keeping with this trend, the following schedule of trading hours has been proposed for Christmas 2013 for the City of Bunbury:

Monday, 16 December 2013	8:00am – 9:00pm
Tuesday, 17 December 2013	8:00am – 9:00pm
Wednesday, 18 December 2013	8:00am – 9:00pm
Thursday, 19 December 2013	8:00am – 9:00pm (normal hours)
Friday, 20 December 2013	8:00am – 9:00pm
Saturday, 21 December 2013	8:00am – 6:00pm
Sunday, 22 December 2013	10:00am – 4:00pm (normal hours)
Monday, 23 December 2013	8:00am – 9:00pm
Tuesday, 24 December 2013	8:00am – 6:00pm (normal hours)
Wednesday, 25 December 2013	CLOSED
Thursday, 26 December 2013	10:00am – 4:00pm (normal hours)
Friday, 27 December 2013	8:00am – 9:00pm
Saturday, 28 December 2013	8:00am – 6:00pm
Sunday, 29 December 2013	10:00am – 4:00pm (normal hours)
Monday, 30 December 2013	8:00am – 6:00pm (normal hours)
Tuesday, 31 December 2013	8:00am – 6:00pm (normal hours)

It must be remembered, that in seeking and receiving approval for extended trading over this period, it is not compulsory for local business to open. Seeking and receiving approval only certifies that they are entitled to open if they so wish during those approved hours on those specific days.

The above hours were forwarded to the Bunbury Chamber of Commerce and Industry (BCCI) for comment on 4 October 2013. The BCCI has subsequently advised in writing that it supports the proposed extended hours for the 2013 Christmas period. By supporting the Executive Recommendation, Council will be advocating that the Department of Commerce ratify the proposed hours as endorsed by the BCCI.

Community Consultation

As stated above, comment in relation to the proposed extended trading hours for the 2013 Christmas period has been sought from the BCCI, who tabled this matter at a meeting of their members on 14 October.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications arising from this proposal.

Outcome – Special Council Meeting 22 October 2013

The Executive recommendation (as printed) was moved Cr Cook, seconded Cr Steck.

The Mayor put the motion to the vote and was adopted to become the Council's decision on the matter.

Council Decision 300/13

That Council seek approval from the Department of Commerce for the following extended trading hours for Bunbury over the 2013 Christmas period:

<u><i>Day/Date</i></u>	<u><i>Time</i></u>
<i>Monday, 16 December 2013</i>	<i>8:00am – 9:00pm</i>
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<i>Wednesday, 18 December 2013</i>	<i>8:00am – 9:00pm</i>
<i>Friday, 20 December 2013</i>	<i>8:00am – 9:00pm</i>
<i>Saturday, 21 December 2013</i>	<i>8:00am – 6:00pm</i>
<i>Monday, 23 December 2013</i>	<i>8.00am – 9.00pm</i>
<i>Wednesday, 25 December 2013</i>	<i>CLOSED</i>
<i>Friday, 27 December 2013</i>	<i>8:00am – 9:00pm</i>
<i>Saturday, 28 December 2013</i>	<i>8:00am – 6:00pm</i>

CARRIED
13 votes "for" / nil votes "against"

5. Close of Meeting

The meeting was declared closed at 6.36pm.