

**NOTES OF THE
AGENDA BRIEFING FORUM
HELD ON
TUESDAY 6 NOVEMBER 2018
COMMENCING AT 6.30PM
AT THE MELVILLE CIVIC CENTRE
2ND FLOOR IN THE COUNCIL CHAMBERS
10 ALMONDBURY ROAD, BOORAGOON**

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Please note: The Agenda for the Briefing Forum should be read in conjunction with the [Agenda for the Ordinary Meeting of the Council](#) to be held on 20 November 2018

DISTRIBUTED: 9 November 2018

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**Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre,
10 Almondbury Road, Booragoon on Tuesday 6 November 2018, commencing at 6.30pm.**

AGENDA BRIEFING FORUM

1. OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm. Mr J Clark, Governance and Compliance Advisor read aloud the Disclaimer and the Purpose of the Agenda Briefing Forum and then the Mayor advised that the meeting was being recorded for minute taking purposes and read aloud the following Affirmation of Civic Duty and Responsibility.

Purpose of Agenda Briefing Forum

The purpose of this Forum is to provide an opportunity for Elected Members to ask questions and obtain additional information in respect to reports and items on the attached Council Agenda. It is not a decision making forum, nor is it open for debate on matters. Members of the public are able to make submissions or present deputations in respect to matters on the draft Council Agenda at this Forum, prior to matters being formally deliberated upon at the next Ordinary Council Meeting.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and Meeting Procedures Local Law to ensure the efficient, effective and orderly decision making within this forum.

2. ELECTED MEMBERS PRESENT

His Worship the Mayor Russell Aubrey

Cr T Barling, Deputy Mayor	Bateman – Kardinya – Murdoch Ward
Cr N Robins	Bateman – Kardinya – Murdoch Ward
Cr C Robartson	Bull Creek-Leeming Ward
Cr N Pazolli, Cr S Kepert,	Applecross – Mount Pleasant Ward
Cr J Barton	Bicton – Attadale – Alfred Cove Ward
Cr D Macphail	Central Ward
Cr P Phelan, Cr K Wheatland	Palmyra – Melville – Willagee Ward

7. PUBLIC QUESTIONS

7.1 City of Melville Residents and Ratepayers Association (Inc)

Agenda item – 8.1 Confirmation of 16 October OMC minutes

Question 1

1. Our Association emailed Mayor Aubrey and deputy Mayor Barling multiple times since the 16 October OMC asking a series of questions in relation to the public questions and Council's inadequate answers to public questions contained in the 16 October OMC minutes. Neither Mayor Aubrey or deputy Mayor Barling have appropriately responded to our emails, so:

- 1.1 *Why has Mayor Aubrey and deputy Mayor, on behalf of Council, declined to respond to our various emails in relation to the public questions in the 16 October minutes?*

Response

Questions directed to individual Elected Members are not questions for the Council.

Question 2

- 1.2 *Why didn't Council provide proper full, forthright and honest answers to the public questions, as recorded in the 16 October minutes, at the meeting?*

Response

Other than the questions taken on notice to be recorded in future minutes, all the answers recorded in the minutes of the 16 October 2018 Ordinary Meeting of Council are considered sufficient.

Question 3

- 1.3 *Why are the questions taken on notice still not recorded in the meeting minutes, or the draft agenda for the 20 November meeting?*

Response

Responses will be included in the minutes of a future meeting once the responses have been completed and provided to the questioner.

7.1 *Public Question Time, City of Melville Residents and Ratepayers Association (Inc) cont'd*

Question 4

- 1.4 *When will all the questions in the 16 October OMC minutes be properly answered?*

Response

As responded in question 2 above, the responses are considered sufficient, responses to the questions taken on notice will be provided in the minutes of a future meeting.

Agenda item – CD18/8110 Community Development – Stakeholder Strategy

Question 5

2. *We refer to the 1,700 people that were invited to submit for one of 24 places in the CSRG, all of which were filled of those who were selected, some were unable to attend the workshops and not all wards were represented. The City says that all of these people were randomly selected. The Melville Community Chat Facebook page/group has a number of past and current Councillors as founding members and a number of current Councillors continue to contribute, promote, develop the membership and reach of the page. We are aware of a number of individuals that are regular and active members, contributors and administrators to the Melville Community Chat (MCC) and the Melville City Chat Facebook pages/groups. These include, but not limited to, **(note the list of 25 names provided in the question have been redacted as it identifies private individuals)**.*

- 2.1 *How many of the above listed MCC page members were invited to and/or attended the CSRG group?*

Question 6

- 2.2 *Who (sic) many of the listed MCC page members are eligible to vote in Council elections, ie are actually residents and ratepayers.*

Question 7

- 2.3 *Exactly how were the 1700 people “randomly” selected?*

Question 8

- 2.4 *Why did the City not invite representatives of Well-known community groups such as ACAG, Stock Road Senior Citizens, Mt Pleasant Bowls Club, Friends of Bert Jeffrey Park or Canning Bridge H4 etc?*

7.1 *Public Question Time, City of Melville Residents and Ratepayers Association (Inc) cont'd*

Question 9

- 2.5 *Exactly who was selected to attend the CSRG workshops; what was the basis of selection, were they all residents and ratepayers? Which had prior relationships with or were previously known to, Councillors and/or the City?*

Question 10

- 2.6 *How much has it costs (sic) to run these CSRG workshops and what benefits did the participants received (sic); be it meals, payment, or the like?*

Response questions 5 - 10

To give individual ratepayers an opportunity to be a part of the discussions it was determined that the fairest and most representative method to be used was that of random stratified sampling of the population from the ratepayer database. Members of the groups identified in the questions stood as much chance of being selected as anyone else.

The literature on stakeholder engagement has shown that the most effective method of encouraging people to participate in local governance is to invite them directly. In this instance, sending invitations to randomly sampled ratepayers with email addresses (18,770 people) was identified as the most efficient and cost effective method.

To create the random sample, all the details of 18,770 people were uploaded into Excel having been sorted and then tabbed by suburb. A formula to randomise¹ people in each suburb was applied and the details were uploaded into Mail Chimp for an email invitation to participate. Interested people used the link contained in the email which took them to a detailed Expression of Interest form on MelvilleTalks.

With a view to participants being representative of the population, other than by ward, the Expression of Interest identified that final selection to serve on the Combined Stakeholder Reference Group would be based on the following criteria.

1. Age range:
 - 20 – 29
 - 30 – 39
 - 40 – 49
 - 50 – 59
 - 60 – 69
 - 70 – 79
 - 80+
2. Commitment to attending all meetings of the group;
3. Commitment to register on MelvilleTalks and participate in community discussions for the duration of the stakeholder engagement process.
4. Agreement with the CSRG Terms of Reference

¹ (=INDEX(\$A:\$A,RANDBETWEEN(1,COUNTA(\$A:\$A)),1))

7.1 Public Question Time, City of Melville Residents and Ratepayers Association (Inc) cont'd

The table overleaf shows how the 24 places available for the Combined Community Reference Group were distributed by ward and then suburb. To reach the required number of participants, 1700 emails were sent out over the course of a week. It should be noted that not all the people who accepted the invitation and completed an Expression of Interest attended, leaving some ward tables unattended.

To the best of our knowledge, none of the participants had prior relationships with or were previously known to Councillors. It is possible that they some participants had previously contacted the City with respect to services.

No incentives were provided to participants. The costs of hosting the workshops were restricted to providing a light supper for those attending. No overtime was paid to staff who volunteered their time to attend.

Ward	Suburbs	No. email addresses in ratepayer database	Total email address per ward	% each ward ²	% email address for the suburb in X ward ³	Sample size needed by ward ⁴	Sample size needed by suburbs ⁵
Applecross - Mount Pleasant Ward	Applecross	1440			44%		2
	Mount Pleasant	1505			46%		2
	Brentwood	356	3301	18%	11%	4	0
Bicton - Attadale - Alfred Cove Ward	Alfred Cove	641			20%		1
	Attadale	1138			35%		1
	Bicton	1435	3214	17%	45%	4	2
Bull Creek - Leeming Ward	Bull Creek	1217			45%		2
	Leeming	1473	2690	14%	55%	3	2
Central Ward	Ardross	908			28%		1
	Booragoon	1068			33%		1
	Myaree	398			12%		1
	Winthrop	910	3284	17%	28%	4	1
Palmyra - Melville - Willagee Ward	Melville	1391			37%		2
	Palmyra	1446			38%		2
	Willagee	927	3764	20%	25%	5	1
Bateman - Kardinya - Murdoch Ward	Bateman	654			26%		1
	Kardinya	1543			61%		2
	Murdoch	320	2517	13%	13%	3	0
Total		18770	18770	100%		24	24

² (Total email address X ward) / (Total number of email address in ratepayer database)

³ (Number of email addresses for each suburb) / (Total email address per X ward in ratepayer database)

⁴ (% email address for the suburb in X ward) * (Total sample size needed)

⁵ (% email address for the suburb in X ward) * (Sample size needed by ward)

7.1 *Public Question Time, City of Melville Residents and Ratepayers Association (Inc) cont'd*

Agenda Item – C18/5356 Policy Review CP-023 Procurement Policy

Question 11

It appears very odd, and very concerning that the City is proposing amendments to the Procurement Policy only 5 months after the last formal Council review, suggesting the previous review was inadequate in a material way, so:

- 3.1 *Who or what drive this premature interim review, was it a review by an external agency or auditor of (sic) the like, or was it a result of some specific incident?*

Response

The Purchasing Policy Review is not a result of an external agency audit or the result of a procurement incident. Continuous improvement sometimes requires documentation to be updated outside of its planned review dates. Improvements were identified so the document was updated and submitted for approval.

Question 12

- 3.2 *How does Council assure itself that the WALGA panel suppliers actually provide the most cost competitive prices that factor into the “value for money” equation?*

Response

WALGA publicly advertise its preferred supplier panels to achieve value for money for its member Councils. Lowest price does not always represent value for money. Section 3 of the Procurement Policy highlights the City's interpretation and application of value for money principles

Question 13

- 3.3 *What is the City's justification for removing the WALGA recommended minimum of 3 panel members to just 2 (section 10.2). How many existing panels only have 2 suppliers on them and what are those panels? We are very concerned that this may result in a material reduction in the competitive tension amongst panel suppliers?*

Response

The section that has been removed from Section 10.2 was:

“Where a Panel is to be established, the City will endeavour to appoint at least three (3) suppliers to each category, on the basis that best value for money is demonstrated. Where less than three (3) suppliers are appointed to each category within the Panel, the category is not to be established. In each invitation to apply to become a pre-qualified supplier, the City must state the expected number of suppliers it intends to put on the panel.”

The City has not and does not have a policy relating to the number of panel members. The removed section related to categories within a panel.

7.1 *Public Question Time, City of Melville Residents and Ratepayers Association (Inc) cont'd*

Question 14

- 3.4 *Why are there no clear limitations to the use of “blanket” purchase orders in section 4.4. How do you know when previous policies (such as the requirement for 3 quotes for a particular activity) are consequently breached?*

Response

There are limitations – blanket orders are only applicable to fixed rate contracts, which have been created in compliance with the Procurement Policy. Multiple quotes are not required if a fixed-rate contract is in place, as the required tender/quoting process has already been undertaken to create the rates determined by the contract.

Question 15

- 3.5 *Why does this Policy allow the CEO to arbitrarily delegate his delegated procurement authorities, rather than deal with that delegation in the Council approved delegation of Authority? We are extremely concerned that the Council has provided this discretion to the CEO?*

Response

The Policy allows the CEO delegated procurement authorities under \$150,000. This right is underpinned by the *Local Government (Functions and General) Regulations 1996, Part 4, Division 1, r11A*

“(1) A local government is to prepare or adopt, and is to implement a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less or worth \$150,000 or less.

(2) A purchasing policy is to make provision for and in respect of the policy to be followed by the Local Government for, and in respect of, entering into contracts referred to in subregulation (1).”

The “Procurement Authorisation Limits Schedule” identifies officers with authority to approve a Requisition, entering into an agreement to procure goods and services. The Chief Executive Officer approves this schedule and may from time to time alter the authorisation limits at their discretion.

Question 16

- 3.6 *How many non-compliances (s 11) and exceptions (s 4.2) have been recorded, and/or should have been recorded, on the register/list since 1 January 2014. What were those entries and what corrective actions were taken?*

Response

Section 11 was added to the April 2018 revision of the Procurement Policy, in line with the WALGA model procurement policy. Since the inclusions of the clause, no non-compliance has been recorded on the register.

7.1 *Public Question Time, City of Melville Residents and Ratepayers Association (Inc) cont'd*

Question 17

- 3.7 *How and where does Council centrally record the CEO and Directors using their discretions to waive the requirement for 3 quotes (s4.5) for regular review by Council. How many times have the CEO and Directors exercised this discretion since 1 January 2014; for what contracts and for what reason. We do not believe this is a good practice; without very clear limitations, to be legitimised in a procurement policy?*

Response

This provision was unintentionally omitted from the April revision of the Procurement policy.

There are two types of purchases that may require a waiver of the three quote requirement:

- Sole Source, and
- Single Source

Sole Source purchases are where the product/service is unique and only one supplier is available to provide it.

Single Source purchases are where there is a justifiable financial or contractual reason for selecting a supplier.

The City has records of authorisations under Sole and Single Source purchases.

The reason for each of these purchases is individually recorded within the purchase. A copy of the email with Director approval is attached each time before the order is released.

Question 18

- 3.8 *How many other provisions have been “unintentionally” removed from other Policies in past reviews? Why did not one Councillors not (sic) pick up the “unintentional” removals as part of their own reviews? Is Council happy that policy provisions can be “unintentionally” removed without their knowledge, what will Council do to ensure there are adequate controls to prevent the Administration from doing this again?*

Response

Omissions or errors are always rectified when identified.

8. DEPUTATIONS

Nil.

9. BUSINESS

PROCEDURE FOR AGENDA BRIEFING FORUMS

PRINCIPLES

The Agenda Briefing Forum which occurs two weeks prior to the Council meeting provides an opportunity for Elected Members to ask questions and clarify issues relevant to the specific agenda items before Council. The briefing is not a decision-making forum and the Council has no power to make decisions in the Forum.

In order to ensure full transparency, the meetings will be open to the public to observe the process. Where matters are of a confidential nature, they will be deferred to the conclusion of the briefing and at that point the briefing session is closed to the public. The reports provided are the officers' professional opinions. While it is acknowledged that Members may raise issues that have not been considered in the formulation of the report and recommendation, it is a basic principle that as part of the briefing sessions Elected Members cannot direct officers to change their reports or recommendations.

PROCESS

The Agenda Briefing Forum will commence at 6.30pm in accordance with the Schedule of Public Meetings (except January). It will be chaired by His Worship the Mayor or in his absence, the Deputy Mayor or in his/her absence the immediate past serving Deputy Mayor. In the absence of all, Elected Members will elect a Presiding Member from amongst those present. In general, Meeting Procedures Local Law will apply, except that Members may speak more than once on any item and there is no moving or seconding of items.

Where an interest is involved in relation to an item, the same procedure which applies to Ordinary Meeting of Council will apply. It is a breach of the Meeting Procedures Local Law for an interest to not be declared. The briefing will consider items on the agenda only and proceed to deal with each item as they appear. The process will be for the Presiding Member to call each item number in sequence and ask for questions. Where there are no questions regarding the item, the briefing will proceed to the next item.

AGENDA CONTENTS

While every endeavour is made to ensure that all items to be presented to Council at the formal Council meeting are included in the Agenda Briefing Forum, it should be noted that there will be occasions when, due to necessity, items will not be ready in time for the forum session and will go straight to the Council agenda as a matter for decision. Further, there will be occasions when items are tabled at the briefing rather than the full report being provided in advance. In these instances, staff will endeavour to include the item on the agenda as a late item.

AGENDA DISTRIBUTION

The agenda will be distributed to Elected Members on the Friday prior to the Agenda Briefing Forum. Copies will be made available to the libraries and the Internet for interested members of the public. Spare agendas will be available at the Agenda Briefing Forum for interested members of the public.

DEPUTATIONS

Deputations may be heard prior to the commencement of an item.

The following guidelines have been prepared to assist groups who have requested or been invited to a Council Meeting, Agenda Briefing Forum or Committee Meeting to present a submission.

A deputation must relate to a report on the meeting agenda.

- (a) Notice of a request for deputation must be in writing and include the name, office and contact details of members of the deputation and be forwarded to the Chief Executive Officer by either **Mail** at Locked Bag 1, Booragoon WA 6954, **Email** at deputations@melville.wa.gov.au or **Fax** on 9364 0285 by 9.00am on the Monday prior to the meeting.
- (b) The request should be received at least two working days before the meeting and a response will be given by the Governance and Compliance Advisor (G&CA). If approved, the G&CA will respond to the email and include as attachments the "Guidelines and Protocols" document and the "purpose of the Agenda Briefing Forum".
- (c) A deputation may comprise a maximum of three people of which only two may speak.
- (d) An outline of the points to be made in addressing the Council, Agenda Briefing Forum or the Committee must be submitted in writing by 9.00am on Monday prior to the meeting.
- (e) The person/s requesting the deputation will be required to advise the main points they wish to make in a given time of 10 minutes (dot points are fine).
- (f) The representatives of the deputation will be met in the Council Chamber of the Civic Centre by a Council Officer 10 minutes prior to the commencement of the meeting.
- (g) Hardcopies of the presentation will be required if a copy of the presentation is to be distributed to Elected Members and staff (20 copies).
- (h) The Presiding Member will ask the leader of the deputation to present the submission on behalf of the group. The leader of the deputation may call on one other member of the deputation to assist.
- (i) The deputation period, including the time allowed for the questions and answers from members of the committee, should not exceed 15 minutes, of which 10 minutes is for the presentation and five minutes is for question time, unless the Council grants an extension of time.
- (j) The Presiding Member has discretion to permit a deputation to present a submission under other circumstances.

RECORD OF BRIEFING

The formal record of the briefing session will be limited to notes regarding any agreed action to be taken by Staff or Elected Members. No recommendations will be included.

DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

Members' interests in matters to be discussed at meetings to be disclosed

S.5.65 A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

Meeting to be informed of disclosures

S.5.66 If a member has disclosed an interest in a written notice given to the CEO before a meeting then -

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

Disclosing members not to participate in meetings

S.5.67 A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

Please refer to your Handbook for definitions of interests and other detail.

9. AGENDA ITEMS FOR PRESENTATION

CD18/8110	Community Development – Stakeholder Strategy
	<p>OFFICER PRESENTATION Mog Piasecka – Stakeholder Engagement Coordinator</p> <p>DEPUTATION/PRESENTATION/S At 6:51pm Ms Piasecka commenced a presentation, which concluded at 7:05pm</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation. Request for amendment to Goal Area 2 “bi-annual” should be “biennial”.</p>

At 7:05pm Ms Piasecka left the meeting and did not return.

At 7:05pm Ms Hartill left the meeting and did not return.

M18/5000	Common Seal Register
	<p>OFFICER PRESENTATION Corrine Newman – Governance Coordinator</p> <p>DEPUTATION/PRESENTATION/S Nil.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

C18/5652	City of Melville Annual Report 2017-2018
	<p>OFFICER PRESENTATION – IF REQUESTED Kylie Johnson – A/Director Corporate Services Stephanie Courtney – Marketing Coordinator</p> <p>DEPUTATION/PRESENTATION/S At 7:05pm Ms Courtney and Ms Johnson commenced a presentation, which concluded at 7:35pm</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p> <p>Following the Auditors' presentation at the Financial Management Audit, Risk and Compliance Committee, further information will be provided in the Elected Members Bulletin in relation to</p> <ul style="list-style-type: none"> • Valuations, Industry wide issue. • The purpose of the Reserve Accounts, in relation to the strategic approach of the Council. • Asset management. • The review of the Long Term Financial Plan leading into the budget process.

At 7:35pm Ms Courtney left the meeting and did not return.

C18/5356	Policy Review CP-023 Procurement Policy
	<p>OFFICER PRESENTATION – IF REQUESTED Bruce Taylor – Manager Financial Services</p> <p>DEPUTATION/PRESENTATION/S At 7:35pm Mr Taylor commenced a presentation, which concluded at 7:42pm</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p> <p>Further information will be provided in the Elected Members Bulletin in relation to minor amendments to Clause 4.2 prior to the Ordinary Meeting of Council scheduled to be held 20 November 2018.</p>

C18/6000	Investment Statements for September 2018
	<p>OFFICER PRESENTATION – IF REQUESTED Kylie Johnson – A/Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S Nil.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

C18/6001	Schedule of Accounts Paid September 2018
	<p>OFFICER PRESENTATION – IF REQUESTED Kylie Johnson – A/Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S Nil.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

C18/6002	Statements of Financial Activity for September 2018
	<p>OFFICER PRESENTATION – IF REQUESTED Kylie Johnson – A/Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S Nil.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

10. CLOSURE

There being no further business to be discussed, His Worship the Mayor declared the meeting closed at 7:43pm.