



TOWN OF VINCENT

SPECIAL COUNCIL MEETING 7 JULY 2009

NOTICE OF MEETING AND AGENDA

Dear Council Member

Notice is hereby given that, in accordance with Section 5.5 of the Local Government Act 1995, a Special Meeting of the Council of the Town of Vincent will be held at the Administration and Civic Centre, 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday, 7 July 2009** commencing at **6.00pm**. The purpose of the Meeting is to consider Local Government Reform Strategies 2009.

JOHN GIORGI, JP
CHIEF EXECUTIVE OFFICER
3 July 2009

"Enhancing and celebrating our diverse community"

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“Enhancing and celebrating our diverse community”

PURPOSE *(Defines the business we are in)*

“To provide and facilitate services for a safe, healthy and sustainable community.”

VISION *(Describes what we are striving to achieve)*

“A sustainable and caring community built with vibrancy and diversity.”

GUIDING VALUES *(Describes what values are important to us)*

- Excellence and Service
- Honesty and Integrity
- Innovation and Diversity
- Caring and Empathy
- Teamwork and Commitment

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town of Vincent (Town) for any act, omission, statement or intimation occurring during Council meetings. The Town disclaims any liability for any loss however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council meeting does so at their own risk.

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

Copyright

The Town wishes to advise that any plans or documents contained within this Agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

PROCEDURE FOR PUBLIC SPEAKING TIME

The Town of Vincent Local Law Relating to Standing Orders prescribes the procedure for persons to ask questions or make public statements relating to a matter affecting the Town, either verbally or in writing, at a Council meeting.

Questions or statements made at an Ordinary Council meeting can relate to matters that affect the Town. Questions or statements made at a Special Meeting of the Council must only relate to the purpose for which the meeting has been called.

1. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name, address and Agenda Item number (if known).
2. Public speaking time will be strictly limited to three (3) minutes per member of the public.
3. Members of the public are encouraged to keep their questions/statements brief to enable everyone who desires to ask a question or make a statement to have the opportunity to do so.
4. Public speaking time is declared closed when there are no further members of the public who wish to speak.
5. Questions/statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on an Elected Member or Town Employee.
6. Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the Town, he may ask the person speaking to promptly cease.
7. Questions/statements and any responses will be summarised and included in the Minutes of the Council meeting.
8. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be *"taken on notice"* and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.
9. It is not intended that public speaking time should be used as a means to obtain information that would not be made available if it was sought from the Town's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

RECORDING OF COUNCIL MEETINGS

- ◆ All Ordinary and Special Council Meetings are electronically recorded (both visual and audio), except when the Council resolves to go behind closed doors;
- ◆ All recordings are retained as part of the Town's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office;
- ◆ A copy of the recorded proceedings and/or a transcript of a particular section or all of a Council meeting is available in accordance with Policy 4.2.3 - Recording of Council Meetings and Access to Recorded Information.

SPECIAL COUNCIL MEETING

ORDER OF BUSINESS

1. Declaration of Opening

2. Apologies/Members on Approved Leave of Absence

Nil.

3. Public Question Time and Receiving of Public Statements

Please Note: Section 7(4)(b) of the Local Government (Administration) Regulations 1996 states that:

“Council at a Special Meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the Agenda be asked.”

4. Applications for Leave of Absence

Nil.

5. Announcements by the Presiding Member (Without Discussion)

6. Declaration of Interests

6.1 Financial - Local Government Act 1995, s5.60A

6.2 Proximity - Local Government Act 1995, s5.60B

6.3 Impartiality - Local Government (Administration) Regulations, Reg 34

7. Reports

7.1 CONFIDENTIAL REPORT: Local Government Reform 2009 – Progress Report No. 3 (ORG0031)

8. Closure

7.1 CONFIDENTIAL REPORT: Local Government Reform 2009 – Progress Report No. 3

Ward:	-	Date:	1 July 2009
Precinct:	-	File Ref:	ORG0031
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to the Local Government Reform Strategies 2009, as this contains matters affecting an employee or employees and a matter that, if disclosed, could be reasonably expected to reveal information that has a commercial value to a person; and*
- (ii) *AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.*

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains matters affecting an employee or employees. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

At the Ordinary Meeting of Council held on 28 April 2009 the Council considered a report on Local Reform Strategies 2009 and resolved (in part) as follows:

- “(iv) RESOLVES that until the Chief Executive Officer makes public the final confidential report to the Chair of the Local Government Reform Steering Committee, or any part of it, concerning the Council's response to the Minister for Local Government's directive of 5 February 2009 for Councils to advise him of their intentions to amalgamate or reduce the number of Council elected members, this report and any subsequent reports and/or matters relating to it, be kept CONFIDENTIAL.”*

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

Section 5.94 of the Act provides the public is entitled to inspect a wide range of information about the Town. Section 5.95(6) excludes information that has been prescribed as confidential from this entitlement.

In the interests of enabling the Council to engage in free and open debate in determining the Town's response to the Minister's directive of 5 February 2009, it is suggested information which is to be considered during deliberations be prescribed as confidential.

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Chief Executive Officer may wish to make some details available to the public.

8. Closure