



AGENDA FOR THE
ORDINARY COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
11 DECEMBER 2019
COMMENCING AT 4.00 PM



**SHIRE OF THREE SPRINGS
ORDINARY COUNCIL MEETING NOTICE PAPER
11 DECEMBER 2019**

President and Councillors,

An ordinary meeting of Council is called for Wednesday, 11 December 2019, in the Council Chambers, Railway Road, Three Springs commencing at 4pm.

Keith Woodward
Chief Executive Officer

5 December 2019

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Three Springs for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Three Springs 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 occurring during Council/Committee meetings or discussions. Any person or legal entity that 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 Three Springs during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Three Springs. The Shire of Three Springs warns that anyone who has an application lodged with the Three Springs Shire Council 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 Three Springs in respect of the application.

Disclosure of Interest Form
(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70 & 5.71)

To: Chief Executive Officer

☐ Ordinary Council Meeting held
on

☐ Special Council Meeting held
on

☐ Committee Meeting held on

☐ Other

Report No

Report Title

Name

☐ Elected
Member

☐ Committee

☐ Employee

☐ Contractor

Type of Interest (**see overleaf for further information*)

☐ Proximity

☐ Financial

☐ Impartiality

Nature of Interest

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

Name: _____ Signed: _____ Date: _____

Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

Note 2: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

OFFICE USE ONLY

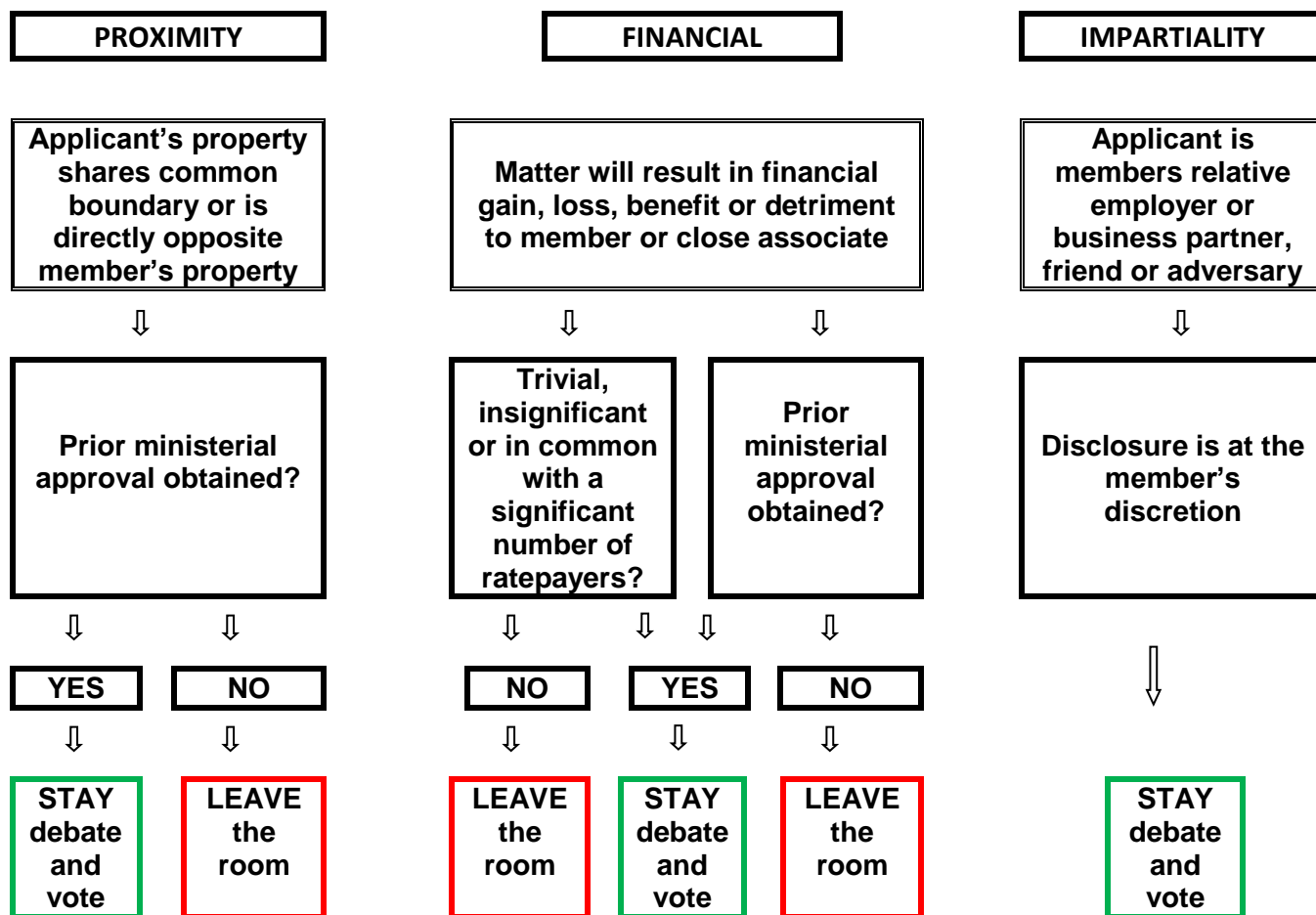
CEO

Signed:

Date:

:

* Declaring an Interest



Local Government Act 1995 - Extract

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

- (1) 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. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
- (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

- If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:
- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 – Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at:

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

	Attendance	Apologies	Approved Leave of Absences
Councillor Lane			
Councillor Connaughton			
Councillor Heal		Apology	
Councillor Mutter			
Councillor Mills			
Councillor Ennor			
Councillor Eva			
Chief Executive Officer			
Deputy Chief Executive Officer			
Manager Works			
Minutes Clerk			

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

		OCM Month	Moved	Seconded	Vote	Date
5.1	Cr.		Cr.	Cr.		
5.2	Cr.		Cr.	Cr.		
5.3	Cr.		Cr.	Cr.		

6. CONFIRMATION OF PREVIOUS MEETING MINUTES

That the Minutes of the Council meeting are confirmed as true and accurate record of proceedings.

		Date	Moved	Seconded	Vote
6.1	Confirmation of Minutes of Ordinary Meeting held:	20 November 2019	Cr.	Cr.	

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	
Cr. Connaughton	
Cr. Heal	
Cr. Mutter	
Cr. Mills	
Cr. Ennor	
Cr. Eva	

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

10. REPORTS OF OFFICERS

Executive Services	
10.1. Good Governance in Practice	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	11 December 2019
Author:	Chief Executive Officer
Attachment (s):	

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☒ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council Accepts:

The Governance Compliance Calendar report for November 2019.

Background:

Local Governments are required to fulfil duties and functions prescribed in legislation.

This expectation is prescribed in the *Local Government Act 1995* through the CEO duties which require the management of legislative compliance.

Officer's Comment:

Compliance Table for November 2019

Shire of Three

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Springs Compliance Calendar

Compliance Action	Compliance Requirement	Section / Ref	Good Practice Resources and LG Operational Procedures	Compliance Frequency	Position Title Officer Responsible for Action Compliance	Date Completed	Records Ref	Comments. If Action not completed, report on plan to rectify non-compliance
November - Take Action								
Monthly Financial Report LG is to prepare each month a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget under FM.Reg.22(1)(d). Presented at an Ordinary Council meeting within 2-months after the end of the month to which the statement relates.	Local Government Act 1995	s.6.4 FM.Reg. 34	DLGSC website - WA Local Government Accounting Manual	Monthly	DCEO	Nov-19	November 19 OCM Minutes	The monthly financial report was presented to Council at the November 2019 Ordinary Council Meeting.
Emergency Services Levy - Option A Option A Remittance Report - see Form B Schedule 5 and ESL Assessment Profile Return Form A	DFES - ESL Manual of Operating Procedures	Clause 5.13.	DFES -ESL website - Manual of Operating Procedures	Monthly	SFO/DCEO	Dec-19		The reports under option B are reported quarterly and are due in December 2019
Primary Returns - Request Primary Return from any new employee who is a Designated Employee. Return must be received by CEO within 3 months of the person's start day	Local Government Act 1995	s.5.75	DLGSC website - Operational Guideline No.21 Disclosure of Financial Interests in Returns	Bi-monthly	CEO	Dec-19	Returns completed and included in the Register. Letter of acknowledging receives of returns issued	The CEO work shopped the Code of Conduct, Primary Interests and Third Party Disclosures on the 4 December 2019.

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Financial Interests Register - Review • Review register to remove Primary and Annual Returns (not other interest disclosures) from the Financial Interest Register that relate to persons who are no longer Designated Employees (resigned or changed roles).or for Elected Members who have resigned. • Returns that are removed are to be kept by the CEO as LG Record for at least 5 years after the person ceased to be a Designated Employee.	Local Government Act 1995	s.5.88(3) (4)		Bi-monthly	CEO/ES	Nov-19	2019/20 Interest Register	The Interests register has been audited and is compliant with the statutory directive.
Elected Members - Review Meeting Attendance Register - check EMs have not been absent for 3 consecutive meetings without Leave of Absence being granted	Local Government Act 1995	s.2.25		Quarterly	DCEO	Dec-19		The Shire does not have an Attendance Register. The Council OCM minutes are the record for attendance.
Elections - Enrolment Eligibility Claims (Owners and Occupiers) Register - Review register and take action re expired Eligibility Claims (no longer property owner / claim based on occupation or nominee expired)	Local Government Act 1995	s.4.35 Election s Regs.14 and 15 Form 6 and 7	WALGA website - Template Enrolment Eligibility Claims Register	Biannual (Apr & Nov)	SFO	Aug-19	Information was provided to the WAEC	This process occurred during the 2019 election process

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Policy Review - Code of Conduct Following each Election - provide Council report to enable the 'new' Council to review and adopt the Code of Conduct.	Local Government Act 1995	s.5.103 s.5.104 Admin.R egs. Part 9 Rules of Conduct Regs.	WALGA website - Model Code of Conduct Recommended Practice • Review the Code following each Election cycle to ensure new (and old) Elected Members understand requirements.	Biennial				The Code of Conduct Policy and all other policies will be reviewed in March 2020
Elections - Declarations of Office for new Elected Members <u>elected unopposed</u> (due 2 months from declaration of result at close of nominations)	Local Government Act 1995	s.2.29	DLGSC website - Elections Timetable DLGSC website - Returning Officer Manual	Biennial	DCEO	Nov-19	WAEC	Report provided to the WAEC
Note:								The Statutory management associated with, type of registers, and public inspection availability requires review.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995, Administration Part 5, Division 4, S.5.40

5.41. Functions of CEO

The CEO's functions are to —

- (a)** *advise the council in relation to the functions of a local government under this Act and other written laws; and*
- (b)** *ensure that advice and information is available to the council so that informed decisions can be made; and*
- (c)** *cause council decisions to be implemented; and*
- (d)** *manage the day to day operations of the local government; and*
- (e)** *liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f)** *speak on behalf of the local government if the mayor or president agrees; and*

- (g) *be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) *ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) *perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

Local Government (Audit) Regulations 1996

17. *CEO to review certain systems and procedures*

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
 - (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

Policy Implications:

Council Policy 1100 Risk Management. The risk management objectives of this policy are:

- 1. *Optimise the achievement of our vision, mission, strategies, goals and objectives.*
- 2. *Provide transparent and formal oversight of the risk and control environment to enable effective decision making.*
- 3. *Enhance risk versus return within our risk appetite.*
- 4. *Embed appropriate and effective controls to mitigate risk.*
- 5. *Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.*
- 6. *Enhance organisational resilience.*
- 7. *Identify and provide for the continuity of critical operations*

The Good Governance in Practice Principles 'compliance and reporting' align with Council policy and legislation reducing organisation's risk.

Financial/Resources Implications:

Nil

Strategic Implications:

This item is relevant to the Councils approved 'Strategic Community Plan 2018-2028'

'Strategic Community Plan 2018-2028'.	
Council Objectives:	Outcome:
A long term strategically focused Shire that is efficient, respected and accountable.	4.3.2. Ensure compliance with all relevant legislation.

This item is relevant to the Councils approved 'Corporate Business Plan 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'.	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:
Simple Majority.

Officer's Recommendation:

OFFICERS RECOMMENDATION:	10.1
That Council Accepts: The Governance Compliance Calendar report for November 2019.	

10. REPORTS OF OFFICERS

Executive Services	
10.2. Annual Review of the Delegation Register	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	
File Reference:	ADM0199
Disclosure of Interest:	Nil
Date:	11 December 2019
Author:	Chief Executive Officer
Attachment (s):	1- December 2018 Delegation Register 2- December 2019 Delegation Register

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☒ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council:

1. Revoke the December 2018 Delegation Register in its entirety.
2. Adopt the revised December 2019 Delegation Register.

Background:

Local Governments are empowered under a number of sections of State Government legislation (Acts and Regulations) to perform certain duties and exercise certain powers.

In many instances a piece of legislation empowers the Chief Executive Officer (CEO) or another officer of the Local Governments to perform duties, but often the

Act or Regulations (particularly the *Local Government Act 1995*) defaults to the Local Government Council with the ability to delegate some of its powers and duties to the CEO or to Committees in order to expedite the effective operations and implementation of the Shire's functions.

A requirement of Council delegating its authority is that a 'Register of Delegations' needs to be maintained and reviewed annually. Therefore, the purpose of this report is to review the list of delegations to the CEO and sub-delegation of duties to other nominated officers within the organisation.

As there has been significant changes to the content of the original document and that the format of the Delegation Register has also been modified for ease of reference and convenience it is recommended that Council revoke the original register in its entirety and adopt the new version.

Officer's Comment:

The Delegation Register is to formalise the Council's "day to day" functions/operations through empowerment of staff to operate efficiently, effectively and productively in the interest of good governance.

However, the level of delegation should not extend beyond the Council losing (or perceived to be losing) control of its responsibilities under applied legislation.

It is also pertinent that such delegations to staff on "day to day" matters are reported back to Council to ensure the grant of delegated authority, in the Council's opinion, is not misused and abused in any way. Should Council not be satisfied it may at any time amend or remove the delegation to the CEO or another officer.

The reporting back to Council will occur at the OCM in the following format:

This report is prepared for Council and includes all actions performed under delegated authority including:

- *Affixing of the common seal;*
- *Development approvals issued;*
- *Building permits issued; and*
- *Health approvals issued.*

Date	File Reference	Delegation No	Decision Detail	Applicant	Officer
	<i>Example</i>				
18 November 2019	November 2019 OCM. Report 9.3	G0004	Advertising Ordinary Council Meeting Dates	CEO	CEO
Date	File Reference	Common Seal	Decision Detail		Officer
Date	File Reference	Development Approvals	Decision Detail		Officer
Date	File Reference	Building	Decision Detail		Officer

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		Approvals			
Date	File Reference	Health Approvals	Decision Detail		Officer

Consultation:

Nil

Statutory Environment:

The Council is empowered pursuant to Sections 5.16 and 5.42 of the *Local Government Act 1995* to delegate roles and responsibilities, while Section 5.46 (2) requires an annual review of delegations by Council.

The Act also allows the Chief Executive Officer to sub-delegate any of his/her powers to another employee with the sub-delegations to be in writing.

The Chief Executive Officer is also permitted under the Act to place conditions on any sub-delegation passed onto another Shire employee.

Local Government Act 1995, Part 5, Division 4 s.5.42 and 5.46

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
 - (a) *this Act other than those referred to in section 5.43; or*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

Policy Implications:

The Council Policy Manual will be reviewed in March 2020.

Financial/Resources Implications:

Nil

Strategic Implications:

This item is relevant to the Councils approved 'Strategic Community Plan 2018-2028'

'Strategic Community Plan 2018-2028'.	
Council Objectives:	Outcome:
A long term strategically focused Shire that is efficient, respected and accountable.	4.3.2. Ensure compliance with all relevant legislation.

This item is relevant to the Councils approved 'Corporate Business Plan 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'.	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Absolute Majority.

Officer's Recommendation:

OFFICERS RECOMMENDATION:	10.2
That Council: 1. Revoke the December 2018 Delegation Register in its entirety. 2. Adopt the revised December 2019 Delegation Register.	

Executive Services	
10.3. Flying the Australian Aboriginal Flag at the Shire's Administration Centre	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	11 December 2019
Author:	Chief Executive Officer
Attachment (s):	

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☐ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council approves:

1. The flying of the Australian Aboriginal flag at the Shire's Administration Centre.
2. The unbudgeted expenditure of \$2,000.00 associated with the purchase and installation of a flag post.
3. The unbudgeted expenditure is reconciled at the mid-year budget review.

Background:

The Shire of Three Springs Community Strategic Plan Foundation 4 Civic Leadership states that we are a *“Collaborative and forwarding thinking community that is guided by strong leadership”*.

WALGA: “At WALGA, we believe that engagement in Reconciliation provides an opportunity to generate a greater understanding and mutual respect across cultures. Aboriginal and Torres Strait Islander cultures are important to Australia’s national identity and they hold a unique place as the First Australians.”

NAIDOC: “The Australian Aboriginal Flag was designed by artist Harold Thomas and first flown at Victoria Square in Adelaide, South Australia, on National Aborigines Day in July 1971. It became the official flag for the Aboriginal Tent Embassy in Canberra after it was first flown there in 1972. Since then, it has become a widely recognised symbol of the unity and identity of Aboriginal people. In view of the flag’s wide acceptance and importance in Australian society, the Commonwealth took steps in 1994 to give the flag legal recognition. After a period of public consultation, in July 1995 the Aboriginal flag was proclaimed a ‘Flag of Australia’ under the Flags Act 1953.”



Australian Government
Department of the Prime Minister and Cabinet

AUSTRALIAN FLAGS

Australian flags include the Aboriginal flag, Torres Strait Island flag and many ensigns used in defence and civilian organisations. [Information about the Australian National Flag](#) is also available on this website.



AUSTRALIAN ABORIGINAL FLAG



The Australian Aboriginal Flag was first raised on 12 July 1971 at Victoria Square in Adelaide. It was also used at the Aboriginal Tent Embassy in Canberra in 1972.

The top half of the flag is black to symbolise Indigenous people. The red in the lower half stands for the earth and the colour of ochre, which has ceremonial significance. The circle of yellow in the centre of the flag represents the sun.

The Australian Aboriginal Flag is displayed at Aboriginal centres and is well recognised as the flag of Aboriginal peoples of Australia. It is flown during NAIDOC Week to celebrate and promote greater understanding of Indigenous peoples and culture and during National Reconciliation Week in recognition of 27 May as the anniversary of the 1967 Referendum which removed from the Constitution clauses that discriminated against Indigenous Australians and 3 June as the anniversary of the High Court decision in the Eddie Mabo land rights case of 1992.

Colour references for the Australian Aboriginal Flag are:

- Red PANTONE® 179
- Yellow PANTONE® 123

Mr Harold Thomas from Northern Australia designed the flag.

The Australian Aboriginal Flag was proclaimed on 14 July 1995.

Permission is not required to fly the Australian Aboriginal Flag.

Officer's Comment:

Flying the Aboriginal and Torres Strait Islander flags demonstrates Australia's recognition of First Nation peoples, promoting a sense of community partnership and a commitment toward reconciliation. Flying the flags is a highly visible symbol of respect and can be used to promote a sense of community, create a welcoming environment and can demonstrate a commitment towards closing the gap.

Consultation:

The Shire President met with Mr Dalgetty (MEEDAC). He is fully supportive of any efforts the Shire makes to reconcile and include the local residents. Preliminary discussions about wording for Acknowledgment to Country and cultural induction commenced.

MEEDAC (Midwest Employment and Economic Development Aboriginal Corporation) was incorporated in May 1997 by the community members of Mullewa to operate a CDEP (Community Development Education Program). The community elders were concerned that there was no meaningful employment and training opportunities for their people. Due to the community demands within the region MEEDAC Inc. increased its CDEP and developed activities in Morawa, Yalgoo and Three Springs as well as remote communities such as Kardaloo, Barrel Wells, Mt Wittenoom, Nabawa and Pia Wadjarri.

Statutory Environment:

In 1995 the Aboriginal Flag was recognised by the Australian Government as an official 'Flag of Australia' under the *Flags Act 1953*.

Local Government Act 1995, Part 6 Financial management, Division 4, s.6.6

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

Financial/Resources Implications:

The unbudgeted expenditure of \$2,000.00 will be reconciled at the mid-year budget review.

Strategic Implications:

This item is relevant to the Council's approved 'Strategic Community Plan 2018-2028'

'Strategic Community Plan 2018-2028'.	
Council Objectives:	Outcome:
A long term strategically focused Shire	1.1.6. Rebrand and promote Three

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that is efficient, respected and accountable. A collaborative and forwarding thing community that is guided by strong leadership.	Springs as an attractive place to live and work.
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This item is relevant to the Council's approved 'Corporate Business Plan 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'.	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Absolute Majority.

Officer's Recommendation:

OFFICERS RECOMMENDATION:	10.3
<p>That Council approves:</p> <ol style="list-style-type: none"> 1. The flying of the Australian Aboriginal flag at the Shire's Administration Centre. 2. The unbudgeted expenditure of \$2,000.00 associated with the purchase and installation of a flag post. 3. The unbudgeted expenditure is reconciled at the mid-year budget review. 	

Works and Services

10.4. Capital Works Report November 2019

Agenda Reference:	ADM1112
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0155
Disclosure of Interest:	Nil
Date:	03/12/2019
Author:	Manager of Works
Attachment (s):	Capital Works Status Report Concept Drawings for Arrino South Rd

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☐ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☐ Legislative Includes adopting local laws, local planning schemes and policies.
- ☒ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council accepts:

The Capital Works Report for November 2019.

Background:

This report provides Council with the 2019-2020 Capital Works progress update.

Officer's Comment:

Refer to the attached status report.

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

Purchasing Policy 3007.1

Financial/Resources Implications

Shire of Three Springs Adopted Budget 2019-2020

Strategic Implications:

This item is relevant to the Council's approved 'Strategic Community Plan 2018-2028'

'Strategic Community Plan 2018-2028'.	
Council Objectives:	Outcome:
Nil	Nil

This item is relevant to the Council's approved 'Corporate Business Plan 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'.	
Scope Statement:	Project Outputs:
<i>Built Environment /Infrastructure</i>	Road condition Improvement
Roads Program	Safer roads
<i>Community</i>	Paths which link key arrears and increase accessibility
Pathways Program	

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICERS RECOMMENDATION:	10.4
That Council accepts: The Capital Works Report for November 2019.	

10.5 REPORTS OF OFFICERS

Corporate Services

10.5. Budget Amendment – Lane Ropes for Three Springs Swimming Pool

Agenda Reference:	201107
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	3 November 2019
Author:	Deputy Chief Executive Officer
Attachment (s):	

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☐ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council approves:

- The budget amendment of \$16,000 for the purchase of lane ropes for the Three Springs swimming pool.
- The drawdown of \$16,000 from the Swimming Pool Reserve – GL account number 184210.

Background:

The lane ropes are typical municipal swimming pool infrastructure. The lane ropes require replacement.

Officer's Comment:

The swimming pool is used for 'A Grade' swimming competition and carnivals by our local and neighbouring schools.

Consultation:

Chief Executive Officer, Manager of Works and Pool Manager.

Statutory Environment:

Local Government Act 1995, Part 6 Financial management, Division 4, s.6.6

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

Policy Implications:

Purchasing Policy 3007.1

Financial/Resources Implications:

This expenditure of \$16,000 will be funded from GL Account 184210 – Swimming Pool Recreational Equipment Reserve.

AC 184210	
Balance	\$141,070.03
Expenditure	\$16,000.00
Balance	\$125,070.03

Strategic Implications:

This item is relevant to the Council's approved 'Strategic Community Plan 2018-2028'

'Strategic Community Plan 2018-2028'.	
Council Objectives:	Outcome:
A collaborative and forward thinking community that is guided by strong leadership	4.3 Continue to provide quality local government services and facilities

This item is relevant to the Council's approved 'Corporate Business Plan 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'.	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Absolute Majority.

Officer's Recommendation:

OFFICERS RECOMMENDATION:	10.5
That Council approves:	
<ol style="list-style-type: none">1. The budget amendment of \$16,000 for the purchase of lane ropes for the Three Springs swimming pool.2. The drawdown of \$16,000 from the Swimming Pool Reserve – GL account number 184210.	

10.6 REPORTS OF OFFICERS

Corporate Services	
10.6. Financial Statement for Period Ending 30 November 2019	
Agenda Reference:	201107
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	3 November 2019
Author:	Deputy Chief Executive Officer
Attachment (s):	10.6.1 SOTS Financial Report Nov 2019

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☐ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council accepts:

The monthly financial report for the period ending 30 November 2019.

Background:

The Provision of the FM Regulations 1996 and associated regulations requires a monthly financial report to be presented at an ordinary council meeting within 2 months of the period end date.

- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Officer's Comment:

Refer to Financial/Resources Implications

Consultation:

Nil

Statutory Environment:

The preparation of Monthly Financial reports is prepared under Section 6.4 of the Local Government Act 1995.

In accordance with FM regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by the council of \$10,000 or 10% whichever is greater. As this report is composed at a program level, variances commentary considers the most significant items that comprise the variance.

34. Financial activity statement required each month (Act s. 6.4)

(1A) *In this regulation —*

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*

- (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
- (b) *budget estimates to the end of the month to which the statement relates; and*
- (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
- (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) *the net current assets at the end of the month to which the statement relates.*

(2) *Each statement of financial activity is to be accompanied by documents containing —*

- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
- (b) *an explanation of each of the material variances referred to in sub regulation (1)(d); and*
- (c) *such other supporting information as is considered relevant by the local government.*

(3) *The information in a statement of financial activity may be shown —*

- (a) *according to nature and type classification; or*
- (b) *by program; or*
- (c) *by business unit.*

- (4) *A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —*
- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

Policy Implications:

Nil

Financial/Resources Implications:

As at 30 November 2019 the operating revenue was \$2,767,174. The operating Revenue is made up of Rates 78%, Grants & Subsidies 15%, Fees and Charges 5% and others 2%.

The Operating Expenditure is \$1,785,089. The Operating expenditure is made up of Employee Costs 36%, Depreciation 40%, Insurance 11%, Materials & Contracts 8%, Utilities 4% and others 1%.

Rates notices were issued on 25 September 2019 and first instalment was due on 8 November 2019. The Shire has collected 79.6% of total outstanding rates. Outstanding rates debtors \$445,886 and General Debtors \$108,074.

Total Cash Available is \$4,291,444. Total cash is made up of Unrestricted cash \$2,805,680 and Restricted cash \$1,485,765 backed by various reserves.

Strategic Implications:

This item is relevant to the Council's approved 'Strategic Community Plan 2018-2028'

'Strategic Community Plan 2018-2028'.	
Council Objectives:	Outcome:
Nil	Nil

This item is relevant to the Council's approved 'Corporate Business Plan 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'.	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICERS RECOMMENDATION:	10.6
That Council accepts: The monthly financial report for the period ending 30 November 2019.	

Corporate Services	
10.7 Accounts for Payments 30 November 2019	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	3 December 2019
Author:	Finance and Payroll Officer
Attachment (s):	Lists of creditors paid as at 30 th November, 2019 is attached at 10.7.1

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).
-

Report Purpose:

That Council accepts:

The payment of creditors in accordance with Local Government (Financial Management) Regulations 1996 section 13 (1).

Background:

Financial regulations require a schedule of payments made through the Council's bank accounts be presented to Council for their inspection. The list includes details for each account paid incorporating payee's name, amount of the payment, date of payment and sufficient information to identify the transaction.

Officer's Comment:

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 Section 6.4.

Local Government (Financial Management) Regulations 1996 Section 12 and 13.

12. Payments from municipal fund or trust fund, restrictions on making

- (1) *A payment may only be made from the municipal fund or the trust fund —*
 - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name; and*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;**and*
 - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub regulation (1) or (2) is to be —*

- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) *recorded in the minutes of that meeting.*

Policy Implications:

Nil

Financial/Resources Implications:

Funds available to meet expenditure in accordance with Shire of Three Springs adopted budget 2019-2020.

Strategic Implications:

This item is relevant to the Council's approved 'Strategic Community Plan 2018-2028'

'Strategic Community Plan 2018-2028'.	
Council Objectives:	Outcome:
Nil	Nil

This item is relevant to the Council's approved 'Corporate Business Plan 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'.	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICERS RECOMMENDATION:	10.7
That Council accepts: <ul style="list-style-type: none">1. The accounts for payment as presented for November, 2019 from the Municipal Fund totalling \$751,005.382. Represented by Electronic Fund Transfers No's 15675 - 15759, Cheque No's 11579 – 11583 and Direct Debits 12102.1 – 12102.2, 12111.1 - 12111.6, 12120.1 – 12120.7 & 12122.1.3. Licensing Fund totalling \$15,903.20 represented by Direct Debit No 12126.1. Total Payments for October 2019 \$767,308.58	

Corporate Services

10.8. Annual Financial Report 2018-2019

Agenda Reference:	201107
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	3 November 2019
Author:	Deputy Chief Executive Officer
Attachment (s):	Attachments – 10.8.1;10.8.2;10.8.3

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☐ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

The Audit Committee recommends that the Council accepts the Annual Financial Statements, Audit Report and Management Report for 2018-2019 and set the date for the Annual Electors Meeting.

Background:

Following proclamation of the Local Government Amendment (Auditing) Act 2017, the Auditor General was made responsible for the financial and performance auditing of local governments.

In November 2017 Council was informed the annual financial audit for the financial year ending 30 June 2018 would be undertaken by the Auditor General via contracted companies. Butler Settineri was the company contracted to do the audit on behalf of the Auditor General for next two years – 2019-2020.

Officer's Comment:

On Thursday 28 November 2019 Robert Hall (representing Butler Settineri) and Vince Turco from Office of the Auditor General for Western Australia conducted an audit exit meeting via teleconference with the Shire President, the Chief Executive Officer (CEO) and the Deputy Chief Executive Officer (DCEO). The final reports were signed off by the Auditor General and are presented to Council for review.

As per the Local Government Act 1995 Council is required to accept the Audit Report, Management Report, Annual Financial Statements and set the date for the Annual Electors Meeting.

The Management Report is a reflection of the sound governance principles and effort that staff have put into the finance and administration processes throughout 2018/2019.

Consultation:

CEO, DCEO, Senior Finance and Admin Officer, Butler Settineri audit staff and OAG Assistant Director Financial Audit.

Statutory Environment:

Local Government Act 1995, Section 5.53 provides that the annual report is to contain the following:

5.53. Annual reports

(1) The local government is to prepare an annual report for each financial year.

(2) The annual report is to contain —

- a report from the president*
- a report from the CEO*
- an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year*
- the financial report for the financial year*
- such information as may be prescribed in relation to the payments made to employees*
- the auditor's report for the financial year*
- a matter on which a report must be made under section 29(2) of the Disability Services Act 1993*
- details of entries made under section 5.121 during the financial year in the register of complaints, including —*
 - (i) the number of complaints recorded in the register of complaints; and*
 - (ii) how the recorded complaints were dealt with; and*
 - (iii) any other details that the regulations may require; and*
- such other information as may be prescribed.*

The Local Government Act 1995 Section 7.2 provides:

The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by each local government.

The Local Government Act 1995 Section 7.12a provides:

- (3) *A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —*
 - (a) *determine if any matters raised by the report, or reports, require action to be taken by the local government; and*
 - (b) *ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government is to —*
 - (a) *prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and*
 - (b) *forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.*

Local Government Act 1995 s5.27 & s5.29

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving —*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held."*

Policy Implications:

1001 Annual Electors Meeting "That this meeting be scheduled prior to 31 October annually, subject to receipt of Auditors Report".

Financial/Resources Implications:

Nil

Strategic Implications:

This item is relevant to the Council's approved 'Strategic Community Plan 2018-2028'

'Strategic Community Plan 2018-2028'.	
Council Objectives:	Outcome:
Nil	Nil

This item is relevant to the Council's approved 'Corporate Business Plan 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'.	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Absolute Majority

Officer's Recommendation:

OFFICERS RECOMMENDATION:	10.8
<p>That the council:</p> <ol style="list-style-type: none">1. Accept the Annual Financial Report for the year ended 30 June 20192. Accept the Audit Report for the year ended 30 June 20193. The CEO to be instructed to give notice of the availability of the Annual Report for the year ended 30 June 2019 and to publish the Annual Report on the Shire of Three Springs's official website4. Schedule the Annual Electors meeting in Council Chambers for 12 February 2020 at 6:00 PM in the council chamber.	

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

- 12.1. ELECTED MEMBERS
- 12.2. STAFF

13. QUESTIONS BY MEMBERS WITHOUT NOTICE

14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

15. TIME AND DATE OF NEXT MEETING

The Next Ordinary Council Meeting will be held on Wednesday 12th February 2020 at 4pm.

16. CONFIDENTIAL ITEMS

17. MEETING CLOSURE