



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 8 MAY 2017
COMMENCING AT 5.10PM
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

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SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL
HELD ON MONDAY, 8 MAY 2017, COMMENCING
AT 5.10PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

1. OPENING

1.1 Declaration of Opening

Cr David Wallace, Shire President, declared the meeting open at 5.10pm

1.2 Disclaimer

The Shire President advised the following:

"I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

1.3 Standing Orders

Nil

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Nil

1.6 Declarations of Financial Interest

Cr Randell – SY045-05/17 – Perth International Jazz Festival in York – Draft Funding Agreement

1.7 Declarations of Interest that May Affect Impartiality

Nil

2. ATTENDANCE

2.1 Members

*Cr David Wallace, Shire President; Cr Denese Smythe, Deputy Shire President;
Cr Heather Saint; Cr Pam Heaton; Cr Jane Ferro; Cr Trevor Randell; Cr Tricia Walters*

2.2 Staff

Paul Martin, Chief Executive Officer; Paul Crewe, Executive Manager Infrastructure & Development Services; Suzie Haslehurst, Executive Manager Corporate and Community Services; Helen D'Arcy-Walker, Executive Support Officer

2.3 Apologies

Nil

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in Gallery at Commencement of Meeting

There were no people in the Gallery at the commencement of the meeting

3. QUESTIONS FROM PREVIOUS MEETING

3.1 Response to previous public questions taken on notice

Nil

3.2 Response to unasked questions from the previous meeting

Nil

4. PUBLIC QUESTION TIME

Public Question Time is conducted in accordance with the Act and Regulations. In addition to this the Shire's Council Meetings Local Law 2016 states –

6.7 Other procedures for question time for the public

(1) A member of the public who wishes to ask a question during question time must identify themselves and register with a Council Officer immediately prior to the meeting.

(2) A question may be taken on notice by the Council for later response.

(3) When a question is taken on notice the CEO is to ensure that—

(a) a response is given to the member of the public in writing; and

(b) a summary of the response is included in the agenda of the next meeting of the Council.

(4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—

(a) declare that he or she has an interest in the matter; and

(b) allow another person to respond to the question.

(5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.

(6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.

(7) *The Presiding Member may decide that a public question shall not be responded to where—*

(a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;

(b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or

(c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.

(8) A member of the public shall have 2 minutes to submit a question.

(9) The Council, by resolution, may agree to extend public question time.

(10) Where any questions remain unasked at the end of public question time they may be submitted to the CEO who will reply in writing and include the questions and answers in the agenda for the next ordinary Council meeting.

(11) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

Public Question Time Commenced at: 5.12pm

4.1 Written Questions – Current Agenda

Nil

4.2 Public Question Time

Nil

Public Question Time Concluded at 5.12pm as there were no members of public present at the meeting.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PRESENTATIONS

6.1 Petitions

Nil

6.2 Presentations

Nil

6.3 Deputations

Nil

6.4 Delegates reports

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Nil

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. OFFICER'S REPORTS

Disclosure of Interest - Cr Trevor Randell – Financial

Cr Randell declared a Financial Interest to this item and left the room at 5.13pm.

SY045-05/17 – Perth International Jazz Festival in York – Draft Funding Agreement

FILE REFERENCE: CS.CEV.2
APPLICANT OR PROPONENT(S): Perth International Jazz Festival
AUTHORS NAME & POSITION: Paul Martin, Chief Executive Officer
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: 24 April 2017, 27 February 2017
DISCLOSURE OF INTEREST: Cr Trevor Randell - Financial
APPENDICES: Appendix 1 – The Shire of York and Perth International Jazz Festival Draft Funding Agreement

Confidential Appendix – distributed to Councillors, CEO and Executive Managers only. (In accordance with Section 5.23 (2) (c) and (e) of the Local Government Act 1995).

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report presents Council with a revised one year funding agreement between the Shire of York and the Perth International Jazz Festival (PIJF) to hold events in York as part of the festival on 26, 27 and 28 May 2017.

Background:

Council was initially presented with the opportunity to partner with PIJF to see elements of the festival presented in York at the February Ordinary Council meeting where it resolved the following in regards to this matter:

“That Council requests the Chief Executive Officer to:

- 2. Negotiate a one-year funding agreement with the Perth International Jazz Festival to hold part of the festival in York in May 2017 for Councils consideration, utilising unspent funds held in trust from the proposed 2015 Jazz Festival which did not proceed, to a maximum value of \$23,500 (excluding GST).”***

Council then considered a draft funding agreement at the Ordinary Council meeting in April 2017 when it resolved as follows:

‘The matter be deferred for further information, investigation and negotiation.’

Since this time, Officers have met with PIJF and have further negotiated amendments to the draft funding agreement which is now presented for Council’s consideration.

Comments and details:

The outcome of the most recent negotiations would see the following PIJF presence in York for the funding proposed if Council agrees:

Friday 26 May

- Ticketed event at the Town Hall from 6.30pm to 10.30pm featuring two artists/bands.

Saturday 27 May

- Free markets at the Court House.
- 2 x 1 hour free performances at the Court House.
- Ticketed event at Settlers House from 12.30pm to 9.30pm featuring three artists/bands.
- Ticketed event at the Castle Hotel from 1.30pm to 6.30pm featuring two artists/bands.

Sunday 28 May

- Free markets at the Court House.
- 2 x 1 hour free performances at the Court House.

In addition, a list of artists/performers will be provided by PIJF which will be sent to local businesses. This will provide local businesses with the opportunity to directly engage artists to perform at their venue(s) at times suitable to them. It is hoped local businesses take up this opportunity which will add to the number of performances occurring and the vibrancy of the event.

To achieve this revised funding agreement including free community performances, a change to the funding is proposed from what was previously considered. Although the total value has not altered (\$23,500 excluding GST), it is now proposed this will consist of \$21,500 cash contribution and \$2,000 in kind contribution towards the festival. This alteration provides the resources to allow PIJF to present the four free community performances.

The responsibilities of PIJF and the Shire are detailed in the funding agreement for Council's consideration.

Officers consider this year's festival to be the start of what could potentially be a longer-term relationship to have the Jazz Festival in York for many years to come if the first year is a success and both parties want to see it continue. Once this event is complete and an acquittal is provided by PIJF, Council can consider whether to enter into a multi-year funding agreement. If such an agreement is established between the parties, it will provide for longer lead times which will enable further planning and development of the festival over time including ticketed and free activities.

Implications to consider:

- Consultative
Officers have liaised with PIJF, their event organising company and local businesses to finalise the funding agreement.
- Strategic
The benefits of the proposed funding agreement support Council's Strategic Community Plan priorities which include;
 - *Supporting the establishment and marketing of a calendar of key events to encourage visitors to the Shire. These events will be focused on achieving economic benefit and will sit alongside and complement more community focused events.*

Reinstating the Jazz Festival to York in collaboration with an internationally branded Festival organisation enables the Shire to attract respected artists and leverage visitation. The strategic benefit of such a partnership means a relatively small investment across three days of event activity, providing economic stimulus and place activation.

- Policy related
Acquittal requirements are in accordance with Policy C1.4 Sponsorship of Tourism Events.
- Financial
PIJF has responsibility for selection of and agreements with venues and artists for performances. In addition to this, any profit and/or loss associated with the event in York is the responsibility of PIJF. This minimises the financial risk associated with the event for the Shire of York.

As previously outlined it is proposed that the \$23,500 funding for sponsorship of this event by the Shire of York will come from funds held in Trust allocated for the 2015 Jazz Festival which did not proceed. As such a budget amendment is required by Council to reallocate these funds.

- Legal and Statutory
As detailed in Appendix 1, each party shall bear its own legal and other costs and expenses relating directly or indirectly to the preparation of, and performance of its own obligations arising out of this such an agreement.
- Risk related
Risk associated with the event will be managed as part of the event approval process.

Promotion of the York components of the PIFJ has already commenced. Not progressing with the funding agreement in some form agreeable to both parties would pose a major reputational risk to the Shire.

There have been some challenges experienced in liaison between the PIJF and the venues holding ticketed events. This has seen a last minute change of venue for the Friday night Gala event from the Old Mill to the Town Hall.

- Workforce Implications
Shire support required to facilitate this agreement is proposed to be included within existing workforce budgets.

Voting Requirements:
Absolute Majority Required: Yes

**RESOLUTION
010517**

Moved: Cr Smythe

Seconded: Cr Ferro

“That Council:

- 1. Agrees to enter a one year funding agreement with Perth International Jazz Festival to a maximum value of \$23,500 (excluding GST), utilising \$23,500 unspent funds held in Trust Account T65 for the proposed 2015 Jazz festival which did not proceed.***
- 2. Approves the budget amendment required to transfer \$23,500 from Trust Account T65 to GL 132150 Festivals Assistance to achieve this outcome.***
- 3. Authorises the Shire President and Chief Executive Officer to engross the Shire of York and Perth International Jazz Festival Funding Agreement as attached to this report at Appendix 1.”***

**CARRIED: 6/0
WITH ABSOLUTE MAJORITY**

Cr Randell returned to the room at 5.16pm

The Shire President, Cr Wallace advised Cr Randell of the Council decision.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

13. MEETING CLOSED TO THE PUBLIC

13.1 Matters for which the meeting may be closed

Nil

13.2 Public reading of resolutions to be made public

Nil

14. NEXT MEETING

The next Ordinary Meeting of Council will be held on Monday, 22 May, 2017 at 5.00pm at the Talbot Hall, Talbot.”

15. CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 5.17pm.