

# TOWN OF COTTESLOE



## SPECIAL COUNCIL MEETING MINUTES

**SPECIAL MEETING OF COUNCIL  
HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
5:30 PM, Tuesday 29 November 2016**

**Purpose of Meeting: Indiana Tea House Toilet Cleaning – Budget Amendment**

**Mat Humfrey  
Chief Executive Officer**

2 December 2016

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**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member announced the meeting opened at 05:30 PM.

**2 DISCLAIMER**

The Presiding Member drew attention to the Town's Disclaimer.

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Mayor announced that the meeting is being recorded, solely for the purpose of confirming the correctness of the Minutes.

**4 PUBLIC QUESTION TIME**

**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4.2 PUBLIC QUESTIONS**

Patricia Carmichael, 14/116 Marine Parade, Cottesloe – Re. 9.1.1 Indiana Tea House – Budget Amendment – Confidential Item

Q1: Was the report, regarding a budget amendment for the cleaning of Indiana Tea House toilets, confidential last year?

A1: Yes.

Q2: Is there a problem with the public toilet cleaning that the residents and ratepayers should not know about or is the issue more insidious?

A2: The item is confidential as it references legal advice pertaining to the lease of Indiana Tea House.

Q3: Was the report a late notice item last year?

A3: No.

Q4: The legal issue is still ongoing?

A4: Yes.

Q5: There is no timeframe (as to when the legal issue will be resolved)?

A5: No.

**5 PUBLIC STATEMENT TIME**Chris Wiggins, 50 John Street, Cottesloe – Re. 9.1.1 Indiana Tea House – Budget Amendment – Confidential Item

- The painting of the floor of the toilets is an ongoing issue.
- The painting should be done properly, with surface preparation and closure of the toilets for three to four days.
- Mr Wiggins distributed photographs of the floor of the toilets.

Philippa Wiggins, 50 John Street, Cottesloe – Re. 9.1.1 Indiana Tea House – Budget Amendment – Confidential Item

- The toilets are a health hazard.
- The toilets are now flushing correctly but they do not have lids.
- Lack of a toilet lid means bacteria can be aerosolised upon flushing.
- Management at the Indiana Tea House try their best but the issue lies with top level management, who are based in Melbourne.
- Last year, a week after the toilet floors were painted, the paint started peeling.

Yvonne Hart, Cottesloe – Re. 9.1.1 Indiana Tea House – Budget Amendment – Confidential Item

- The confidential report is an example of Councillors not taking control of budget items and letting budget items slip under the radar.
- Allowing the meeting to be hastily called indicates poor governance.
- Cottesloe Residents and Ratepayers association urges Council to say no to any further budget variations.
- Councillors should not endorse the Officer Recommendation, it is the responsibility of Indiana to maintain the building and to clean the toilets.
- It is time for Councillors to stand up and say no, so ratepayers can have confidence that Council not be intimidated by a Lessee, the ratepayers are prepared to live with the consequences.

**6 ATTENDANCE**Present

Mayor Jo Dawkins  
Cr Philip Angers  
Cr Rob Thomas  
Cr Helen Burke  
Cr Mark Rodda  
Cr Jay Birnbrauer

Officers Present

Mr Mat Humfrey  
Mr Garry Bird  
Mr Nick Woodhouse

Chief Executive Officer  
Manager Corporate & Community Services  
Manager Engineering Services  
Left 6:30 PM

Mr Andrew Jackson  
Ms Siobhan French

Manager Development Services  
Governance Coordinator

**6.1 APOLOGIES**

Cr Sandra Boulter  
Cr Katrina Downes  
Cr Sally Pyvis

**Officer Apologies**

Nil

**7 DECLARATION OF INTERESTS**

Nil

**8 PRESENTATIONS**

**8.1 PETITIONS**

Nil

**8.2 PRESENTATIONS**

Nil

**8.3 DEPUTATIONS**

Nil

**9 REPORTS OF OFFICERS****Moved Mayor Dawkins, seconded Cr Burke**

In accordance with Standing Order 15.10 that Council discuss the matter behind closed doors.

Carried 4/2

*Members of the public and the media were requested to leave the meeting at 5:44 PM.*

**9.1.1 INDIANA TEA HOUSE – BUDGET AMENDMENT – CONFIDENTIAL ITEM**

**File Ref:** SUB/1999  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Mat Humfrey  
Chief Executive Officer  
**Proposed Meeting Date:** 29 November 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

This report recommends that Council note the information contained in the confidential officer report in relation to a budget amendment and endorse the officer recommendation.

**BACKGROUND**

Refer to the confidential report attached.

**STRATEGIC IMPLICATIONS**

Refer to the confidential report attached.

**POLICY IMPLICATIONS**

Refer to the confidential report attached

**STATUTORY ENVIRONMENT**

*Local Government Act 1995 – s5.23 – Closing a meeting to the public.*

*(2) (d) legal advice obtained, or which may be entered into, by the local government and which relates to the matter to be discussed that the meeting;*

*(e) a matter that if disclosed, would reveal —*

*(i) a trade secret; or*

*(ii) information that has a commercial value to a person; or*

*(iii) information about the business, professional, commercial or financial affairs of a person,*

*where the trade secret or information is held by, or is about, a person other than the local government; and*

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**FINANCIAL IMPLICATIONS**

Refer to the confidential report attached.

**SUSTAINABILITY IMPLICATIONS**

Refer to the confidential report attached.

**CONSULTATION**

Refer to the confidential report attached.

**STAFF COMMENT**

As the content of the report contains information that meets the conditions set in the Local Government Act s5.23(2)(d) and (e), it is recommended that the meeting be closed to the public while considering this item.

**VOTING**

Absolute Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rodda, seconded Cr Angers**

**THAT Council, by Absolute Majority:**

- 1. Approve the additional expenditure of \$50,000 for the 2016/2017 budget for the cleaning of the toilets at the Indiana Tea House;**
- 2. Note the additional income of \$16,000 being the Lessee's contribution for cleaning of these facilities;**
- 3. Note, that due to time constraints, the provisions of the Purchasing Policy for three written quotes will be suspended;**
- 4. Authorise the Chief Executive Officer to enter into an arrangement with the Management of the Indiana Tea House that the Town will provide cleaning services for the public toilets, from 1 December 2016 to 1 April 2017 between 7.00am to 7.00pm every day of the week, with the Lessee to be responsible for toilets if they require them for a function outside of these times;**
- 5. Note that the agreement is to provide the cleaning of the toilets for public use – if the Lessee has any specific requirements for a private event at the Indiana Tea House, the specific work required would be considered outside of this arrangement; and**
- 6. Note that the agreement does not include any other maintenance of the facility, which remains exclusively with the Lessee.**

**Carried 5/1**



**Moved Mayor Dawkins, seconded Cr Rodda**

**In accordance with Standing Orders 15.10 that the meeting be reopened to members of the public and the media.**

**Carried 6/0**

*Members of the public and the media were invited to return to the meeting at 06:32 PM.*

*As there were no members of the public and the media present, the Council Resolution was not read aloud.*

**10 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**

Nil

**12 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 06:32 PM.