



**MINUTES FOR THE SWIMMING POOL COMMITTEE OF THE SHIRE OF BOYUP BROOK
MEETING HELD IN THE COUNCIL CHAMBERS, ABEL STREET, BOYUP BROOK ON THURSDAY
16 MAY 2019 COMMENCED AT 1.00PM**

1. RECORD OF ATTENDANCE/APOLOGIES

COMMITTEE

Cr G Aird – Shire President
Cr S Alexander
Cr H O'Connell
Cr E Rear

Apologies

Cr R Walker - Deputy Shire President

STAFF

Mr S Carstairs (Acting Chief Executive Officer)
Mr D Winter (Community Emergency and Regulation Manager)
Mrs Jo North (Pool Manager)
Mrs M Lane (Executive Assistant/Records Officer)

2. PRESENTATION

Mrs Jo North provided an update in relation to the following: major services to occur in 2019-20; new activities to stimulate attendances at the Pool; Pool opening times; the Pool calendar of events; evening swims etc. The Pool Manager also advised Council about the Pool Season statistics and the promotion of activities at the Pool during the 2019-20 Pool Season.

3. OFFICER REPORTS

3.1 Pool Kiosk

Applicant:	N/A
Disclosure of Officer Interest:	None
Date:	15 May 2019
Author:	Stephen Carstairs - Acting CEO
Authorizing Officer:	Stephen Carstairs - Acting CEO
Attachments:	No.

SUMMARY

The purpose of this report is for Committee to consider the 2019-20 Pool Season business management model for the Pool Kiosk.

BACKGROUND

The Boyup Brook business management model for the Pool Kiosk is typical of that found in regional country shires. Key features of the model should include:

1. Mention of the business model would appear in the Pool Manager's letter of appointment/ contract.
2. The kiosk space would be clearly identified, and co-located (shared) with the cashiering/ reception area occupied by the Pool Manager in performing their daily routine.
3. Seasonal (or up to 2 years) peppercorn 'licences' (i.e. like a disposal of land under s.3.58 of the *Local Government Act 1995*) to co-locate the kiosk in the cashiering/ reception space would be entered into between the shire (Licensor) and the Pool Manager (Licensee) .
4. The peppercorn licence fee would be of the order \$1.

COMMENT

It is likely that the current (2018-19 Pool Season) Pool Kiosk business model at the shire Pool is similar to how it has been for forty five (45) years or more, so it is timely that the Committee look in earnest at this aspect of the Pool's operations.

CONSULTATION

McLeods Barristers and Solicitors

STATUTORY OBLIGATIONS

Section 3.58 of the *Local Government Act 1995* has relevance to this report as follows:

3.58. Disposing of property

- (1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

- (5) This section does not apply to —

- (d) any other disposition that is excluded by regulations from the application of this section.

Regulation 30 of the Local Government (Functions and General) Regulations 1996 also has relevance as follows:

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or

POLICY IMPLICATIONS - Nil

BUDGET/FINANCIAL IMPLICATIONS

Matters dealt with in this report will not impact the 2018-19 budget.

STRATEGIC IMPLICATIONS

Shire of Boyup Brook Strategic Community Plan identifies the shire's social goals to include:

1. Promote outdoor activities, community participation, interactions and connections.
2. Strengthen an active and vibrant community.

SUSTAINABILITY IMPLICATIONS

➤ **Environmental**

N/A

➤ **Economic**

N/A

➤ **Social**

Refer above to the Strategic Implications section of this report.

VOTING REQUIREMENTS

Simple majority.

OFFICER RECOMMENDATION

MOVED Cr Rear

SECONDED: Cr O'Connell

That the Swimming Pool Committee recommend to Council that they:

1. Direct the Acting CEO to address the key features of the Pool Kiosk's business model as follows:
 1. Mention of the business model would appear in the Pool Manager's letter of appointment/contract.
 2. The kiosk space would be clearly identified, and co-located (shared) with the cashiering/ reception area occupied by the Pool Manager in performing their daily routine.
 3. Seasonal (or up to 2 years) peppercorn 'licences' (i.e. like a disposal of land under s.3.58 of the *Local Government Act 1995*) to co-locate the kiosk in the cashiering/ reception space would be entered into between the shire (Licensor) and the Pool Manager (Licensee) .
 4. The peppercorn licence fee would be of the order \$1.
2. Direct the Acting CEO to bring a report back to the Swimming Pool Committee prior to the commencement of the 2019-20 Pool Season, which includes a draft Licence between the shire and the Pool Manager for the Pool Manager to carry out a kiosk enterprise at the Pool.

AMENDMENT

MOVED: Cr Aird

SECONDED: Cr O'Connell

That the Swimming Pool Committee recommend to Council that they:

1. Direct the Acting CEO to address the key features of the Pool Kiosk's business model as follows:
 1. Mention of the business model would appear in the Pool Manager's contract, and formalise the Pool Manager's carrying on of a kiosk enterprise at the Pool.
 2. The kiosk space would be clearly identified, and co-located (shared) with the cashiering/ reception area occupied by the Pool Manager in performing their daily routine.
2. Direct the Acting CEO to bring a report back to the Swimming Pool Committee prior to the commencement of the 2019-20 Pool Season, which includes a draft Contract between the shire and the Pool Manager.

CARRIED 4/0

Res 105/19

MOTION

That the Swimming Pool Committee recommend to Council that they:

1. Direct the Acting CEO to address the key features of the Pool Kiosk's

business model as follows:

- 1. Mention of the business model would appear in the Pool Manager's contract, and formalise the Pool Manager's carrying on of a kiosk enterprise at the Pool.**
 - 2. The kiosk space would be clearly identified, and co-located (shared) with the cashiering/ reception area occupied by the Pool Manager in performing their daily routine.**
- 2. Direct the Acting CEO to bring a report back to the Swimming Pool Committee prior to the commencement of the 2019-20 Pool Season, which includes a draft Contract between the shire and the Pool Manager.**

CARRIED 4/0

Res 106/19

4. NOTICES OF MOTION

Cr O'Connell

That a list of payments made for the Children's Pool project be provided to Council to compare with the budget provided to the Swimming Pool Committee on 19.11.18.

Acting CEO's Report

At the time of writing this report, the shire's record showed payments made for the Children's Pool as per the *attached*. Payments are not presented by date, but rather by category of payment as shown in the 19 November 2018 budget provided to the Committee. Payments totalled \$149,251.

In the second *attachment* to this Notice of Motion report, The actual total cost for each category are compared with budget, and note that \$4,006 of the overspend on this project was attributed to costs not recognised in the original budget e.g. sand, (other) supervision, building fees etc, and area clean up. Over spend on the project was \$5,536 or 3.85%.

COMMITTEE DECISION & OFFICER RECOMMENDATION

MOVED: Cr Aird

SECONDED: Cr Rear

That the Swimming Pool Committee:

- (a) receive the Toddler Pool list of payments and actual costs to budget comparison table, as presented; and**
- (b) refer the Toddler Pool list of payments and actual costs to budget comparison table to Council to receive.**

CARRIED 4/0

Res 107/19

5. CLOSURE OF MEETING

There being no further business the Presiding Member, Cr Alexander thanked all for their attendance and declared the meeting closed at 2.11pm.