

SPECIAL COUNCIL MEETING

AGENDA

WEDNESDAY 8 NOVEMBER 2017

AT 5PM

COPACC



COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

8 NOVEMBER 2017

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COLAC OTWAY SHIRE COUNCIL SPECIAL MEETING

NOTICE is hereby given that the next **SPECIAL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held in COPACC on 8 November 2017 at 5pm.

AGENDA

1. I DECLARE THIS MEETING OPEN

OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire.
Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

2. PRESENT

3. APOLOGIES

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendants here today.

I ask that we all show respect to each other and respect for the office of an elected representative.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

The sole purpose of the Special Meeting is to elect the Mayor, elect the Deputy Mayor, appoint Councillors to Internal Committees and appoint Councillors to various committees and external bodies.

5. QUESTION TIME

At every Special Meeting, a public question time not exceeding 30 minutes will be held to enable any member of the public to question Council but only on items included in the Agenda of that Special Meeting.

Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question.

- 1. Questions received in writing prior to the meeting (subject to attendance and time).
- 2. Questions from the floor.

6. DECLARATION OF INTEREST



SPECIAL COUNCIL MEETING ELECTION OF THE MAYOR

SC170811-1

LOCATION / ADDRESS Not applicable GENERAL MANAGER Errol Lawrence

OFFICER Sarah McKew DEPARTMENT Corporate Services

TRIM FILE F17/6554 CONFIDENTIAL No

ATTACHMENTS Nil

PURPOSE To elect the Mayor of the Colac Otway Shire

1. LOCATION PLAN / AERIAL PHOTO

Not applicable

2. EXECUTIVE SUMMARY

Section 71(1) of the *Local Government Act 1989* provides that Councillors must elect a Councillor to be Mayor of the Council.

Section 71(3)

"The Mayor is to be elected –

- (a) after the fourth Saturday in October but not later than 30 November in each year; or
- (b) as soon as possible after any vacancy in the office of Mayor occurs."

Following the election, the Mayor shall assume the chair to deal with the remaining matters before the meeting.

3. RECOMMENDATION

That pursuant to the provisions of Section 71 of the Local Government Act 1989, the Council elect Councillor to be the Mayor for the Colac Otway Shire Council for a one year term.

4. BACKGROUND / KEY INFORMATION

BACKGROUND / KEY INFORMATION

Election Procedure

The procedure in the election of Mayor is outlined in Local Law No. 4 and is as follows:

13. Procedure for Election of Mayor

In conducting the election of Mayor the following will apply:

- (1) the election of the Mayor must be by a show of hands;
- (2) the Councillor who receives the majority of votes cast must be declared elected; and
- (3) for the purpose of sub-clause (2) the following will apply:
 - (a) nominations must be moved and seconded;
 - (b) where only one nomination is received, that Councillor must be declared elected;
 - (c) where two nominations are received, the Councillor with an absolute majority of votes cast must be declared elected;
 - (d) where there are more than two nominations received, the Councillor who receives an absolute majority at the first round of votes cast must be declared elected, or if no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a candidate and a further ballot conducted between the remaining candidates. If there are several candidates, this procedure must be repeated until a candidate receives an absolute majority of votes and that candidate must be declared elected;
 - (e) in the event that no candidate receives an absolute majority of the votes and there are only two remaining candidates, each of whom has received an equality of votes, the process to determine who is elected will be conducted by lot; and
 - (f) if for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated must be determined by lot conducted by the Chief Executive Officer in the presence of the Meeting.

FURTHER SUPPORTING INFORMATION

5. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.



ELECTION OF THE DEPUTY MAYOR

LOCATION / ADDRESS Not applicable GENERAL MANAGER Errol Lawrence

OFFICER Sarah McKew DEPARTMENT Corporate Services

TRIM FILE F17/6554 CONFIDENTIAL No

ATTACHMENTS Nil

PURPOSE For Council to consider the election of a Deputy Mayor of the Colac

Otway Shire Council

1. LOCATION PLAN / AERIAL PHOTO

Not applicable

2. EXECUTIVE SUMMARY

The Local Government Act 1989 is silent in regard to the appointment of the position of Deputy Mayor. Council's Governance Local Law No 4, Section 16 provides that Council may resolve to appoint a Deputy Mayor.

Section 17 of Council's Governance Local Law No 4 specifies:

17. Acting Chair in Mayor's Absence

- (1) If the Mayor is unable to attend a Council Meeting for any reason, the Deputy Mayor (if appointed) will be the Acting Chair.
- (2) If the Mayor or any Deputy Mayor is unable to attend a Meeting for any reason, and Acting Chair may be elected following the same procedure as that for an election of the Mayor (with all the necessary adaptations).
- (3) If the Mayor is required to vacate the chair for a short period (whether on account of conflict of interest or otherwise), the Deputy Mayor (if appointed) will be the Acting Chair. If no Deputy Mayor has been appointed, Council must elect an Acting Chair for that time. The procedure for election of an Acting Chair will be the same as for an election of the Mayor (with all the necessary adaptations and modifications).

The position of Deputy Mayor is not a statutory position and no special allowance is payable.

3. RECOMMENDATION

That Council elect Councillor to be the Deputy Mayor of the Colac Otway Shire Council for a one year term.

4. BACKGROUND / KEY INFORMATION

BACKGROUND / KEY INFORMATION

Local Law

Council's Governance Local Law No 4 2014 provides that the procedure for the election of the Mayor will apply to the election of the Deputy Mayor, with the Mayor conducting the election.

Clause 13 of Council's Governance Local Law No 4 2014 states:

13. Procedure for Election of Mayor

In conducting the election of Mayor the following will apply:

- (1) the election of the Mayor must be by a show of hands;
- (2) the Councillor who receives the majority of votes cast must be declared elected; and
- (3) for the purpose of sub-clause (2) the following will apply:
 - (a) nominations must be moved and seconded;
 - (b) where only one nomination is received, that Councillor must be declared elected;
 - (c) where two nominations are received, the Councillor with an absolute majority of votes cast must be declared elected;
 - (d) where there are more than two nominations received, the Councillor who receives an absolute majority at the first round of votes cast must be declared elected, or if no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a candidate and a further ballot conducted between the remaining candidates. If there are several candidates, this procedure must be repeated until a candidate receives an absolute majority of votes and that candidate must be declared elected;
 - (e) in the event that no candidate receives an absolute majority of the votes and there are only two remaining candidates, each of whom has received an equality of votes, the process to determine who is elected will be conducted by lot; and
 - (f) if for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated must be determined by lot conducted by the Chief Executive Officer in the presence of the Meeting.

FURTHER SUPPORTING INFORMATION

5. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.



SPECIAL COUNCIL MEETING

APPOINTMENTS OF COUNCILLORS TO INTERNAL COMMITTEES

SC170811-3

LOCATION / ADDRESS Whole of municipality GENERAL MANAGER Errol Lawrence

OFFICER Sarah McKew DEPARTMENT Corporate Services

TRIM FILE F17/6554 CONFIDENTIAL No

ATTACHMENTS Nil

PURPOSE To appoint/reappoint Councillors to Internal Committees

1. LOCATION PLAN / AERIAL PHOTO

Not applicable

2. EXECUTIVE SUMMARY

The Local Government Act 1989 acknowledges the need for Special Committees of the Council and Advisory Committees. Part 4 Division 2 of the Local Government Act 1989 allows for committees made up of Councillors, Council staff and other persons and for a Council by Instrument of Delegation to delegate any of its functions, duties or powers to a Special Committee.

The Committees of Council as set out below are recommended in dealing with the business of Council.

3. RECOMMENDATION

Recommendation 1

That Council appoints all Councillors as members of the Planning Committee.

Recommendation 2

That Council appoints all Councillors as members of the Chief Executive Officer Appraisal Committee until determined otherwise.

That Council appoints all Councillors as members of the Special Committee.

Recommendation 4

That Council appoints Cr Hart and Cr Schram as members of the Audit Committee until determined otherwise.

Recommendation 5

That Council appoints Cr Smith as a member of the Central Reserve Advisory Committee until determined otherwise.

Recommendation 6

That Council appoints Cr Smith as a member of the Colac Livestock Selling Centre Advisory Committee until determined otherwise.

Recommendation 7

That Council appoints Cr McCracken as a member of the Friends of the Colac Botanic Gardens Committee until determined otherwise.

Recommendation 8

That Council appoints Cr Schram and Cr Smith as members of the Lake Colac Co-ordinating Committee until determined otherwise.

4. BACKGROUND / KEY INFORMATION

BACKGROUND

The Local Government Act 1989 acknowledges the need for Special Committees of the Council and Advisory Committees. Part 4 Division 2 of the Local Government Act 1989 allows for committees made up of Councillors, Council staff and other persons and for a Council by Instrument of Delegation to delegate any of its functions, duties or powers to a Special Committee. Procedural requirements in respect to these committees include that whereby a Council may specify in an Instrument of Delegation that a member of a Special Committee who as a member of the public or of Council staff does not have voting rights on the Special Committee.

The Committees of Council as set out below are recommended in dealing with the business of Council.

In forming the committees, the following guidelines apply to meetings of the committees to ensure communication and accountability to the full Council.

- Mayor to be ex-officio to all committees;
- Minutes of all meetings to be circulated to full Council;
- All Councillors able to attend but voting rights are for appointed committee members only.

Council Committees

- 1. Planning Committee
- 2. Chief Executive Officer Appraisal Committee
- 3. Special Committee

Advisory Committees

- 4. Audit Committee
- 5. Central Reserve Advisory Committee
- 6. Colac Livestock Selling Centre Advisory Committee
- 7. Friends of the Colac Botanic Gardens Committee
- 8. Lake Colac Co-ordinating Committee

The following table outlines the proposed arrangements. It is noted that Council Officers attend a number of the committees either as a member of the committee or as an administrative resource person.

KEY INFORMATION

(1) Planning Committee

Number of delegates to be	All Councillors
appointed to Council	
Meeting Details	To meet on 2 nd Wednesday of the month commencing at 4pm or
	more frequently as required.
Other Information	The Planning Committee has been established as a Special Committee under section 86 of the <i>Local Government Act 1989</i> and section 188 of the <i>Planning and Environment Act 1987.</i> The committee comprises all Councillors and has the power to determine on planning matters as set down in the Instrument of Delegation.

(2) Chief Executive Officer Appraisal Committee

Number of delegates to be	All Councillors
appointed to Council	
Meeting Details	Half Yearly
Other Information	Primary purpose to review the performance of the CEO.

(3) Special Committee

Number of delegates to be	All Councillors	
appointed to Council		
Meeting Details	To meet as required	
Other Information	The Special Committee has been established as a Special	
	Committee under section 86 of the <i>Local Government Act 1989</i> .	

(4) Audit Committee

Number of delegates to be	2 Councillors
appointed to Council	
Meeting Details	Quarterly or more frequently as determined
Other Information	Made up of 2 Councillors and 2 independent members. An independent member to be chairperson. The committee is an advisory committee of Council. CEO is non-voting member.

(5) Central Reserve Advisory Committee

Number of delegates to be	1 Councillor
appointed to Council	1 Officer
Meeting Details	Quarterly
Other Information	Purpose is to facilitate communication between Council, park users, local police and local residents about matters concerning planning, development, maintenance and operation of the reserve.
	Recreation and Open Space Coordinator

(6) Colac Regional Saleyards Advisory Committee

Number of delegates to be	1 Councillor
appointed to Council	
Meeting Details	Generally quarterly, or as required
Other Information	Purpose is to provide advice on the operations of the centre and
	make recommendations to Council.

(7) Friends of the Colac Botanic Gardens Advisory Committee

Number of delegates to be appointed to Council	1 Councillor
Meeting Details	Monthly
Other Information	Purpose is to undertake voluntary projects and to act as an advisory committee for Council.

(8) Lake Colac Co-ordinating Committee

Number of delegates to be appointed to Council	2 Councillors
Meeting Details	Quarterly
Other Information	Purpose is to be a forum to assist Council in the implementation of the Lake Colac Management Plan and the Lake Colac Master Plan. To advise Council on the revitalization and development of Lake Colac.

FURTHER SUPPORTING INFORMATION

5. COMMUNITY CONSULTATION & ENGAGEMENT

Not applicable

6. ANALYSIS

ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY

The Strategic Vision of the Council Plan 2017-2021 is "Towards a Prosperous Future".

"The Councillors of Colac Otway Shire commit to ... be leaders and work together as a team with the community and the organisation to achieve our goals for the Shire."

The Council Plan states that Council is strongly committed to engaging with and listening to the community. Councillor involvement in various internal committees demonstrates this commitment.

ENVIRONMENTAL IMPLICATIONS

Not applicable

SOCIAL & CULTURAL IMPLICATIONS

Not applicable

ECONOMIC IMPLICATIONS

Not applicable

LEGAL AND RISK IMPLICATIONS

Not applicable

RESOURCE IMPLICATIONS (FINANCIAL ETC)

Not applicable

7. IMPLEMENTATION STRATEGY

DETAILS

Not applicable

COMMUNICATION

Not applicable

TIMELINE

Not applicable

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.



SPECIAL COUNCIL MEETING

APPOINTMENTS OF COUNCILLORS TO EXTERNAL COMMITTEES AND BODIES

SC170811-4

LOCATION / ADDRESS Whole of municipality GENERAL MANAGER Errol Lawrence

OFFICER Sarah McKew DEPARTMENT Corporate Services

TRIM FILE F17/6554 CONFIDENTIAL No

ATTACHMENTS Nil

PURPOSETo consider the appointments of Councillors and Council officers to

various committees and external bodies

1. LOCATION PLAN / AERIAL PHOTO

Not applicable

2. EXECUTIVE SUMMARY

Council has Councillor/officer representation on a number of committees associated with a variety of interests. This includes managing Council owned or managed facilities, advising Council on issues and representing Council views on regional and state wide matters.

A number of the committees are not managed by Council and operate under their own charter and determine their procedures, policies and practices. Council involvement is to participate and influence the activities of those external groups where those activities are in the public's interest.

3. RECOMMENDATION

Recommendation 1

That Council appoints the Mayor to the Apollo Bay Harbour EOI Project Control Group until determined otherwise.

That Council appoints Cr Potter to the Australian Local Government Association (ALGA) until determined otherwise.

Recommendation 3

That Council appoints Cr Smith to the Barnard Trust Committee until determined otherwise.

Recommendation 4

That Council appoints Cr Hart to the Barwon South West Waste and Resource Recovery Local Government Forum until determined otherwise.

Recommendation 5

That Council appoints Cr Hart to the Colac Community Library and Learning Centre Joint Use Committee until determined otherwise.

Recommendation 6

That Council appoints Cr Woodcroft to the Colac Otway Network of Community Centres until determined otherwise.

Recommendation 7

That Council appoints Cr Potter to the Colac Road Safety Group until determined otherwise.

Recommendation 8

That Council appoints Cr Hanson and Cr Hart to the Community Hub Inc until determined otherwise.

Recommendation 9

That Council appoints Cr McCracken and Cr Smith to the COPACC Trust until determined otherwise.

Recommendation 10

That Council appoints Cr Hart to the Corangamite Regional Library Corp until determined otherwise.

Recommendation 11

That Council appoints the Mayor to the G21 Board until determined otherwise.

Recommendation 12

That Council appoints Cr Hart to the Lavers Hill and District Emergency Response Planning Committee until determined otherwise.

That Council appoints Cr Hart to the Lavers Hill Swimming Pool Committee of Management until determined otherwise.

Recommendation 14

That Council appoints the Mayor to the Mooleric Road Quarry Committee until determined otherwise.

Recommendation 15

That Council appoints Cr Smith to the Municipal Aerodrome Committee – Colac until determined otherwise.

Recommendation 16

That Council appoints Cr Woodcroft to the Municipal Association of Victoria until determined otherwise.

Recommendation 17

That Council appoints Cr Potter and Cr..... to the Municipal Emergency Management Planning Committee until determined otherwise.

Recommendation 18

That Council appoints Cr Potter and Cr to the Municipal Fire Management Planning Committee until determined otherwise.

Recommendation 19

That Council appoints Cr Smith to the S.86 Old Beechy Rail Trail Committee until determined otherwise.

Recommendation 20

That Council appoints Cr Smith to the Ondit Quarry Consultative Committee until determined otherwise.

Recommendation 21

That Council appoints Cr Hanson and Cr Hart (proxy) to the Otways Tourism Advisory Committee until determined otherwise.

Recommendation 22

That Council appoints Cr Potter to the Port of Apollo Bay Consultative Group until determined otherwise.

That Council appoints Cr Woodcroft to the Rural Council of Victoria until determined otherwise.

Recommendation 24

That Council appoints Cr Smith to the Rural Financial Counselling Service Vic – Wimmera Southwest (RFC) until determined otherwise.

Recommendation 25

That Council appoints Cr Smith and Cr McCracken (proxy) to the Tirrengower Drainage Scheme Committee of Management until determined otherwise.

Recommendation 26

That Council appoints Cr Smith to the Weeds Consultative Committee until determined otherwise.

Recommendation 27

That Council appoints Cr Woodcroft to G21 Pillar Membership – Arts and Culture until determined otherwise.

Recommendation 28

That Council appoints Cr Potter to the G21 Pillar Membership – Economic Development until determined otherwise.

Recommendation 29

That Council appoints Cr Hart to the G21 Pillar Membership – Education and Training until determined otherwise.

Recommendation 30

That Council appoints Cr Hart to the G21 Pillar Membership - Environment until determined otherwise.

Recommendation 31

That Council appoints Cr Hanson to the G21 Pillar Membership – Heath and Well Being until determined otherwise.

Recommendation 32

That Council appoints Cr McCracken to the G21 Pillar Membership – Planning and Services until determined otherwise.

Recommendation 33

That Council appoints Cr Schram to the G21 Pillar Membership - Sports and Recreation until

determined otherwise.

Recommendation 34

That Council appoints Cr Potter to the G21 Pillar Membership - Transportation until determined otherwise.

4. BACKGROUND / KEY INFORMATION

BACKGROUND

At intervals determined by Council, Councillors are appointed to various Committees encompassing a broad variety of interests that affect the community. At some Committees, Councillors are supported by the involvement of Council officers.

KEY INFORMATION

1. Apollo Bay Harbour EOI Project Control Group

Required Representatives	The Mayor
	4 Officers

2. Australian Local Government Association

Required Representatives	1 Councillor
	1 Officer

3. Barnard Trust Committee

Required Representatives	1 Councillor
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4. Barwon South West Waste and Resource Recovery Local Government Forum

Required Representatives	1 Councillor
	1 Officer

5. Colac Community Library and Learning Centre Joint Use Committee

Required Representatives	1 Councillor
	1 Officer

6. Colac Otway Network of Community Centres

Required Representatives	1 Councillor
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7. Colac Road Safety Group

Required Representatives	1 Councillor
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8. Community Hub Inc

Required Representatives	2 Councillors
	1 Officer

9. COPACC Trust

Required Representatives	2 Councillors
	2 Officers

10. Corangamite Regional Library Corp

Required Representatives	1 Councillor
	1 Officer

11. G21 Board

Required Representatives	The Mayor
	1 Officer

12. Lavers Hill & District Emergency Response Planning Committee

Required Representatives	1 Councillor
	1 Officer

13. Lavers Hill Swimming Pool Committee of Management

Required Representatives	1 Councillor
	1 Officer

14. Mooleric Road Quarry

Required Representatives	The Mayor
	1 Officer

15. Municipal Aerodrome Committee - Colac

Required Representatives	1 Councillor
	1 Officer

16. Municipal Association of Victoria

Required Representatives	1 Councillor

17. Municipal Emergency Management Planning Committee

Required Representatives	2 Councillors
	5 Officers

18. Municipal Fire Management Planning Committee

Required Representatives	2 Councillors
	2 Officers

19. S.86 Old Beechy Rail Trail Committee

Required Representatives	1 Councillor
	1 Officer Community/Organisation representative

20. Ondit Quarry Consultative Committee

Required Representatives	1 Councillor
	1 Officer

21. Otways Tourism Advisory Committee

Required Representatives	1 Councillor
	2 Officers

22. Port of Apollo Bay Consultative Group

Required Representatives	1 Councillor
	2 Officers

23. Rural Council of Victoria

Required Representatives	1 Councillor

24. Rural Financial Counselling Service Vic – Wimmera Southwest (RFC)

Required Representatives	1 Councillor
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25. Tirrengower Drainage Scheme Committee of Management

Required Representatives	1 Councillor
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26. Weeds Consultative Committee

Required Representatives	1 Councillor
	2 Officers

27. G21 Pillar Membership – Arts and Culture

Required Representatives	1 Councillor
	1 Officer

28. G21 Pillar Membership – Economic Development

Required Representatives	1 Councillor
	1 Officer

29. G21 Pillar Membership – Education and Training

Required Representatives	1 Councillor
	1 Officer

30. G21 Pillar Membership – Environment

Required Representatives	1 Councillor
	1 Officer

31. G21 Pillar Membership – Health and Well Being

Required Representatives	1 Councillor
	1 Officer

32. G21 Pillar Membership – Planning and Services

Required Representatives	1 Councillor	
	1 Officer	

33. G21 Pillar Membership – Sports and Recreation

Required Representatives	1 Councillor
	1 Officer

34. G21 Pillar Membership – Transportation

Required Representatives	1 Councillor
	1 Officer

FURTHER SUPPORTING INFORMATION

5. COMMUNITY CONSULTATION & ENGAGEMENT

Not applicable

6. ANALYSIS

ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY

The Strategic Vision of the Council Plan 2017-2021 is "Towards a Prosperous Future".

"The Councillors of Colac Otway Shire commit to ... be leaders and work together as a team with the community and the organisation to achieve our goals for the Shire."

The Council Plan states that Council is strongly committed to engaging with and listening to the community. Councillor involvement in various internal committees demonstrates this commitment.

ENVIRONMENTAL IMPLICATIONS

Not applicable

SOCIAL & CULTURAL IMPLICATIONS

The appointments of Councillors to Committees facilitate greater interaction between the community and the Councillors elected to represent them. Councillor participation increases awareness of local issues and builds understanding between parties to encourage better decision making in the interests of all community members.

ECONOMIC IMPLICATIONS

Not applicable

LEGAL AND RISK IMPLICATIONS

Not applicable

RESOURCE IMPLICATIONS (FINANCIAL ETC)

Not applicable

7. IMPLEMENTATION STRATEGY

DETAILS

Not applicable

COMMUNICATION

The appointments of Councillors to Committees will be communicated to both Councillors and the relevant Council officers at the finalisation of the minutes of this meeting.

TIMELINE

Not applicable

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.