**Minutes**

**Special Council Meeting**

**23 March 2023**

**Attention**

**These Minutes are subject to confirmation.**

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the Ordinary Meeting of Council following this meeting to ensure that there has not been a correction made to any resolution.

**Information**

Special Council Meetings are run in accordance with the City of Nedlands Standing Orders Local Law. If you have any questions in relation to items on the agenda, procedural matters, public question time, addressing Council or attending meetings please contact the Executive Officer on 9273 3500 or [council@nedlands.wa.gov.au](mailto:council@nedlands.wa.gov.au)

**Public Question Time**

Public question time at a Special Council Meeting is available for members of the public to ask a question about items on the agenda. Questions asked by members of the public are not to be accompanied by any statement reflecting adversely upon any Council Member or Employee.

Questions should be submitted as early as possible via the online form available on the City’s website: [Public question time | City of Nedlands](https://www.nedlands.wa.gov.au/public-question-time)

Questions may be taken on notice to allow adequate time to prepare a response and all answers will be published in the minutes of the meeting.

**Addresses by Members of the Public**

Members of the public wishing to address Council in relation to an item on the agenda must complete the online registration form available on the City’s website: [Public Address Registration Form | City of Nedlands](https://www.nedlands.wa.gov.au/public-address-registration-form)

The Presiding Member will determine the order of speakers to address the Council and the number of speakers is to be limited to 2 in support and 2 against any particular item on a Special Council Meeting Agenda. The Public address session will be restricted to 15 minutes unless the Council, by resolution decides otherwise.

**Disclaimer**

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council’s position. For example, by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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.

**Table of Contents**

[1. Declaration of Opening 4](#_Toc130901845)

[2. Present and Apologies and Leave of Absence (Previously Approved) 4](#_Toc130901846)

[3. Public Question Time 4](#_Toc130901847)

[4. Addresses by Members of the Public 5](#_Toc130901848)

[5. Disclosures of Financial Interest 5](#_Toc130901849)

[6. Disclosures of Interests Affecting Impartiality 5](#_Toc130901850)

[7. Declarations by Members That They Have Not Given Due Consideration to Papers 5](#_Toc130901851)

[8. CEO09.03.23 CONFIDENTIAL Request for Legal Representation 6](#_Toc130901852)

[9. Declaration of Closure 7](#_Toc130901853)

# Declaration of Opening

The Presiding Member declared the meeting open at 5.30 pm and drew attention to the disclaimer below.

# Present and Apologies and Leave of Absence (Previously Approved)

The presiding member advised the Council after the meeting started that requests had been received from Councillor Youngman and Councillor Senathirajah to attend the meeting by electronic means pursuant to reg 14C(2)(b) of the Local Government (Administration) Regulations 1996 and that she had given approval.

**Councillors** Mayor F E M Argyle (Presiding Member)

Councillor B Brackenridge Melvista Ward

Councillor R A Coghlan Melvista Ward

Councillor R Senathirajah (online) Melvista Ward

Councillor H Amiry (from 5.34pm) Coastal Districts Ward

Councillor L J McManus Coastal Districts Ward

Councillor K A Smyth Coastal Districts Ward

Councillor F J O Bennett Dalkeith Ward

Councillor N R Youngman Dalkeith Ward

Councillor O J Basson Hollywood Ward

Councillor O Combes Hollywood Ward

Councillor B G Hodsdon (online) Hollywood Ward

**Staff** Mr W R Parker Chief Executive Officer

Mr M R Cole Director Corporate Services

Mrs N M Ceric Executive Officer

Ms L J Kania Coordinator Governance & Risk

**Public** There were 0 members of the public present and 0 online.

**Press** Nil.

**Leave of Absence** Nil.

**(Previously Approved)**

**Apologies** Councillor A W Mangano Dalkeith Ward

# Public Question Time

Public questions submitted were read at this point.

Nil.

# Addresses by Members of the Public

Addresses by members of the public who had completed Public Address Registration Forms were made at this point.

Nil.

# Disclosures of Financial Interest

The Presiding Member to reminded Council Members and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting when the matter is discussed.

There were no disclosures of financial interest.

# Disclosures of Interests Affecting Impartiality

The Presiding Member to reminded Council Members and Staff of the requirements of Council’s Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

* 1. **Councillor Bennett – Item 8 - CEO09.03.23 CONFIDENTIAL Request for Legal Representation**

Councillor Bennett disclosed an impartiality interest in Item 8 - CEO09.03.23 CONFIDENTIAL Request for Legal Representation. Councillor Bennett disclosed that his name has been mentioned in the papers, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Bennett declared that he would consider this matter on its merits and vote accordingly.

# Declarations by Members That They Have Not Given Due Consideration to Papers

Nil.

# CEO09.03.23 CONFIDENTIAL Request for Legal Representation

A confidential report has been circulated to Council Members separately.

Closure of Meeting to the Public

Moved – Councillor Youngman

Seconded - Councillor Smyth

**That the meeting be closed to the public in accordance with Section 5.23 (d) of the Local Government Act 1995 to allow confidential discussion on the following Items.**

**CARRIED UNANIMOUSLY 11/-**

The meeting was closed to the public at 5.32 pm.

Moved - Councillor Basson

Seconded - Councillor Youngman

**That the meeting be reopened to members of the public and the press.**

**CARRIED UNANIMOUSLY 12/-**

The meeting was reopened to members of the public and the press at 6.21 pm.

In accordance with Standing Orders 12.7(3) the Presiding Member read out the motions passed by the Council whilst it was proceeding behind closed doors and the vote of the members to be recorded in the minutes under section 5.21 of the Local Government Act 1995.

In accordance with section 10.6 of the *City of Nedlands Standing Orders Local Law 2016*, the Presiding Member decided that the officer recommendation would be broken into two separate motions and voted on separately.

Moved – Councillor Youngman

Seconded – Mayor Argyle

**Council Resolution**

**That clause 1 of Confidential Recommendation to Council be adopted.**

Lost 4/8

(Against: Mayor Argyle Crs. Brackenridge Senathirajah

Amiry McManus Basson Combes & Hodsdon)

Moved – Councillor McManus

Seconded – Councillor Basson

**Council Resolution**

**That clause 2 of Confidential Recommendation to Council be adopted.**

**CARRIED UNANIMOUSLY 12/-**

# Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 6.22pm.