



SHIRE OF WOODANILLING



ORDINARY MEETING OF COUNCIL Agenda 15 October 2024

Dear Elected Member

The next Ordinary Meeting of Council of the Shire of Woodanilling will be held on 15 October 2024 in the Council Chambers, 3316 Robinson Road, Woodanilling commencing at 4.00p.m.

Paul Hanlon
CHIEF EXECUTIVE OFFICER

Disclaimer

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Woodanilling warns that anyone who has an application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Woodanilling for any act, omission or statement or intimation occurring during a Council Meeting.

Agendas and Minutes are available on the Shire website www.woodanilling.wa.gov.au

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ORDINARY MEETING OF COUNCIL AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1. DISCLOSURE OF INTEREST

Division 6 Subdivision 1 of the *Local Government Act 1995* requires Council Members and Employees to declare any direct or indirect financial interest or general interest in any matter listed in this Agenda.

The Act also requires the nature of the interest to be disclosed in writing before the meeting or immediately before the matter be discussed.

NB: A Council member who makes a disclosure must not preside or participate in, or be present during, any discussion or decision making procedure relating to the declared matter unless the procedures set out in Sections 5.68 or 5.69 of the Act have been complied with.

DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Disclosures of Interest Affecting Impartiality are required to be declared and recorded in the minutes of a meeting. Councillors who declare such an interest are still permitted to remain in the meeting and to participate in the discussion and voting on the particular matter. This does not lessen the obligation of declaring financial interests etc. covered under the *Local Government Act 1995*.

To help with complying with the requirements of declaring Interests Affecting Impartiality the following statement is recommended to be announced by the person declaring such an interest and to be produced in the minutes.

"I (give circumstances of the interest being declared, eg: have a long standing personal friendship with the proponent). As a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Present:

Cr D Douglas	Shire President
Cr HR Thomson	Deputy Shire President
Cr B Smith	
Cr I Garstone	
Cr R Marshall	
Cr K Stephens	

Officers:

Jasmine Bray	Acting Chief Executive Officer
Hannah Wilson	Executive Assistant to CEO
Phil Burgess	Executive Manager of Infrastructure

Apologies:

Paul Hanlon	Chief Executive Officer
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Observers:

- 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4. PUBLIC QUESTION TIME**
- 5. PETITIONS / DEPUTATIONS / PRESENTATIONS**
- 6. APPLICATIONS FOR LEAVE OF ABSENCE**
- 7. ANNOUNCEMENTS BY SHIRE PRESIDENT AND/OR DEPUTY PRESIDENT WITHOUT DISCUSSION**
- 8. CONFIRMATION OF COUNCIL MEETING MINUTES:**

8.1. ORDINARY COUNCIL MEETING – 17 SEPTEMBER 2024
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That the Minutes of the Ordinary Meeting of Council held 17 September 2024 be confirmed as a true and correct record of proceedings.

- 9. CONFIRMATION OF OTHER MEETING MINUTES:**
- 10. REPORTS OF OFFICERS**
- 11. REGULATORY SERVICES**
- 12. INFRASTRUCTURE SERVICES**

13. CORPORATE SERVICES

13.1.LIST OF ACCOUNTS FOR PAYMENT – 30 SEPTEMBER 2024

File Reference	ADM0066
Date of Report	4 October 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	Brooke Dellacqua, Senior Finance Officer
Disclosure of any Interest	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
Voting Requirement	Simple Majority
Attachments	Attachment 13.1.1 – List of Accounts for Payment – 30 September 2024

BRIEF SUMMARY

The purpose of this report is to present to Council the list of accounts paid, for the month ending 30 September 2024, as required under the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND/COMMENT

In accordance with *Local Government (Financial Management) Regulations 1996*, Clause 13 (1) schedules of all payments made through Council's bank accounts are presented to Council for inspection.

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the Shire's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid is to be provided to Council, where such delegation is made.

The following table summarises the payments for the period by payment type, with full details of the accounts paid contained within **Attachment 13.1.1**.

Payments up to 30 September 2024

Payment Type	Account Type	Amount \$
Automatic Payment Deductions (Direct Debits & BPay.	Municipal	\$24,260.88
Cheque Payments- Chq 15393 & Chq 15394	Municipal	\$981.00
EFT Payments #7477 to #7505	Municipal	\$136,557.49
Sub Total	Municipal	\$161,799.37
Payments	Trust	\$0.00
Payments	Reserve	\$0.00
Totals		\$161,799.37

STATUTORY/LEGAL IMPLICATIONS

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*

- (a) *the payee's name; and*
- (b) *the amount of the payment; and*

- (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
- (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee’s name; and*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;*
 - and*
 - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under subregulation (1) or (2) is to be —*
- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

POLICY IMPLICATIONS

The Chief Executive Officer, under relevant delegation, is authorised to arrange purchase of specific items in the budget, which do not require calling tenders, providing that it is within the approved and adopted budget.

FINANCIAL IMPLICATIONS

There are no financial implications that have been identified as a result of this report or recommendation.

STRATEGIC IMPLICATIONS

THEME 3

Governance

OBJECTIVES

To promote continual improvement that is supported by efficient and effective governance structures and processes.

STRATEGIES

By ensuring legislation is used to effectively enable quality decision making.

CONSULTATION/COMMUNICATION

There are no community engagement implications that have been identified as a result of this report or recommendation.

RISK MANAGEMENT

The risk in relation to this matter is assessed as “Medium” on the basis that if Council does not accept the payments. The risk identified would be failure to fulfil statutory regulations or compliance requirements. Shire Officer’s provide a full detailed listing of payments made in the timely manner.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council accepts the list of accounts and details of the credit card amounts, totalling \$161,799.37 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 30 September 2024, as contained within **Attachment 13.1.1.**

13.2 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2024

File Reference	ADM0066
Date of Report	09 October 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	DL Consulting
Disclosure of any Interest	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
Voting Requirement	Simple Majority
Attachments	Attachment 13.2.1 – Monthly Financial Report 30 September 2024

BRIEF SUMMARY

The Monthly Financial Report for period ending 30 September 2024 is presented for Council's consideration.

BACKGROUND/COMMENT

In accordance with regulation 34 of the *Government (Financial Management) Regulations 1996*, the Shire is to prepare a monthly Statement of Financial Activity for approval by Council. The Monthly Financial Reports have been prepared in accordance with statutory requirements.

The Statement of Financial Activity as at 30 September 2024 shows a closing surplus of \$2,098,831.

The opening surplus brought forward of \$1,216,367 from 2023-2024 is still subject to changes from year-end adjustments and any audit adjustments.

STATUTORY/LEGAL IMPLICATIONS

Section 6.4 of the *Local Government Act 1995* requires a Local Government to prepare an annual financial statement for the preceding year and other financial reports as they prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the Local Government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

POLICY IMPLICATIONS

There is no Council Policy relevant to this item.

FINANCIAL IMPLICATIONS

The Budget will be regularly monitored on at least a monthly basis, by the Chief Executive Officer and Accountant. Responsible Officers are also required to review their particular line items for anomalies each month, with a major review required by law, between 1 February and 28 March of each year pursuant to the *Local Government (Financial Management) Regulations 1996* (Regulation 33A).

Any material variances that have an impact on the outcome of the budgeted closing surplus/deficit position are detailed in the Monthly Financial Report contained within **Attachment 13.2.1**.

STRATEGIC IMPLICATIONS

THEME 3

Governance

OBJECTIVES

To promote continual improvement that is supported by efficient and effective governance structures and processes.

STRATEGIES

By ensuring legislation is used to effectively enable quality decision making.

CONSULTATION/COMMUNICATION

Reporting Officers receive monthly updates to track expenditure and income and to be aware of their work commitments versus budget allocations.

RISK MANAGEMENT

The risk in relation to this matter is assessed as “Low” on the basis that if Council does not receive the Monthly Financial Reports for the month reported leading to the Shire not meeting legislative requirements on financial reporting. The risk identified would be failure to fulfil statutory regulations or compliance requirements.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION

That Council receive the Monthly Financial Report for the period of 30 September 2024, in accordance with section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1995* as presented in **Attachment 13.2.1**.

13.3 INVESTMENTS REPORT – 30 SEPTEMBER 2024

File Reference	ADM066
Date of Report	07 October 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	Paul Hanlon, Chief Executive Officer
Disclosure of any Interest	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
Voting Requirement	Simple Majority
Attachments	Nil

BRIEF SUMMARY

The purpose of this report is for Council to receive the investments report which provides an overview on investments made during the month of August 2024 which remain current.

BACKGROUND

Money held in the Municipal Fund that is not required for the time being may be invested in accordance with the Local Government Act 1995 and the Trustees Act 1962 Part III.

COMMENT

The investments made by the Shire of Woodanilling occurred on 1st August 2024. This report is to provide council with a monthly update on the investments made. As the interest is payable on maturity, the balances of the investments remain at the amount invested.

The table below details the investments made by the Shire on the 1st August 2024 which remain current at 30 September 2024:

INVESTMENT REGISTER						
NEW INVESTMENTS MADE IN AUGUST 2024						
NATIONAL AUSTRALIA BANK – FIXED TERM DEPOSIT						
ACCOUNT N ^o	DATE OF INVESTMENT	INTEREST RATE	AMOUNT INVESTED	TERM	INTEREST AT MATURITY	DATE OF MATURITY
#0134	01/08/2024	4.9%	\$700,000.00	90 Days	\$8,457.54	30/10/2024
#0368	01/08/2024	4.9%	\$350,000.00	90 Days	\$4,228.77	30/10/2024

There have been no other new investments made.

STATUTORY/LEGAL IMPLICATIONS

Local Government Act 1995

6.14. Power to invest

- (1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III.
- (2A) A local government is to comply with the regulations when investing money referred to in subsection (1).
- (2) Regulations in relation to investments by local governments may —
 - (a) make provision in respect of the investment of money referred to in subsection (1); and
 - [(b) deleted]
 - (c) prescribe circumstances in which a local government is required to invest money held by it; and
 - (d) provide for the application of investment earnings; and

- (e) generally provide for the management of those investments.

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of —
 - (a) the nature and location of all investments; and
 - (b) the transactions related to each investment.

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) In this regulation —
 - authorised institution** means —
 - (a) an authorised deposit-taking institution as defined in the *Banking Act 1959 (Commonwealth)* section 5; or
 - (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;
 - foreign currency** means a currency except the currency of Australia.
- (2) When investing money under section 6.14(1), a local government may not do any of the following —
 - (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 12 months;
 - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - (d) invest in bonds with a term to maturity of more than 3 years;
 - (e) invest in a foreign currency.

POLICY IMPLICATIONS

Council Policy 115 – Investments

Delegation No. 13 Investment of Surplus Funds

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

STRATEGIC IMPLICATIONS

THEME 3

Governance

OBJECTIVES

To promote continual improvement that is supported by efficient and effective governance structures and processes.

STRATEGIES

By ensuring legislation is used to effectively enable quality decision making.

CONSULTATION/COMMUNICATION

Council were consulted on the investments to be made in the June and July 2024 Briefing Sessions.

RISK MANAGEMENT

The risk in relation to this matter is assessed as “Medium” on the basis that if Council does not receive the report, the Shire of Woodanilling will not be following adopted Council Policy. Following the Officer’s recommendation will ensure that Council Policy is adhered to.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION

That Council receives the Investments Report.

14. COMMUNITY SERVICES

15. OFFICE OF CEO

16. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17. CONFIDENTIAL REPORTS

17.1. CEO PROBATION PERFORMANCE REVIEW

File Reference	ADM0088
Date of Report	07 October 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	Paul Hanlon, Chief Executive Officer
Disclosure of any Interest	Paul Hanlon Direct Financial Interest The Chief Executive Officer probation performance criteria is directly related to the employment contract of the CEO and this item considers the CEO's Probation, Contract and Key Performances Indicators.
Voting Requirement	Absolute Majority
Attachments	Confidential Attachment 17.1.1 – Summary Report to Council - CEO Probation Performance Review

REASON FOR CONFIDENTIALITY

Section under the Act

This matter is to be considered behind closed doors pursuant to s.5.23(2)(a) of the Local Government Act 1995 as the subject matter relates to:

Sub-clause and Reason:

“s.5.23(2)(a) a matter affecting an employee or employees.”

BRIEF SUMMARY

This item seeks Council endorsement of the CEO Probation Performance Review conducted by Natalie Lincolne from Price Consulting Group.

BACKGROUND

Clause 11 of Mr Hanlon's employment contract provides for a probationary period of 6 months from commencement, which was on 30 April 2024.

This process sought Councillor feedback of Mr Hanlon's performance against the endorsed Probation Performance Criteria since his commencement in the role, to determine whether his employment should be confirmed beyond the probation period.

COMMENT

The consultant developed a working draft set of performance criteria following a review of Mr Hanlon's employment contract and initial consultation with the Shire President and CEO in July 2024.

The working draft was shared with Councillors ahead of a workshop held on 27 August 2024, where the CEO was present. Amendments were made to the working draft, which was then sent to the CEO for his further consideration and provisional endorsement ahead of their presentation to Council.

The CEO's Probation Performance Criteria were adopted by Council at the September 2024 OCM.

Following this, Initial liaison took place with Councillors and the CEO in September 2024 to agree upon the process and timeline. The consultant was provided with a copy of the CEO's Report.

An online feedback questionnaire was developed for Councillors, which sought an assessment and feedback for:

- The Expectations of the CEO, in accordance with the Position Description
- Delivery of Strategic Programmes
- Key Focus Areas
- Leadership of the Shire's values
- Specific areas of acknowledgement
- Potential future areas of development, support of training

The questionnaire link was distributed by email to all participants on 24 September 2024, with a requested response date of 1 October 2024. The feedback was collated by the consultant provided to the CEO for comment before being provided to the Council to determine whether the probation requirements of the employment contract had been met. Concurrently with this process, a detailed CEO's Performance Criteria was developed for the 2024-2025 period for adoption by Council as contained in Confidential **Attachment 17.1.1**.

STATUTORY/LEGAL IMPLICATIONS

Local Government Act 1995 Division 4 – Local Government Employees

5.38. Annual review of employees' performance

- (1) A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.*
- (2) The CEO must ensure that the performance of each other employee who is employed for more than 1 year is reviewed.*
- (3) A review under subsection (1)*

POLICY IMPLICATIONS

Policy – Adopted Standards for CEO Recruitment, Performance and Termination

Policy 102 – CEO Performance Review

FINANCIAL IMPLICATIONS

The preparation of the CEO Probation Performance Criteria has been budgeted for under the Shire of Woodanilling's 2024/25 Annual Budget.

STRATEGIC IMPLICATIONS

ALL THEMES, OBJECTIVES AND STRATEGIES are linked and associated with this item that are identified in the Shire's Strategic Community Plan.

CONSULTATION/COMMUNICATION

Consultation has occurred between the Chief Executive Officer and Council on 27th August 2024.

RISK MANAGEMENT

The risk in relation to this matter has been assessed as “Medium” on the basis that if Council does not accept the CEO’s Probation Performance Review then it will fail to meet the statutory regulations and requirements for the CEO to meet their requirements to fulfil the role.

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Extreme
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

VOTING REQUIREMENTS

Absolute Majority

OFFICER’S RECOMMENDATION

That Council:

1. Notes that the probation performance review of Mr Paul Hanlon, Chief Executive Officer, has been undertaken.
2. Accepts that Mr Hanlon’s performance to date is meeting the requirements of the position and he has satisfactorily completed his probation period.
3. Requires the CEO Performance Review Committee to meet with Mr Hanlon following his period of leave to:
 - i) discuss the feedback of the probation review
 - ii) negotiate a review of Mr Hanlon’s contractual remuneration and entitlements for a report to be presented to Council for endorsement at the November 2024 Ordinary Council Meeting.,
 - iii) review the CEO’s Performance Criteria for the 2024-2025 period, as per confidential **Attachment 17.1.1** for a report to be presented to Council for endorsement at the November 2024 Ordinary Council Meeting.

18. MOTIONS WITHOUT NOTICE BY PERMISSION OF THE COUNCIL

19. CLOSURE OF MEETING