



CITY OF VINCENT

MINUTES

**COVID-19 Relief and Recovery
Committee**

12 May 2020

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**MINUTES OF CITY OF VINCENT
COVID-19 RELIEF AND RECOVERY COMMITTEE
E-MEETING, ACCESS AVAILABLE ON THE CITY'S WEBSITE
HTTP://WEBCAST.VINCENT.WA.GOV.AU/
ON TUESDAY, 12 MAY 2020 AT 5.00PM**

PRESENT:	Mayor Emma Cole Cr Susan Gontaszewski Cr Alex Castle	Presiding Member South Ward North Ward
IN ATTENDANCE:	David MacLennan John Corbellini Andrew Murphy Virginia Miltrup Meluka Bancroft Mark Fallows	Chief Executive Officer Executive Director Strategy & Development Executive Director Infrastructure & Environment Executive Director Community & Business Services Executive Manager Corporate Strategy & Governance Manager Built Environment & Wellbeing
Media:	Nil	
Public:	1 member of the public.	

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Mayor Emma Cole declared the meeting open at 5.01pm and read the following Acknowledgement of Country statement:

"The City of Vincent would like to acknowledge the Traditional Owners of the land, the Whadjuk people of the Noongar nation and pay our respects to Elders past, present and emerging".

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Nil

3 (A) PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

The following statements were submitted prior to the Meeting and were read out by the Executive Manager Corporate Strategy and Governance.

3.1 Katie Holtham, Beatty Park Physiotherapy, of Leederville – Item 7.3 Financial Assistance Recommendations for City tenants

We have not been able to run at any normal capacity since April due to non elective surgeries, closure of BP complex, Hydrotherapy and Pilates Studio.

As a result we have suffered a loss thus far with outgoings and making all Physios part time to remain in some sort of role for TeleHealth etc.

Given the downturn and not having access to the Studio at BP and Hydrotherapy this is really disappointing. Many other businesses in our industry have been given a lot more support."

3.2 Joe D’Orazio, Perth Soccer Club of West Perth - Item 7.3 Financial Assistance Recommendations for City tenants

I can fully understand the difficulties in managing finances in these circumstances. When our Club made its submission, there was no glimmer of hope for any further income for the next 6 months.

The community response in this state to the COVID-19 pandemic has been exemplary, so much so that there is now some hope of a lifting of the restrictions. A recovery is on the cards. Unfortunately, many of our long suffering creditors are clamouring for a portion of any revenue. The road to recovery will not be easy for our club.

We are puzzled at your assessment of 70% being our financial downturn, given that we advised that at the time we were 100% shutdown with no prospect of any revenue in the foreseeable future.

Hence, while the Council may require payment for lease rentals, our ability to pay will depend on when the more significant restrictions are lifted. From then on, it depends on how fast that recovery will be. We rely on community support and small businesses, but they too are suffering. We too face great uncertainty.

There being no further speakers, Public Question Time closed at approximately 5.04pm.

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Dudley Maier of Highgate

1. Why did the CEO decide that details about the allocation of funds from the Leederville Gardens Trust Fund should be treated as confidential at the meeting of 28 April 2020 given that a similar recommendation has been made public for the meeting of 5 May 2020 (Item 7.4)?

The report to the 28 April 2020 was treated as confidential pursuant to section 5.23(2)(c) and (e)(ii) of the Local Government Act 1995. The proposals received by various applicants included information about their organisations that (if disclosed) would reveal information that has a commercial value to that organisation. The report also contained a comparison of the proposals, which if released may have a commercial impact on the organisations. The Committee’s decision was public and detailed which organisations the CEO would liaise with in respect to the further allocation of funding. The report to the 5 May 2020 Committee Meeting considers the funding to these organisation, and as this information is already in the public domain it is not necessary for this to be confidential.

2. If the reason is because ‘a contract may be entered into which will be discussed at the meeting’ [i.e. Local Government Act – 5.23(2)(c)] why wasn’t the recommendation for the lease of the Beatty Park Café (OMC 17 March 2020 – Item 12.1) treated as confidential to the same extent?

The City may only dispose of property (including by lease) in accordance with section 3.58 of the Local Government Act 1995, including by providing details of the proposed disposition by local public notice (s. 3.58(3)). Therefore and despite s 5.23(2)(c), the key commercial lease details (such as rent) as negotiated between the proposed tenant and the City were disclosed in order to invite submissions/proposal by other parties to lease the premises.

3. If the reason is because it may disclose ‘information that has a commercial value’ [i.e. Local Government Act – 5.23 (2) (e)(ii)]:
 - (a) Why wasn’t the recommendation for the lease of the Beatty Park Café (OMC 17 March 2020 – Item 12.1) treated as confidential to the same extent given that it contained some commercial information (i.e. the rent to be paid); and
 - (b) Exactly what type of information, as opposed to the actual information, would be considered as having a commercial value given that the organisations are charitable,

benevolent bodies rather than commercial enterprises and are likely to be subject to the State's Associations Incorporation Act and the Federal Government's Charities Act?

- (a) *The recommendation relating to the Beatty Park Café lease did not disclose information about the proposed tenant's business, professional, commercial or financial affairs. However, a lease proposal by a second applicant was attached to the 17 March 2020 report as a confidential attachment as it did include details of the financial affairs of the applicant.*
- (b) *The organisation's submissions set out their proposed use of the funds (which were unique and individual proposals / ideas). Prior to the allocation of the funds by the Committee, this information has commercial value for the organisations, as they are competing for the allocation of the funds.*

4. Why has the CEO not released the confidential attachments related to the decision made at the 28 April 2020 meeting concerning the allocation of money from the Leederville Gardens Trust Fund (item 10.1) so that the community can decide for themselves:

- that the money is well spent;
- that it provides value for money;
- that it can be demonstrated that it will only be spent as a direct or indirect consequence of COVID-19 as per the Council's decision of 30 March 2020;
- that the money will only be spent on services within the City; and
- that the money is spent in accordance with the Rules of Association of the Leederville Gardens Inc.

As trustee, the City has a legal fiduciary duty to meet the requirements of the Trust/Constitution in regards to disbursing funds from the Trust to appropriate public benefit institutions (PBI). This includes ensuring those PBIs use the funds as required by the Trust and conditions set by Leederville Gardens Inc. and/or the City. The Trust includes a requirement that:

*[the PBIs in question] 'exist for the acquisition, provision, maintenance, management or extension of any existing housing, villages, flats apartments or similar accommodation operated by the Association, or the purchase or construction of a similar type of facility for senior citizens within the **Town's boundaries**.'*

The City will enter into funding agreements with each of the successful organisations, which sets out the acquittal and reporting requirements. Furthermore, the Committee at its 5 May Meeting requested that project updates, including the uptake and expenditure of funds, is reported back to the Committee. This information will be available to the public.

5. Does the CEO agree that the community has the right to know how much will be spent and on what, given that it is the community's money?

The money held by the City as trustee of Leederville Gardens Trust is held on behalf of and for the benefit of the beneficiaries of the Trust – i.e. PBIs meeting the requirements of the Trust (as set out in the Constitution of Leederville Gardens Inc.). Although the community will benefit from the use of the funds by appropriate PBIs within the City, the funds held in the trust account to do not belong to the City or the community at large. The City will, however, ensure that the community is informed of how the funds are used by the chosen PBIs, as explained above.

6. At the 21 April COVID Committee meeting the committee agreed that Category 3 tenants could have a repayment plan with a minimum term of 24 months (Item 7.3 – clause 2.3.4). Why is a minimum term specified rather than a maximum term, which would make more sense?

The minimum repayment period of 24 months reflects the requirements of the National Code of Conduct. However, there is scope in the Code to allow for some variation to the minimum period to reflect the tenant's remaining lease term – e.g. a minimum repayment period of 12 months may be appropriate where the tenant only has 12 months remaining on their lease. Therefore, for those tenants with at least 24 months remaining on their lease, a 24 month repayment period will be set (unless the tenant wants/agrees to a shorter period) but a tenant who is holding over/has a shorter term remaining on their lease may be required to repay the City over a shorter period of time.

A maximum repayment period has not been set by the Code. The City requires flexibility to consider both the amount of the repayment and the remaining term of the tenant's lease to determine an appropriate repayment period. This is reflected in the Code's desire for an equitable approach (as between landlords and tenants) to ensure that, following the relief period, the agreed repayment instalments and period is financially sustainable for a tenant getting back on its feet while also meeting its existing lease obligations.

4 DECLARATIONS OF INTEREST

- 4.1 Cr Castle disclosed an impartiality interest in Item 7.2 - Leederville Gardens Inc Trust – COVID-19 Relief Fund Recommendations . The extent of her interest is that her daughter participated in an unpaid, voluntary educational program conducted by YMCA.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES

COMMITTEE DECISION

Moved: Cr Castle, **Seconded:** Cr Gontaszewski

That the minutes of the COVID-19 Relief and Recovery Committee held on 5 May 2020 be confirmed.

CARRIED UNANIMOUSLY (3-0)

For: Mayor Cole, Cr Gontaszewski and Cr Castle

Against: Nil

7 BUSINESS ARISING

7.1 COVID-19 WEEKLY UPDATE

Attachments: 1. COVID-19 Relief & Recovery Implementation Plan 

RECOMMENDATION

That the COVID-19 Relief and Recovery Committee NOTES the update on the City's actions relating to the COVID-19 pandemic.

COMMITTEE DECISION ITEM 7.1

Moved: Cr Gontaszewski, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY (3-0)

For: Mayor Cole, Cr Gontaszewski and Cr Castle

Against: Nil

7.2 LEEDERVILLE GARDEN INC. TRUST - COVID-19 RELIEF FUND RECOMMENDATIONS - YMCA

- Attachments:
1. Submission from YMCA - Confidential
 2. Recommended Allocation of Funding - Confidential
 3. Submission Assessment Summary - Confidential

RECOMMENDATION

That the COVID-19 Relief and Recovery Committee:

1. RECEIVES the updated submission from the Young Men's Christian Association of Western Australia Inc. (YMCA), at Confidential Attachment 1, in response to the Leederville Gardens Inc. trust funds Expression of Interest for the provision of urgent relief to people in the City of Vincent in need as a direct or indirect consequence of the conditions imposed by COVID-19;
2. As trustee of the Leederville Gardens Inc. trust funds APPROVES the allocation of funds from the Leederville Gardens Inc. trust to YMCA, SUBJECT TO the Chief Executive Officer determining the exact amount of funds, within the limit specified in Confidential Attachment 2; and
3. NOTES that the Chief Executive Officer will enter into a funding agreement with YMCA in respect to the acquittal of these funds, which includes negotiating the time frames, deliverables and reporting requirements, and will provide an update to the COVID-19 Relief and Recovery Committee on the service uptake and expenditure of funds three months after the service commencement.

Moved: Cr Gontaszewski, Seconded: Cr Castle

That the recommendation be adopted.

AMENDMENT 1

Moved: Cr Gontaszewski, Seconded: Cr Castle

That the recommendation be amended as follows:

1. RECEIVES the updated submission from the Young Men's Christian Association of Western Australia Inc. (YMCA), at Confidential Attachment 1, in response to the Leederville Gardens Inc. trust funds Expression of Interest for the provision of urgent relief to people in the City of Vincent in need as a direct or indirect consequence of the conditions imposed by COVID-19;
2. As trustee of the Leederville Gardens Inc. trust funds APPROVES the allocation of funds from the Leederville Gardens Inc. trust to YMCA, SUBJECT TO the Chief Executive Officer determining the exact amount of funds, **up to the maximum amount of \$138,000 within the limit specified in Confidential Attachment 2;** and
3. NOTES that the Chief Executive Officer will enter into a funding agreement with YMCA in respect to the acquittal of these funds, which includes negotiating the time frames, deliverables and reporting requirements, and will provide an update to the COVID-19 Relief and Recovery Committee on the service uptake and expenditure of funds three months after the service commencement.

AMENDMENT CARRIED (3-0)

For: Mayor Cole, Cr Gontaszewski and Cr Castle

Against: Nil

COMMITTEE DECISION ITEM 7.2

RECOMMENDATION

That the COVID-19 Relief and Recovery Committee:


- 1. RECEIVES the updated submission from the Young Men’s Christian Association of Western Australia Inc. (YMCA), at Confidential Attachment 1, in response to the Leederville Gardens Inc. trust funds Expression of Interest for the provision of urgent relief to people in the City of Vincent in need as a direct or indirect consequence of the conditions imposed by COVID-19;**
- 2. As trustee of the Leederville Gardens Inc. trust funds APPROVES the allocation of funds from the Leederville Gardens Inc. trust to YMCA, SUBJECT TO the Chief Executive Officer determining the exact amount of funds, up to the maximum amount of \$138,000; and**
- 3. NOTES that the Chief Executive Officer will enter into a funding agreement with YMCA in respect to the acquittal of these funds, which includes negotiating the time frames, deliverables and reporting requirements, and will provide an update to the COVID-19 Relief and Recovery Committee on the service uptake and expenditure of funds three months after the service commencement.**

CARRIED UNANIMOUSLY (3-0)

For: Mayor Cole, Cr Gontaszewski and Cr Castle

Against: Nil

7.3 FINANCIAL ASSISTANCE RECOMMENDATIONS FOR CITY TENANTS

- Attachments:
1. Summary of tenant applications - Confidential
 2. Proposed financial assistance 

RECOMMENDATION

That the COVID-19 Relief and Recovery Committee:

1. In accordance with section 6.12 of the *Local Government Act 1995*, APPROVES the following financial assistance to City tenants, which is proportionate to the reduction in turnover experienced by these tenants, SUBJECT TO the Chief Executive Officer verifying each tenant's reduction in turnover based on their financial statements:
 - 1.1 Perth Soccer Club Inc. (PSC) – estimated downturn of 70%:
 - 1.1.1 waiver of PSC's obligation to pay an estimated 35% of rent becoming due and payable between 1 April 2020 and 30 June 2020;
 - 1.1.2 deferral of the PSC's obligation to pay an estimated 35% of rent becoming due and payable between 1 April 2020 and 30 June 2020; and
 - 1.1.3 deferral of PSC's obligation to pay \$1,397.00 rent which was due and payable as at 15 March 2020;
 - 1.2 Beatty Park Physiotherapy Pty Ltd (BP Physio) – estimated downturn of 60%:
 - 1.2.1 waiver of BP Physio's obligation to pay an estimated 30% of rent and variable outgoings becoming due and payable between 1 April 2020 and 30 June 2020;
 - 1.2.2 deferral of the BP Physio's obligation to pay an estimated 30% of rent and variable outgoings becoming due and payable between 1 April 2020 and 30 June;
 - 1.3 Western Australian Volleyball Association (Volleyball WA) – estimated downturn of 75%:
 - 1.3.1 waiver of Volleyball WA's obligation to pay an estimated 37.5% of rent becoming due and payable between 1 April 2020 and 30 June 2020;
 - 1.3.2 deferral of the Volleyball WA's obligation to pay an estimated 37.5% of rent becoming due and payable between 1 April 2020 and 30 June;
2. APPROVES the Chief Executive Officer entering into a payment arrangement with each tenant referred to in Recommendation 1. above in respect to payment of the deferred portion of each tenant's lease obligations, whereby the:
 - 2.1 repayment period will be agreed between the parties taking into account each tenant's remaining lease term and/or negotiated new lease term;
 - 2.2 repayment period will not commence prior to 1 October 2020, or a later date as agreed by the Chief Executive Officer; and
 - 2.3 repayment instalments will be calculated by dividing the deferred amount by the agreed repayment period (months) and the tenant will make equal monthly instalments over the course of the repayment period;
3. NOTES that the Chief Executive Officer will review these tenant's financial positions in July 2020 and present a recommendation to the COVID-19 Relief and Recovery Committee in respect to any further financial assistance; and

4. NOTES that financial assistance applications were also received from Swimming WA Inc., East Perth Football Club Inc., and the artists jointly leasing Halvorsen Hall, Robertson Park, and that the Chief Executive Officer is reviewing these requests and will present the recommended relief approach for these tenants to the COVID-19 Relief and Recovery Committee at its 19 May 2020 meeting.

COMMITTEE DECISION ITEM 7.3

Moved: Cr Castle, **Seconded:** Cr Gontaszewski

That the recommendation be adopted.

CARRIED UNANIMOUSLY (3-0)

For: Mayor Cole, Cr Gontaszewski and Cr Castle

Against: Nil

7.4 ROADMAP TO A COVIDSAFE VINCENT

Attachments: 1. Roadmap to a COVIDSafe Vincent 

RECOMMENDATION

That the COVID-19 Relief and Recovery Committee **ENDORSES** the Roadmap to a COVIDSafe Vincent for inclusion in the COVID-19 Relief and Recovery Strategy.

COMMITTEE DECISION ITEM 7.4

Moved: Cr Gontaszewski, **Seconded:** Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY (3-0)

For: Mayor Cole, Cr Gontaszewski and Cr Castle

Against: Nil

8 ANNOUNCEMENTS BY PRESIDING MEMBER (WITHOUT DISCUSSION)

The City is working towards implementing the phase 2 lifting of restrictions, as detailed in Item 7.4. This means that the City's libraries, halls and recreation centre - Beatty Park Leisure Centre, will be reopened soon.

9 GENERAL BUSINESS

10 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

11 NEXT MEETING

19 May 2020

- COVID-19 Weekly Update

26 May 2020

- COVID-19 Weekly Update
- Cash-in-lieu Expenditure Plan Draft
- Business Initiatives

12 CLOSURE

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 5.43pm with the following persons present:

PRESENT:	Mayor Emma Cole Cr Susan Gontaszewski Cr Alex Castle	Presiding Member South Ward North Ward
IN ATTENDANCE:	David MacLennan John Corbellini Andrew Murphy Virginia Miltrup Meluka Bancroft Mark Fallows	Chief Executive Officer Executive Director Strategy & Development Executive Director Infrastructure & Environment Executive Director Community & Business Services Executive Manager Corporate Strategy & Governance Manager Built Environment & Wellbeing
Media:	Nil	
Public:	1 member of the public.	

These Minutes were confirmed by the Committee as a true and accurate record of the Meeting of the COVID-19 Relief and Recovery Committee held on 12 May 2020.

Signed: Mayor Emma Cole



Dated 19 May 2020