

dorset
C O U N C I L

Minutes

Council Meeting

20 September 2021

it's in the making

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Council Meeting Minutes 20 September 2021

Meeting Opened: 6:01 pm

Present: Crs Greg Howard (Mayor), Dale Jessup (Deputy Mayor), Leonie Stein, Jerrod Nichols, Wendy McLennan, Murray Lade, Jan Hughes, Edwina Powell, Mervyn Chilcott

General Manager: Tim Watson, Director – Community & Development: Rohan Willis, Director – Corporate Services: John Marik, Town Planner: Thomas Wagenknecht, Customer Service/Community Liaison Officer: Elizabeth Hadley

Apologies: Director – Works & Infrastructure: Dwaine Griffin

Item 138/21 **Confirmation of Ordinary Council Meeting Minutes – 16 August 2021**
Ref: DOC/21/10678

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 16 August 2021, finds them to be a true record and recommends that they be taken as read and signed as a correct record.

DECISION

MOVED: Cr Stein | **SECONDED:** Cr Lade

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 16 August 2021 having been circulated to all Councillors, be confirmed as a true record.

CARRIED UNANIMOUSLY

The Chair to ask Councillors if there are any questions they wish to ask in relation to the Closed Session Minutes that would require them to be discussed in Closed Session.

Item 139/21**Confirmation of Ordinary Council Meeting Closed Session Minutes – 16 August 2021**Ref: DOC/21/10681

The Chair reported that he had viewed the minutes of the Ordinary Meeting Closed Session held on Monday, 16 August 2021, finds them to be a true record and recommends that they be taken as read and signed as a correct record.

DECISION**MOVED: Cr Hughes | SECONDED: Cr Chilcott**

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting Closed Session held on 16 August 2021 having been circulated to all Councillors, be confirmed as a true record.

CARRIED UNANIMOUSLY**Item 140/21****Confirmation of Agenda**

Recommendation

That Council confirm the Agenda and order of business for the 20 September 2021 Council Meeting.

The Mayor advised Councillors that the attachment to Item 157 had the incorrect title on the document.

DECISION**MOVED: Cr Stein | SECONDED: Cr Jessup**

That Council confirm the Agenda and order of business for the 20 September 2021 Council Meeting.

CARRIED UNANIMOUSLY**Item 141/21****Declaration of an Interest of a Councillor or Close Associate**

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary interest or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED

Cr Howard Item 153 (immaterial)

Cr Hughes Item 150 (pecuniary)

Cr Jessup Item 151 (immaterial)

Cr Jessup Item 152 (immaterial)

Cr Nichols Item 151 (immaterial)

Item 142/21 Management Team Briefing Report

The purpose of this agenda item is to provide Councillors and the community with a briefing on matters of interest dealt with during the past month by Council's Management Team.

Recommendation

That the Management Team Briefing Report be received and noted.

DECISION

MOVED: Cr Chilcott | SECONDED: Cr Hughes

That the Management Team Briefing Report be received and noted.

CARRIED UNANIMOUSLY

Item 143/21 Council Workshops Held Since Last Council Meeting

7 September | Briefing Workshop

Item 144/21 Councillor Applications for Leave of Absence

Nil

Item 145/21 Public Question Time

The following questions were received on notice:

Karl Willrath, Scottsdale | 19 August 2021

It was reported by the ABC in April 2021 that the Dorset Council has spent over \$36,000 in legal fees in regard to the illegal building works at Derby with the new depot. Does the Council know where the ABC got this amount from or was it fake news?

Response from Mayor Greg Howard:

Right to Information request.

Karl Willrath, Scottsdale | 27 August 2021

Has the Dorset Council introduced or is considering introducing a policy that will make it compulsory for all Council employees to be vaccinated against Covid-19 including booster shots, if or when they become necessary?

Response from Mayor Greg Howard:

No.

Karl Willrath, Scottsdale | 1 September 2021

At the August 16 2021 Council meeting, the answer given to the only question on notice by John Marik was incorrect. Why was this error not picked up on by either Dwaine Griffin or GM Tim Watson?

Response from Mayor Greg Howard:

There was no error. The answer is correct.

Questions received without notice from the public present:

Karl Willrath, Scottsdale:

At the last Council Meeting, Councillors spoke about matters in regards to the new depot at Derby and the apology from GM Tim Watson. I suspect that the good people of the Dorset Shire would like to know, as I would also like to know, has Tim Watson made a commitment, or is he going to make a commitment, that an episode of that nature will never be repeated?

Response from Mayor Greg Howard:

That's a given.

Mayor Howard. Do you think you have answered questions from the public that you have not fully understood?

Response from Mayor Greg Howard:

No.

Lawrence Archer, Bridport:

The passage of time has confirmed the previous rumour that the Council extended the General Manager's contract last year following the illegal construction of the Derby Depot. When will you officially notify the public of the extended expiry date of Mr Watson's contract?

Response from Mayor Greg Howard:

As I have said previously on a number of occasions, and you should well know this, that the General Manager's contract terms are confidential and no details have ever be released, nor will they be released.

When does Council take possession of the Derby Depot leased land?

Response from Mayor Greg Howard:

When the lease is signed.

When will that be?

Response from Mayor Greg Howard:

Unsure, Council don't have a lease in front of us at this time.

What is the retrospective planning process that will be undertaken?

Response from Mayor Greg Howard:

Council will apply for retrospective development approval and building. Council's planning department will lodge the applications with Council.

As the Council has a pecuniary interest in the planning process will this process be overseen by an independent authority?

Response from Mayor Greg Howard:

No. Council undertake assessment of planning applications all the time which involve Council land which are not overseen by anyone else.

In the last Workshop, one of the items discussed by Council in secret was the good governance questionnaire outcomes. As the public are vitally concerned in governance matters, can you outline those outcomes and the discussion?

Response from Mayor Greg Howard:

Councillors were asked to complete the questionnaire, however the outcomes are yet to be collated.

Karl Willrath, Scottsdale:

Does the Mayor concede that he is in cahoots with GM Watson to use the code of conduct process to take out former Councillor Lawrence Archer in regards to those 29 emails?

Response from Mayor Greg Howard:

What 29 emails are you referring to?

Did you weaponise the code of conduct process?

Response from Mayor Greg Howard:

Unlike members of the public who are doing that, and you are one of those people, the answer is no.

Mayor Howard, can you please explain why I am one of those people?

Response from Mayor Greg Howard:

Well you've lodged 3 code of conducts against myself, all of which have been dismissed, 2 of which didn't even reach investigation.

Are you accusing me of using it as a weapon?

Response from Mayor Greg Howard:

Absolutely.

Lawrence Archer, Bridport:

As a follow up Mayor, I was previously taken to the code of conduct panel by the General Manager and you acted as his advocate for harassment and that complaint was dismissed. I had been asking questions and the panel determined that those questions were legitimate and they should've been answered. Wasn't I being unnecessarily attacked and you and the General Manager using the code of conduct panel in a way that it wasn't meant to be?

Response from Mayor Greg Howard:

No, the General Manager genuinely felt aggrieved by the mode of your questions and considered it inappropriate and unnecessary and as a Councillor at the time he expected better from you so he lodged a code of conduct which is entirely appropriate. Now not all code of conducts that are lodged are investigated, with many being dismissed.

Karl Willrath, Scottsdale:

As John Marik can confirm, I applied under Right to Information and paid for those 29 emails that landed Lawrence Archer in the code of conduct process. Would the Mayor make a commitment that those 29 emails be made open to the public to let the public decide that you two conferred together to use it as a weapon or not?

Response from Mayor Greg Howard:

Council would be waiting for the Ombudsman to make a decision.

If they are released to me, will you publish them so that the public can decide whether they were over the mark or not?

Response from Mayor Greg Howard:

No.

Nil

Councillor Leonie Stein:

There has been quite a bit of concern about the vandalism and the Scottsdale railway station. There are a lot of accusations that Council are not doing enough to maintain the building, and if it's not ours why can't we make something happen. Could we please put it out publically that we aren't ignoring an important structure within the town, and that if we were able to, we would be doing something with it?

Response from General Manager, Tim Watson:

I will firstly clarify some points. The rail corridor, Council has been appointed as the manager, but it is still Crown Land, so the building still belongs to Crown Land not Council. The rail corridor does not get transferred to Council like a transfer of land, we just manage it. Vandals keep cutting holes in the fence and Council are fixing it - multiple times. There is a larger issue at play which is vandalism in general around town. The Police are aware of it and we can't do much more than that. The Director – Works and Infrastructure and myself met with the local Sergeant last week to discuss the vandalism.

So if the building is owned by Crown Land still, would they have insurance on it they could potentially lodge claims for the vandalism?

Response from General Manager, Tim Watson:

Good point – I will follow that up.

Councillor Mervyn Chilcott:

With the past couple of robberies at the sports store in Scottsdale, I understand that the Police couldn't identify people from the cameras. Apparently the cameras are quite blurry. Is there a problem with the cameras there?

Response from Mayor Greg Howard:

The Director – Works & Infrastructure isn't present tonight but generally Council's CCTV cameras are high resolution and provide very clear footage. However, it depends on how they are dressed, etc. so it sometimes is difficult.

Nil

Purpose

The purpose of this agenda item is to present the recommendations of the Community Grants Selection Panel to Council for approval.

Organisation	Project	Project Cost (Incl. GST)	Grant Requested (Excl. GST)	Grant Recommendation
Dorset Tasmania History Society	Ellesmere Cemetery Unmarked Graves Project	\$3,525	\$659	Recommended
Jetsonville Playgroup	Hot Water Installation at Jetsonville Hall	\$2,100	\$1,819	Recommended
Legerwood Catering Group	Bain Marie Purchase	\$1,618	\$1,471	Recommended
North East Hockey Association	Purchase Gazebos, Seats and Table	\$1,059	\$963	Recommended
Winnaleah Community Swimming Pool	Defibrillator Kit for Winnaleah Swimming Pool	\$1,986	\$1,961	Recommended
Bridport Surf Life Saving Club	Inflatable Rescue Boat Motor	\$4,565	\$2,000	Recommended

Note: All figures have been rounded up to the nearest dollar.

Recommendation

That Council approve the following funding contributions under the Community Grants Program:

- \$659 to Dorset Tasmania History Society;
- \$1,819 to Jetsonville Playgroup;
- \$1,471 to Legerwood Catering Group;
- \$963 to North East Hockey Association;
- \$1,961 to Winnaleah Community Swimming Pool; and
- \$2,000 to Bridport Surf Life Saving Club.

DECISION

MOVED: Cr Chilcott | SECONDED: Cr Powell

That Council approve the following funding contributions under the Community Grants Program:

- \$659 to Dorset Tasmania History Society;
- \$1,819 to Jetsonville Playgroup;
- \$1,471 to Legerwood Catering Group;
- \$963 to North East Hockey Association;
- \$1,961 to Winnaleah Community Swimming Pool; and
- \$2,000 to Bridport Surf Life Saving Club.

CARRIED UNANIMOUSLY

Cr Hughes declared a pecuniary interest in Item 150 and left the Meeting prior to discussion (6:30 pm)

Item 150/21

2021/22 Matching Funds Grants Application Assessments – Round 1

Reporting Officer: Customer Service/Community Liaison Officer, Elizabeth Hadley
Ref: DOC/21/12018

Purpose

The purpose of this agenda item is to present the recommendations of the Community Grants Selection Panel to Council for approval.

Organisation	Project	Project Cost (Incl. GST)	Grant Requested (Excl. GST)	Grant Recommendation
Nabowla Community Association	Window Replacement at Nabowla Memorial Hall	\$9,450	\$3,746	Recommended
Northbourne Park Association	Community Centre Building Extension	\$29,390	\$13,580	Recommended (Conditional upon all applicable approvals being obtained within a period of 6 months)

Note: All figures have been rounded up to the nearest dollar.

Recommendation

That Council approve the following funding contributions under the Community Grants Program:

- \$3,746 to Nabowla Community Association; and
- \$13,580 to Northbourne Park Association.

DECISION

MOVED: Cr Jessup | SECONDED: Cr Nichols

That Council approve the following funding contributions under the Community Grants Program:

- \$3,746 to Nabowla Community Association; and
- \$13,580 to Northbourne Park Association.

CARRIED

Cr Hughes returned to the Meeting (6:32 pm)

Cr Jessup and Cr Nichols both declared an interest in Item 151, however stated it was immaterial and did not leave the Meeting.

Item 151/21

2021/22 Discretionary Grants Application Assessments – Round 1

Reporting Officer: Customer Service/Community Liaison Officer, Elizabeth Hadley
Ref: DOC/21/12017

Purpose

The purpose of this agenda item is to present the recommendations of the Community Grants Selection Panel to Council for approval.

Organisation	Project	Project Cost (Incl. GST)	Grant Requested (Excl. GST)	Grant Recommendation
Ringarooma Netball Club	Court Light Upgrade	\$3,861	\$3,510	Recommended
Ringarooma Community Hub	Dining Chairs	\$6,497	\$5,018	Recommended
Scottsdale Squash Club	Toilet Replacements	\$3,707	\$3,370	Recommended

Note: All figures have been rounded up to the nearest dollar.

Recommendation

That Council approve the following funding contributions under the Community Grants Program:

- \$3,510 to Ringarooma Netball Club;
 - \$5,018 to Ringarooma Community Hub; and
 - \$3,370 to Scottsdale Squash Club.
-

DECISION

MOVED: Cr Stein | SECONDED: Cr Chilcott

That Council approve the following funding contributions under the Community Grants Program:

- \$3,510 to Ringarooma Netball Club;
- \$5,018 to Ringarooma Community Hub; and
- \$3,370 to Scottsdale Squash Club.

CARRIED UNANIMOUSLY

Cr Jessup declared an interest in Item 152, however stated it was immaterial and did not leave the Meeting.

**** Councillors were reminded that they are acting as a Planning Authority for Item 152*

Item 152/21

Draft Dorset Local Provisions Schedule – Tasmanian Planning Scheme

Reporting Officer: Town Planner, Thomas Wagenknecht

Ref: DOC/21/12369 | Attachments: DOC/21/12442

Purpose

The purpose of this report is for Council, as Planning Authority, to approve submitting the draft Dorset Local Provisions Schedule to the Tasmanian Planning Commission.

Recommendation

That the Council, in its role as Planning Authority:

1. Determine, in accordance with Section 35(7) of the *Land Use Planning and Approvals Act 1993*, that it is satisfied that the draft Dorset Local Provisions Schedule meets the local provisions schedule criteria in Section 34 of the *Land Use Planning and Approvals Act 1993*; and
 2. Submit the draft Dorset Local Provisions Schedule and supporting information report, to the Tasmanian Planning Commission in accordance with Section 35(1) of the *Land Use Planning and Approvals Act 1993*.
-

DECISION

MOVED: Cr Nichols | SECONDED: Cr Jessup

That the Council, in its role as Planning Authority:

1. Determine, in accordance with Section 35(7) of the *Land Use Planning and Approvals Act 1993*, that it is satisfied that the draft Dorset Local Provisions Schedule meets the local provisions schedule criteria in Section 34 of the *Land Use Planning and Approvals Act 1993*; and

2. Submit the draft Dorset Local Provisions Schedule and supporting information report, to the Tasmanian Planning Commission in accordance with Section 35(1) of the *Land Use Planning and Approvals Act 1993*.

CARRIED UNANIMOUSLY

Cr Howard declared an interest in Item 153, however stated it was immaterial and did not leave the Meeting.

Item 153/21

Donation and Sale of Council Land | 14 Hawkes Place SCOTTSDALE

Reporting Officer: Director – Community & Development, Rohan Willis

Ref: DOC/21/12144 | Objection: DOC/21/11042

Purpose

The purpose of this agenda report is for Council to formally resolve to (i) donate approximately 5000 m² and (ii) sell approximately 2800 m² of Council land at 14 Hawkes Place, Scottsdale (CT 178444/2).

Recommendation

That Council resolves:

1. to:
 - a. donate the area generally illustrated as Lot 1, per Diagram 1 below, to Centacare Evolve Housing, subject to no more or less than ten (10) social housing dwellings being constructed upon the area, and
 - b. sell the area generally illustrated as Lot 2, per Diagram 1 below, to Hussock's Pty Ltd,in accord with the provisions of Section 178 of the *Local Government Act 1993*; and
2. as an interim measure, to:
 - a. enter into a 99 year lease agreement with Centacare Evolve Housing for the area generally illustrated as Lot 1, per Diagram 1 below;
 - b. enter into a lease agreement of not less than 12 months in duration with Hussock's Pty Ltd for the area generally illustrated as Lot 2, per Diagram 1 below;
 - c. rescind lease agreements with Centacare Evolve Housing and Hussock's Pty Ltd once respective titles for applicable areas are available and a transfer for each can be respectively affected.

Amended Recommendation

That Council, subject to a satisfactory valuation, resolves:

1. to:
 - a. donate the area generally illustrated as Lot 1, per Diagram 1 below, to Centacare Evolve Housing, subject to no more or less than ten (10) social housing dwellings being constructed upon the area, and

- b. sell the area generally illustrated as Lot 2, per Diagram 1 below, to Hussock's Pty Ltd,
- in accord with the provisions of Section 178 of the *Local Government Act 1993*; and
- 2. as an interim measure, to:
 - a. enter into a 99 year lease agreement with Centacare Evolve Housing for the area generally illustrated as Lot 1, per Diagram 1 below;
 - b. enter into a lease agreement of not less than 12 months in duration with Hussock's Pty Ltd for the area generally illustrated as Lot 2, per Diagram 1 below;
 - c. rescind lease agreements with Centacare Evolve Housing and Hussock's Pty Ltd once respective titles for applicable areas are available and a transfer for each can be respectively affected.

DECISION

MOVED: Cr Jessup | SECONDED: Cr Chilcott

That Council, subject to a satisfactory valuation, resolves:

- 1. to:
 - a. donate the area generally illustrated as Lot 1, per Diagram 1 below, to Centacare Evolve Housing, subject to no more or less than ten (10) social housing dwellings being constructed upon the area, and
 - b. sell the area generally illustrated as Lot 2, per Diagram 1 below, to Hussock's Pty Ltd,
- in accord with the provisions of Section 178 of the *Local Government Act 1993*; and
- 2. as an interim measure, to:
 - a. enter into a 99 year lease agreement with Centacare Evolve Housing for the area generally illustrated as Lot 1, per Diagram 1 below;
 - b. enter into a lease agreement of not less than 12 months in duration with Hussock's Pty Ltd for the area generally illustrated as Lot 2, per Diagram 1 below;
 - c. rescind lease agreements with Centacare Evolve Housing and Hussock's Pty Ltd once respective titles for applicable areas are available and a transfer for each can be respectively affected.

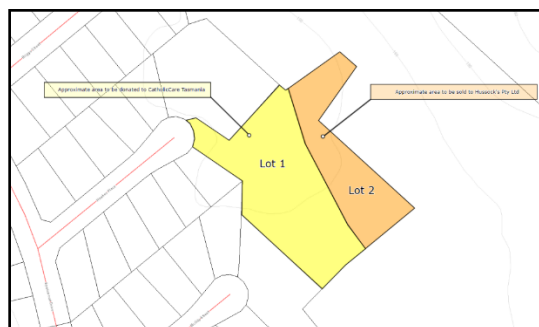


Diagram 1

CARRIED UNANIMOUSLY

Item 154/21**Dog Management Policy Review**

Reporting Officer: Director – Community & Development, Rohan Willis

Ref: DOC/21/12147 | Reviewed Policy: DOC/21/11650

Purpose

The purpose of this report is to adopt revised Policy No.37 - Dog Management.

Recommendation

That Council adopt revised Policy No.37 - Dog Management, as provided in the Agenda Attachments.

DECISION

MOVED: Cr Nichols | SECONDED: Cr Hughes

That Council adopt revised Policy No.37 - Dog Management, as provided in the Agenda Attachments.

CARRIED UNANIMOUSLY

Item 155/21**Cat Management Policy Review**

Reporting Officer: Director – Community & Development, Rohan Willis

Ref: DOC/21/12148 | Reviewed Policy: DOC/21/11649

Purpose

The purpose of this report is to adopt a revised Policy No.45 - Cat Management.

Recommendation

That Council adopt revised Policy No.45 - Cat Management, as provided in the Agenda Attachments.

DECISION

MOVED: Cr Hughes | SECONDED: Cr Chilcott

That Council adopt revised Policy No.45 - Cat Management, as provided in the Agenda Attachments.

CARRIED UNANIMOUSLY

Item 156/21**Emergency Relief Grant Policy Review**

Reporting Officer: Director – Community & Development, Rohan Willis

Ref: DOC/21/12145 | Reviewed Policy: DOC/21/12146

Purpose

The purpose of this report is to adopt unchanged Policy No.53 - Emergency Relief Grant.

Recommendation

That Council adopt unchanged Policy No.53 Emergency Relief Grant Policy, as provided in the Agenda Attachments.

DECISION

MOVED: Cr Jessup | SECONDED: Cr Stein

That Council adopt unchanged Policy No.53 Emergency Relief Grant Policy, as provided in the Agenda Attachments.

CARRIED UNANIMOUSLY

Item 157/21

Community Grants Policy Review

Reporting Officer: Director – Community & Development, Rohan Willis

Ref: DOC/21/12142 | Reviewed Policy: DOC/21/12143

Purpose

The purpose of this report is to adopt unchanged Policy No.47 Community Grants Policy.

Recommendation

That Council adopt unchanged Policy No.47 Community Grants Policy, as provided in the Agenda Attachments.

DECISION

MOVED: Cr Hughes | SECONDED: Cr Nichols

That Council adopt unchanged Policy No.47 Community Grants Policy, as provided in the Agenda Attachments.

CARRIED UNANIMOUSLY

Item 158/21

Council Meeting Procedures Policy Review

Reporting Officer: General Manager, Tim Watson

Ref: DOC/21/12150 | Reviewed Policy: DOC/21/10802

Purpose

The purpose of this report is to adopt the revised and renamed Policy No.41 – Council Meeting Procedures.

Recommendation

That Council adopt the attached revised and renamed Policy No.41 – Council Meeting Procedures.

The word 'accurate' was replaced with 'not deliberately misleading' in the attached Policy (bottom of page 1).

DECISION

MOVED: Cr Nichols | SECONDED: Cr Stein

That Council adopt the attached revised and renamed Policy No.41 – Council Meeting Procedures.

CARRIED UNANIMOUSLY

Item 159/21

Audit Panel Chairperson Appointment

Reporting Officer: Director – Corporate Services, John Marik

Ref: DOC/21/12174 | Charter: DOC/19/7204

Purpose

The purpose of this agenda item is to appoint an independent Audit Panel Chairperson.

Recommendation

That Council appoint Mr Ian Wright as Chairperson of the Dorset Council Audit Panel for a further term of two years commencing 18 November 2021.

DECISION

MOVED: Cr Chilcott | SECONDED: Cr Stein

That Council appoint Mr Ian Wright as Chairperson of the Dorset Council Audit Panel for a further term of two years commencing 18 November 2021.

CARRIED UNANIMOUSLY

Item 160/21

Closure of Meeting to the Public

DECISION

MOVED: Cr Stein | SECONDED: Cr Jessup

That the Meeting be closed to the public pursuant to Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015, and that members of the public be required to leave the meeting room.

Time Meeting Closed to the Public: 7:16 pm

CARRIED UNANIMOUSLY

Meeting Adjourned: 7:16 pm

Reason: For tea break with members of the public

Meeting Resumed: 7:39 pm

CLOSED SESSION AGENDA ITEM

The following matter was listed in the Closed Session Meeting section of the Council Agenda in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*:

Item 161/21 Contract 2020/21-03 | New Skate Park - Bridport

The report on this matter was listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015* as the detail covered in the report relates to:

- Contracts and tenders for the supply of goods and services

Time Meeting Closed: 7:39 pm

Minutes Confirmed: 18 October 2021

Minute No: 163/21



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Mayor