

# minutes

## Special Meeting of Council

MEETING HELD ON **TUESDAY 22 OCTOBER 2019 (7.00pm – 7.37pm)**

## TABLE OF CONTENTS

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
	<b>DECLARATION OF OPENING AND ANNOUCEMENT OF VISITORS</b>	<b>1</b>
	<b>DECLARATIONS OF INTEREST</b>	<b>2</b>
	<b>PUBLIC QUESTION TIME</b>	<b>2</b>
	<b>PUBLIC STATEMENT TIME</b>	<b>3</b>
	<b>APOLOGIES / LEAVE OF ABSENCE</b>	<b>3</b>
	<b>IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC</b>	<b>3</b>
	<b>ELECTION OF DEPUTY MAYOR</b>	<b>4</b>
	<b>ITEM OF BUSINESS</b>	<b>5</b>
JSC02-10/19	<b>APPOINTMENT OF REPRESENTATIVES TO REGIONAL COUNCILS AND THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NORTH METROPOLITAN ZONE</b>	<b>5</b>
	<b>CLOSURE</b>	<b>14</b>

## CITY OF JOONDALUP

**MINUTES OF THE SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER,  
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY  
22 OCTOBER 2019.**

### **DECLARATION OF OPENING**

The Mayor declared the meeting open at 7.00pm.

### **ANNOUNCEMENT OF VISITORS**

#### **Mayor:**

HON. ALBERT JACOB, JP

#### **Councillors:**

CR KERRY HOLLYWOOD	North Ward
CR TOM McLEAN, JP	North Ward
CR PHILIPPA TAYLOR	North Central Ward
CR CHRISTOPHER MAY	Central Ward
CR RUSSELL POLIWKA	Central Ward
CR CHRISTINE HAMILTON-PRIME	South-West Ward
CR JOHN RAFTIS	South-West Ward
CR JOHN CHESTER	South-East Ward
CR JOHN LOGAN	South-East Ward
CR RUSS FISHWICK, JP	South Ward
CR SUZANNE THOMPSON	South Ward

#### **Officers:**

MR GARRY HUNT	Chief Executive Officer
MR MIKE SMITH	Acting Director Corporate Services
MR JAMIE PARRY	Director Governance and Strategy
MS DALE PAGE	Director Planning and Community Development
MR NICO CLAASSEN	Director Infrastructure Services
MR BRAD SILLENCE	Manager Governance
MR MARK McCRORY	Manager Marketing and Communications
MR DANIEL DAVINI	Media Advisor
MRS VIVIENNE STAMPALIJA	Governance Coordinator
MRS LESLEY TAYLOR	Governance Officer
MRS DEBORAH GOUGES	Governance Officer

There were 37 members of the public and no member of the press in attendance.

## DECLARATIONS OF INTEREST

Nil.

## PUBLIC QUESTION TIME

The following summarised question was submitted verbally at the Special Council meeting:

**Mr M Moore, Edgewater:**

*Re: JSC02-10/19 – Appointment of Representatives to Regional Councils and the Western Australian Local Government Association North Metropolitan Zone.*

*Q1 Have the new Councillors been through an induction process with their roles and responsibilities adequately explained to them?*

A1 The Chief Executive Officer advised legislatively there are no requirements for an induction process for the appointment of representative members to Regional Councils and the Western Australian Local Government Association North Metropolitan Zone. However, the City does conduct an induction process to familiarise newly elected members with many aspects of the Councillor role.

Prior to the appointment of Deputy Mayor or any committee representation, new Councillor Elects are deemed, once elected, to be duly appointed Elected Members and capable of undertaking the role in that instance.

The Chief Executive Officer advised Tamala Park Regional Council is a separate entity and similarly representatives on that Council are not required to have any specific qualifications or knowledge and it is important the City of Joondalup have representation on the Regional Council soon after the Local Government elections.

*Q2 The two new Councillors are being asked to vote on the item tonight, can they actually make informed decisions given the haste with which this has been given to them?*

A2 The Chief Executive Officer advised the only decision being made tonight is for the appointment of Council representatives to the associated organisations. Once the role of an Elected Member is taken on, the Elected Member is duly determined to be capable of making the necessary decisions required by Council.

## **PUBLIC STATEMENT TIME**

**The following summarised statement was submitted verbally at the special Council meeting:**

**Mr M Moore, Edgewater:**

*Re: JSC02-10/19 – Appointment of Representatives to Regional Councils and the Western Australian Local Government Association North Metropolitan Zone.*

Mr Moore spoke in objection to the quick appointment of representatives to Regional Councils and the Western Australian Local Government Association North Metropolitan Zone.

Mr Moore expressed that the two newly Elected Members should not be expected so shortly after being elected, to make informed decisions on voting for representatives without knowing whether the representatives are capable of holding those positions and what qualities and qualifications they bring to the positions.

Mr Moore stated other Councils do not have their Swearing in Ceremonies and the appointment of committee representatives so quickly after their elections and queried why the City of Joondalup was so different.

## **APOLOGIES / LEAVE OF ABSENCE**

### **Apology**

Cr Nige Jones.

### **Leave of Absence previously approved**

Cr Russ Fishwick, JP	16 to 22 October 2019 inclusive;
Cr Christine Hamilton-Prime	27 October to 10 November 2019 inclusive;
Cr Russ Fishwick, JP	4 November to 19 December 2019 inclusive.

## **IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

Nil.

## **ELECTION OF DEPUTY MAYOR**

The role of the Deputy Mayor is to perform the functions of the Mayor when authorised to do so, that is when the Office of Mayor is vacant or the Mayor is not available or is unwilling to perform the functions of the Mayor.

The Office of Deputy Mayor is to be filled as the first matter dealt with at the first meeting of the Council after an ordinary election. Upon election of the Deputy Mayor, there is a requirement for the incumbent to make a further declaration for that Office.

Mayor Jacob advised that the following two nominations had been received and accepted for the position of Office of the Deputy Mayor from Crs Hamilton-Prime and Poliwka, in accordance with clause 8(3) of Schedule 2.3 of the *Local Government Act 1995*.

- Cr Philippa Taylor nominated Cr Christine Hamilton-Prime. Cr Christine Hamilton-Prime accepted the nomination.
- Cr Christopher May nominated Cr Russell Poliwka. Cr Russell Poliwka accepted the nomination.

There being no further nominations, Mayor Jacob declared nominations closed and advised that as two nominations for the position of Deputy Mayor were made, in accordance with clause 8(5) of Schedule 2.3 of the *Local Government Act 1995*, Elected Members were required to vote on the matter by secret ballot.

Once ballot papers had been placed into the ballot box by the 12 Elected Members, the counting of votes was undertaken by the Chief Executive Officer.

At the conclusion of the counting of the votes, Mayor Jacob declared there was an equality of votes and therefore in accordance with Clause 9(1) of Schedule 2.3 of the *Local Government Act 1995*, Mayor Jacob discontinued the count and called for a special meeting of Council to be held 15 minutes after the closure of this Special Council Meeting on 22 October 2019 for the purposes of conducting the Election for the Office of Deputy Mayor.

## ITEM OF BUSINESS

### **JSC02-10/19 APPOINTMENT OF REPRESENTATIVES TO REGIONAL COUNCILS AND THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NORTH METROPOLITAN ZONE**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER:</b>	03149, 44155, 60514, 00033
<b>ATTACHMENTS:</b>	Attachment 1 Western Australian Local Government Association (WALGA) Prospectus
<b>AUTHORITY/DISCRETION:</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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## PURPOSE

For Council to give consideration to the appointment of representatives to the Mindarie Regional Council (MRC), Tamala Park Regional Council (TPRC) and the Western Australian Local Government Association (WALGA) North Metropolitan Zone.

## EXECUTIVE SUMMARY

Following the local government elections held on 19 October 2019, consideration is required to be given to the appointment of representatives to various Council-created and external committees / boards.

The City of Joondalup has representation on the MRC, TPRC and the WALGA North Metropolitan Zone. The appointment of representatives is required, as there may be matters requiring resolution in the first two weeks following the election, as well as appointment to WALGA State Council, by the WALGA zones.

It is therefore considered imperative that should either of the Regional Councils or the WALGA North Metropolitan Zone call an early meeting, the City has representatives to attend and participate in decision making that may affect the City.

Council is required to appoint two Elected Members to the MRC. A previous decision of Council suggested that the City of Joondalup nominated representative on the TPRC not be a member of the MRC (CJ050-04/05 refers). At its meeting held on 20 September 2005 (CJ202-09/05 refers), Council also recommended that consideration be given to the MRC and TPRC being represented by either the Mayor or the Deputy Mayor, in order that a senior level of representation be maintained.

It is therefore appropriate that representatives to both Regional Councils be considered and appointed simultaneously.

Council is also required to appoint four Elected Members to the WALGA North Metropolitan Zone, as well as first, second, third and fourth deputy members.

## **BACKGROUND**

### Mindarie Regional Council

The Mindarie Regional Council (MRC) is a regional local government established for the purpose of delivering effective, efficient and environmentally sound waste treatment and disposal and leading its community in sustainable waste management philosophy.

The MRC was formed in 1981 when the Cities of Perth, Stirling and Wanneroo purchased land in Perth's northern corridor that included a parcel of land deemed suitable for a landfill site. Formal incorporation and registration of the MRC occurred on 22 December 1987 when the Governor in Executive Council gave approval.

The MRC is now one of Western Australia's largest waste management authorities and manages waste disposal for each of its member Councils being the Cities of Joondalup; Perth; Stirling; Vincent and Wanneroo and the Towns of Cambridge and Victoria Park.

It recognises that waste does have a value as a resource and is committed to managing waste in line with the waste hierarchy and in a way that is sensitive to the environment and future generations. Its vision of "Winning Back Waste" is achieved by the following objectives:

- Encouraging a culture of waste minimisation.
- Maximising resource recovery.
- Minimising waste to landfill.

Its operations are structured into two streams, being recycling and refuse, with operations including a transfer station and landfill operations at Tamala Park, a resource recovery facility at Neerabup and advanced investigation into the development of an Energy-to-Waste facility.

The MRC comprises delegates from each of the member local governments on a basis of the acknowledged equity held within the landfill enterprise. This currently constitutes the following representation:

- City of Joondalup            Two delegates.
- City of Perth                One delegate.
- City of Stirling              Four delegates.
- City of Vincent              One delegate.
- City of Wanneroo            Two delegates.
- Town of Cambridge        One delegate.
- Town of Victoria Park      One delegate.

No deputies are appointed to the MRC. Legal advice has confirmed that an alternate member to serve on the MRC can only be made under specific circumstances and not on an ongoing basis.



It is important to note therefore that should any of the Council's appointed representatives not be available to attend a meeting of the MRC in the near future a special resolution of Council is required to appoint an alternate member for the specific period that the member is not available, in accordance with sections 52(b) and (c) of the *Interpretation Act 1984*, which provides:

- *“52(b) Where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and*
- *52(c) to specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.”*

### Tamala Park Regional Council

The Tamala Park Regional Council (TPRC) is a regional local government established for the purpose of undertaking the rezoning, subdivision, development, marketing and sale of the Tamala Park Land, now known as the Catalina Estate.

The TPRC was established by proclamation in the *Government Gazette* on 3 February 2006 for the specific purpose of creating an urban development on a 180 hectare portion of Lot 9504 (432 hectare site, comprising the aforementioned urban development and the Mindarie Regional Council's landfill operations).

The objectives of the TPRC are to:

- develop and improve the value of the land
- maximise, within prudent risk parameters, the financial return to the participants
- balance economic, social and environmental issues
- produce a quality development demonstrating the best urban design and development practice.

The Catalina Estate is anticipated to comprise 2,500 lots/dwelling units, a range of densities R30-60 and R80-100, diverse housing opportunities and a number of activity areas. Significant progress has been made on the Catalina Project since the first phase of works commenced in 2011. Over 950 lots have been released for sale with 930 lots being sold, 875 homes completed and another 14 currently under construction. A range of lot types and sizes have been produced supporting a diverse mix of housing, from large 4 x 2 family homes on lots in the order of 450m<sup>2</sup> to terraced cottage style housing on lots of 225m<sup>2</sup>.

To date a number of parks have been completed within Catalina, providing a range of recreational opportunities for residents and the local community. The Catalina Beach Park was completed in March 2018 and provides high amenity and is a key feature of Catalina Beach. It includes an 8m play tower, with associated play equipment, a significant number of mature transplants and shelters / seating.

The focus for the 2019-20 financial year is on consolidating Tamala Park Project as a significant urban project in Perth's Northern Coast. This will be achieved through the construction and sale of lots within Catalina Central and at Catalina Beach and progression of planning for Catalina Grove.

The Catalina Project is anticipated to generate a project profit of \$330 million, with \$73 million having been distributed to member local governments to date.

The TPRC comprises delegates from each of the member local governments on the basis of the acknowledged equity held in the land. This currently constitutes the following representation:

- City of Joondalup Two delegates.
- City of Perth One delegate.
- City of Stirling Four delegates.
- City of Vincent One delegate.
- City of Wanneroo Two delegates.
- Town of Cambridge One delegate.
- Town of Victoria Park One delegate.

The *Establishment Agreement* for the TPRC allows for the appointment of deputies in the event that either of the City's two representatives on the TPRC are unable to attend a meeting for any reason. It is recommended that two elected members be nominated as deputy members to the TPRC.

It should be noted, that an elected member deputising for a delegate at a TPRC meeting is not eligible to receive a payment for attending the meeting, in accordance with Section 6.1 (4) and 6.1 (5c) of the *Salaries and Allowances Tribunal, Local Government CEO and Elected Members Determination effective 1 July 2019*; refer below extract:

- (5) *Regulation 30(3C) of the LG Regulations prevents the payment of a fee to a council member for attending a meeting of a type prescribed in regulation 30(3A) of those regulations if –*
- (c) *the council member is deputising for a council member at a meeting of a regional local government and the member of the regional local government is paid an annual fee in accordance with section 5.99 of the LG Act.*

#### Western Australian Local Government Association North Metropolitan Zone

The Western Australia Local Government Association (WALGA) is a peak industry body which advocates on behalf of the 138 local governments in Western Australia and which negotiates service agreements for the sector. WALGA is not a government department or agency.

The Association was formed on 6 December 2001 to provide a truly representative and united voice for local government in WA. Prior to this, a number of membership-based representative structures existed to represent local government in WA.

WALGA's *Strategic Plan (2015-2020)* provides that it is committed to advancing the vision for local government in Western Australia where:

- local governments will be built on good governance, autonomy, local leadership, democracy, community engagement and diversity
- local governments will have the capacity to provide economically, socially and environmentally sustainable services and infrastructure that meets the needs of their communities.

The key strategies that it focuses on are as follows:

- Engagement with Members.

- Sustainable local government.
- Enhanced reputation and relationships.

WALGA's *Strategic Plan 2015-2020* is available at [http://walga.asn.au/getattachment/About-WALGA/WAL2743\\_Strat-Plan\\_LR-FINAL.pdf.aspx?lang=en-AU](http://walga.asn.au/getattachment/About-WALGA/WAL2743_Strat-Plan_LR-FINAL.pdf.aspx?lang=en-AU)

WALGA's structure includes a State Council and geographically aligned groups of local governments called Zones, which advise the WALGA State Council. The WALGA State Council is the decision-making representative body of all Member Councils, who are responsible for sector-wide policy making and strategic planning on behalf of local government.

Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters. There are 12 country and five metropolitan zones.

The City of Joondalup belongs to WALGA's North Metropolitan Zone, which consists of four elected member representatives from each of the Cities of Joondalup, Stirling and Wanneroo.

The North Metropolitan Zone is entitled to three members on WALGA State Council and as the North Metropolitan Zone consists of three local governments, it is normal practice that a representative from each of the three local governments, is nominated to serve on WALGA State Council. WALGA has developed a prospectus for local governments and elected members on becoming a zone delegate or State Councillor (Attachment 1 refers).

## DETAILS

Following the elections held on 15 October 2011, consideration was required to be given to the appointment of representatives to various Council-created and external committees.

### Issues and options considered

At its meeting held on 5 April 2005 (CJ050-04/05 refers), Council resolved in part that:

*"in the interests of good governance, AGREES that the City of Joondalup nominated representative on the Tamala Park Regional Council shall not be a member of the Mindarie Regional Council."*

At the Council meeting held on 20 September 2005 (CJ202-09/05 refers), during discussion on the appointment of representatives to the Tamala Park Regional Council, it was recommended that when a report is presented to a future incoming Council, consideration be given to the Tamala Park Regional Council and Mindarie Regional Council each being represented by either the Mayor or Deputy Mayor, in order that a senior level of representation be maintained.

For this reason, it is considered appropriate that representatives to both Regional Councils be appointed simultaneously. However, it should be noted that this is a recommendation of Council and not a formal resolution (CJ202-09/05 refers).

The most recent Council-appointed representatives to the MRC, TPRC and the WALGA North Metropolitan Zone are as follows:

- Mindarie Regional Council

Cr Russ Fishwick, JP and Cr Mike Norman.

- Tamala Park Regional Council

Cr John Chester and Cr Nige Jones.

Two alternate deputies were appointed to the TPRC to represent the two members should they be unable to attend a meeting as follows:

Deputies

First Deputy Member – Cr Sophie Dwyer.

Second Deputy Member – Cr Christine Hamilton-Prime.

- Western Australian Local Government Association North Metropolitan Zone

Cr Russ Fishwick, JP.

Cr Nige Jones.

Cr Christopher May.

Cr Mike Norman.

Two alternate deputies were appointed to the WALGA North Metropolitan Zone to represent the four members should they be unable to attend a meeting as follows:

Deputies

First Deputy Member

Cr Christine Hamilton-Prime.

Second Deputy Member

Cr Sophie Dwyer.

### **Legislation / Strategic Community Plan / policy implications**

**Legislation**                      Section 3.61 of the *Local Government Act 1995*.  
   Section 51 of the *Interpretation Act 1984*.

### **Strategic Community Plan**

**Key theme**                      Leadership and Governance.

**Objective**                      Strong leadership.

**Strategic initiative**      Seek out City representation on key external and strategic bodies.

**Policy**                          Not applicable.

### **Risk management considerations**

If the Council does not appoint representatives to the MRC, TPRC and the WALGA North Metropolitan Zone, this may hinder the overall decision-making process.

### **Financial / Budget implications**

Not applicable.

### **Regional significance**

The MRC and TPRC are significant organisations within the northern metropolitan corridor, dealing with waste treatment / disposal and land development, respectively.

The WALGA North Metropolitan Zone deals with issues that affect the Zone members both regionally and operationally as local governments.

### Sustainability implications

Not applicable.

### Consultation

Not applicable.

### COMMENT

The timely appointment of the City of Joondalup's representatives to the MRC, TPRC and the WALGA North Metropolitan Zone will ensure the City is represented on these organisations, enabling them to participate in decision-making that may impact the City.

The following meeting fees and allowances apply to representatives of the MRC, TPRC and the WALGA North Metropolitan Zone:

#### Mindarie Regional Council

	Meeting Fee per annum (\$)	Allowance per annum (\$)	Technology Expenses per annum (\$)
<b>Chairperson</b>	15,450	19,570	1,000
<b>Deputy Chairperson</b>	10,300	4,893	1,000
<b>Elected Member</b>	10,300		1,000
<b>Alternate Member</b>	\$140 per meeting		
<b>Other Expenses</b>	Child care and travel costs will be reimbursed in accordance with the <i>Local Government (Administration) Regulations 1996</i>		

#### Tamala Park Regional Council

	Meeting Fee per annum (\$)	Allowance per annum (\$)
<b>Chairperson</b>	15,682	19,864
<b>Deputy Chairperson</b>	10,455	4,965
<b>Elected Member</b>	10,455	-

It should be noted that an elected member deputising for a delegate at a TPRC meeting is not eligible to receive a payment for attending the meeting, in accordance with Section 6.1 (4) and 6.1 (5c) of the *Salaries and Allowances Tribunal, Local Government CEO and Elected Members Determination effective 1 July 2019*; refer below extract:

- (5) *Regulation 30(3C) of the LG Regulations prevents the payment of a fee to a council member for attending a meeting of a type prescribed in regulation 30(3A) of those regulations if –*
- (c) *the council member is deputising for a council member at a meeting of a regional local government and the member of the regional local government is paid an annual fee in accordance with section 5.99 of the LG Act.*

WALGA North Metropolitan Zone

There are no sitting fees for being on the WALGA North Metropolitan Zone however representatives from each of the zones are elected to serve on the WALGA State Council.

WALGA State Councillors do receive sitting fees for their appointment.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council NOMINATES the following persons to represent the City of Joondalup on the:

- 1 Mindarie Regional Council:  
Two Elected Members;
- 2 Tamala Park Regional Council:  
Members  
Two Elected Members;  
Deputy Members  
First Deputy Member - One Elected Member;  
Second Deputy Member - One Elected Member;
- 3 Western Australian Local Government Association – North Metropolitan Zone:  
Members  
Four Elected Members;  
Deputy Members  
First Deputy Member - One Elected Member;  
Second Deputy Member - One Elected Member;  
Third Deputy Member - One Elected Member;  
Fourth Deputy Member - One Elected Member.

**PROCEDURAL MOTION – THAT THE ITEM BE DEFERRED – [08122, 02154]**

**MOVED Cr Suzanne Thompson, SECONDED Cr John Raftis** that Item JSC02-10/19 - Appointment of Representatives to Regional Councils and the Western Australian Local Government Association North Metropolitan Zone BE DEFERRED to the Special Council meeting to be held on 4 November 2019.

The Procedural Motion was Put and

LOST (3/9)

**In favour of the Motion:** Crs Poliwka, Raftis, and Thompson.

**Against the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Logan, May, McLean and Taylor.

**MOVED Cr Russell Poliwka, SECONDED Cr Christine Hamilton-Prime that Council NOMINATES the following persons to represent the City of Joondalup on the:**

**1 Mindarie Regional Council:**

**Members**

**Cr Russ Fishwick, JP;  
Mayor Hon. Albert Jacob, JP;**

**2 Tamala Park Regional Council:**

**Members**

**Cr John Chester;  
Cr Philippa Taylor;**

**Deputy Members**

**First Deputy Member - Cr Christopher May;  
Second Deputy Member - Cr Suzanne Thompson;**

**3 Western Australian Local Government Association – North Metropolitan Zone:**

**Members**

**Cr Russ Fishwick, JP;  
Cr John Logan;  
Mayor Hon. Albert Jacob, JP;  
Cr Russell Poliwka;**

**Deputy Members**

**First Deputy Member - Cr John Raftis;  
Second Deputy Member - Cr Christopher May.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Logan, May, McLean, Poliwka, Raftis, Taylor and Thompson.

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1agn191022.pdf](#)*

## **CLOSURE**

There being no further business, the Mayor declared the meeting closed at 7.37pm the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP  
CR KERRY HOLLYWOOD  
CR TOM McLEAN, JP  
CR PHILIPPA TAYLOR  
CR CHRISTOPHER MAY  
CR RUSSELL POLIWKA  
CR CHRISTINE HAMILTON-PRIME  
CR JOHN RAFTIS  
CR JOHN CHESTER  
CR JOHN LOGAN  
CR RUSS FISHWICK, JP  
CR SUZANNE THOMPSON