



Shire of
Nannup
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Agenda

Council Meeting to be held Thursday 27 August 2020

Commencing at 5.30pm

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Agenda

1. DECLARATION OF OPENING / ACKNOWLEDGMENT OF COUNTRY / ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE
(previously approved)

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Hansen applied for a leave of absence for the period 16 September 2020 to the 17 October 2020.

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Wayne Leece from the Nannup Caravan Park will make a deputation to Council regarding item 12.2 - Development Application for Food and Café Van.

7. DECLARATIONS OF INTEREST

The Shire President will read out any declarations received relating to financial, proximity or impartiality interests and ask for any further declarations to be made.

Members should make any declarations at the start of the meeting but may declare an interest before the resolution of any agenda item.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 23 July 2020 Ordinary Council Meeting

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 23 July 2020 be confirmed as a true and correct record.

8.2 30 July 2020 Special Council Meeting

That the Minutes of the Special Council Meeting of the Shire of Nannup held in Council Chambers on 30 July 2020 be confirmed as a true and correct record.

9. MINUTES OF COUNCIL COMMITTEES

Nil.

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

12. REPORTS OF OFFICERS

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13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

13.1 OFFICERS

13.2 ELECTED MEMBERS

**14. MEETING CLOSED TO THE PUBLIC
(Confidential Items)**

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

17. CLOSURE OF MEETING

CEO DEPARTMENT

AGENDA NUMBER:	12.1
SUBJECT:	Delegated Planning Decisions for July 2020
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	6 August 2020
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.1.1 – Register of Delegated Development Approvals

BACKGROUND:

To ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve Applications for Development Approval that meet the requirements of both Local Planning Scheme No.3 (LPS3) and adopted Council policy.

Delegated planning decisions are reported to Council on a monthly basis to ensure that Council has an appropriate level of oversight on the use of this delegation. A Register of Delegated Development Approvals, detailing those decisions made under delegated authority in July 2020 is presented in Attachment 12.1.1.

COMMENT:

As shown in the attachment, each application has been advertised in accordance with LPS3 and Council's adopted Local Planning Policy *LPP5 Consultation* as detailed in the Policy Implications section of this report.

During July 2020, three (3) development applications were determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for July 2020 compared to July 2019:

	July 2019	July 2020
Delegated Decisions	4 (\$226,418)	3 (\$42,500)
Council Decisions	0	1 (\$1,000)
Total	4 (\$226,418)	4 (\$43,500)

100% of all approvals issued in the month of July were completed within the statutory timeframes of either 60 or 90 days.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Local Government Act 1995 and LPS3.

Regulation 19 of the *Local Government (Administration) Regulations 1996* requires that a written record of each delegated decision is kept.

POLICY IMPLICATIONS:

Applications for Development Approval must be assessed against the requirements of LPS3 and Local Planning Policies adopted by Council. These Policies include Local Planning Policy *LPP5 Consultation* which details the level and scope of advertising required for Applications for Development Approval.

Each application processed under delegated authority has been processed and advertised, and has been determined to be consistent with the requirements of all adopted Local Planning Policies.

FINANCIAL IMPLICATIONS:

The required planning fees have been paid for all applications for Development Approval processed under delegated authority.

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for July 2020 as per Attachment 12.1.1.

VOTING REQUIREMENTS:

Simple Majority.

AGENDA NUMBER:	12.2
SUBJECT:	Development Application for Food and Café Van
LOCATION/ADDRESS:	Reserve 20333 Brockman Street, Nannup
NAME OF APPLICANT:	May Leece Pty Ltd
FILE REFERENCE:	RES20333
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the <i>Local Government Act 1995</i>)
DATE OF REPORT:	20 July 2020
PREVIOUS MEETING REFERENCE:	23 June 2020
ATTACHMENT:	12.2.1 - Location map 12.2.2 - Details originally provided by applicant 12.2.3 - Extract of planning framework 12.2.4 - Submissions 12.2.5 - Additional information from applicant 12.2.6 - Extract from <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

BACKGROUND:

The Shire has received a Development Application from May Leece Pty Ltd to operate a food and café van on Reserve 20333 (Nannup Caravan Park).

Relevant details relating to the site and the application include:

- The application site is shown in Attachment 12.2.1;
- Reserve 20333 is vested with the Shire for the purpose of 'Parkland Camping and Caravan Park'. The Shire has the power to lease for any term not exceeding 21 years and has an executed lease/agreement with May Leece Pty Ltd;
- Details submitted by the applicant are provided in Attachment 12.2.2. The food and café van is proposed to be permanently established and operate 3-4 days a week between the hours of 8am and 8pm;
- The property is a 'Public Purpose Reserve' in the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)* for the purpose of 'Municipal'. The site is within a Flood Risk Area;
- The Local Planning Strategy sets out a vision, objectives, strategies and actions. Aim A41 states to 'ensure the Nannup town centre remains the principal commercial/retail centre for the Shire' while Strategy S59 states to 'provide for a consolidate, accessible, safe, attractive and vibrant town centre';

- Attachment 12.2.3 sets out a portion of the planning framework including an extract of LPS3 and the Local Planning Strategy. For land which is reserved in LPS3, the local government needs to consider matters in Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the ultimate purpose intended for the reserve;
- While there are no local planning policies of direct relevance to the application, Council's *Mobile Shop/Temporary Premises/Street Stall Policy* is of relevance;
- The Strategic Community Plan notes the community seeks a vibrant town centre;
- The property is located within a bushfire prone area as designated by the Fire and Emergency Services Commissioner;
- The Shire invited written comment on this application from adjoining/nearby landowners and food businesses located within the town centre for a two-week period. The Shire received four submissions on the Development Application as outlined in Attachment 12.2.4. Two submitters raised no objections, one raised concerns (Nannup Fish & Chips) and one submission raised objections (Nannup Hotel); and
- The main issues and objections raised in the submissions relate to:
 - The van not providing varieties of food that are already on offer from other established food businesses in town;
 - Financial difficulties of operating a small business in a small town;
 - The Nannup Hotel is struggling to remain viable. The last thing it needs is for low-overhead food vans to be diminishing its business opportunities;
 - Given the small economy of Nannup, it does not make sense to over-service the food outlet opportunities;
 - If the Shire wishes for locals currently employed at the hotel to be without work, the Shire should reduce the rates of the Nannup Hotel property accordingly, as they will convert the hotel into a private residence;
 - There is little value in creating one job and losing ten jobs; and
 - The long weekend in March and the impact of the location of the van on the Nannup Music Festival operations.

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. In response to the submissions, the applicant has provided a response (see Attachment 12.2.5).

Attachment 12.2.6 is an extract from the *Planning and Development (Local Planning Schemes) Regulations* which sets out matters to be considered by local government in assessing a Development Application.

COMMENT:

Following an assessment of the Development Application against the planning framework, the submissions and information provided by the applicant, it is recommended that the Council refuse the proposed food and café van on Reserve 20333. The reasons include:

- The proposed business would be operating outside of the Council's preferred commercial (including café/restaurant) area which is the Town Centre and Mixed Use zones;
- The proposed development is on Crown (Shire managed land) which is not subject to rates. In comparison, all property owners in the Town Centre and Mixed Use zones pay rates to the Shire and these rates are influenced by how the property is developed. There are questions relating to a 'level playing field' between a business operating on Crown (Shire managed land) compared to commercially zoned freehold land;
- The proposed development has the potential to detrimentally impact on existing or future businesses operating in the town centre which may undermine Council objectives to create and sustain a vibrant town centre;
- It is questioned whether the development is consistent with the 'Public Purpose Reserve' in LPS3 with the reserve purpose of 'Municipal';
- The application is inconsistent with Local Planning Strategy Aim A41 which states to 'ensure the Nannup town centre remains the principal commercial/retail centre for the Shire' while Strategy S59 states to 'provide for a consolidated, accessible, safe, attractive and vibrant town centre';
- The application may contribute to the potential loss of a valuable community service, in particular the only hotel in the Nannup townsite; and
- Council's *Mobile Shop/Temporary Premises/Street Stall Policy* includes an objective of not disrupting local businesses.

It is highlighted that economic competition is not a planning consideration for businesses operating for instance in the town centre. It is a market decision as to which businesses operate and are sustained in the town centre. While noting this, as outlined above, there are considered to be differences in this situation where the proposed commercial operation is located on Crown (Shire managed) land.

While noting the above:

- Various corporate and planning documents support to grow and diversify the local economy;
- The proposed food and café van will offer increased retail competition and choice for the local community and visitors;
- The proposed development is consistent with the permitted uses of both the Management Order for the Reserve and under the terms of the lease; and
- The Shire administration suggest there may be scope for the applicant to review opportunities to operate on a temporary basis on Reserve 20333 (including less days and/or different hours) and to demonstrate how the service will complement but not compete with established food and café operations in the town centre. Alternatively, to review opportunities to establish the food and café van on land which is zoned Town Centre or Mixed Use.

In some local government areas, there are local laws that restrict itinerant vendors from trading within a certain distance of competing business or activity based on the argument of commercial inequity. That is, an itinerant trader does not incur high

standards applicable to development, does not have Shire and water rates, and does not have building and property maintenance costs.

While noting the above, should Council determine that it is supportive of the Development Application, it is suggested that development conditions address matters including days and hours of operation, and flood risk.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 and LPS3.

POLICY IMPLICATIONS:

Local Planning Policy No.11 Development in Flood Risk Areas.

FINANCIAL IMPLICATIONS:

Nil at this stage.

STRATEGIC IMPLICATIONS:

Approval of the food and café van may impact existing or future businesses in the town centre and impact on the local employment or expenditure. This could set a precedent for similar proposals and/or itinerant vendors.

RECOMMENDATION:

That Council refuse the Development Application to operate a food and café van at Reserve 20333 Brockman Street, Nannup for the following reasons:

1. The development is located outside of the Council's preferred commercial (including café/restaurant) area which is the Town Centre and Mixed Use zones, compared to Crown (Shire managed) land.
2. The development has the potential to detrimentally impact on existing or future businesses operating in the town centre which may undermine Council objectives to create and sustain a vibrant town centre.
3. The application is inconsistent with the *Shire of Nannup Local Planning Strategy* including Aim A41 which states to 'ensure the Nannup town centre remains the principal commercial/retail centre for the Shire', while Strategy S59 states to 'provide for a consolidate, accessible, safe, attractive and vibrant town

centre'. The application, if approved, will undermine strategies to create and sustain a vibrant town centre.

Advice

- A) Advise the applicant that they review opportunities to operate on a temporary basis on Reserve 20333 (including less days and/or different hours) and demonstrate how the service will complement but not compete with established food and café operations in the town centre. Alternatively, to review opportunities to establish the food and café van on land which is zoned Town Centre or Mixed Use.
- B) If the applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

VOTING REQUIREMENTS:

Simple Majority.

AGENDA NUMBER:	12.3
SUBJECT:	Western Australian Local Government Association (WALGA) Annual General Meeting 2020
LOCATION/ADDRESS:	Not Applicable
NAME OF APPLICANT:	Western Australian Local Government Association
FILE REFERENCE:	DEP 14
AUTHOR:	Sarah Dean – Governance Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	30 July 2020
ATTACHMENTS:	12.3.1 – Notice of Annual General Meeting 2020

BACKGROUND:

The Western Australian Local Government Association (WALGA) writes to advise that all Member Councils are entitled to be represented by two (2) voting delegates at the Annual General meeting of WALGA to be held at the Perth Convention Centre on **Friday 25 September 2020**.

Delegates may be Elected Members or serving officers. Two proxies can also be nominated in the even delegates cannot attend.

WALGA is therefore seeking the names of the voting delegates together with proxy voting delegates.

COMMENT:

WALGA seeks the above nominations in writing by **Friday 28 August 2020** and only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils.

STATUTORY ENVIRONMENT:

Nil.

POLICY IMPLICATIONS:

ADM 6 – Conference Attendance and Training –Elected Members, Senior Management and Employees and ADM 10 – Councillor Fees and Reimbursements.

FINANCIAL IMPLICATIONS:

Cost of accommodation and travel cost reimbursement for elected members.

STRATEGIC IMPLICATIONS:

Nil

RECOMMENDATION:

1. That Council nominates the Shire President and Cr _____ as its two (2) voting delegates to the WALGA Annual General Meeting to be held **Friday 25 September 2020**; with Councillor's _____ and _____ being appointed as the two (2) proxy delegates.
2. That Council agrees to meet all associated accommodation, travel and other costs as per Council policy *ADM 6 - Conference Attendance and Training – Elected Members, Senior Management and Employees* and *ADM 10 – Councillor Fees and Reimbursements*.

VOTING REQUIREMENTS:

Simple Majority.

AGENDA NUMBER:	12.4
SUBJECT:	Customer Service Charter Review
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 13
AUTHOR:	Sarah Dean – Governance Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	7 May 2020
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.4.1 – Draft Customer Service Charter

BACKGROUND:

The Shire of Nannup Customer Service Charter was adopted by Council in March 2011. The Shire of Nannup Customer Service Charter is a supplementary document to several Council plans and policies; such as the Corporate Business Plan and the Strategic Community Plan.

The Customer Service Charter also directly informs Council policy ADM 22 Complaint Handling.

The existing Charter applies to all Council Members, Committee Members and employees and contractors.

COMMENT:

The Shire of Nannup Customer Service Charter was reviewed by officer and updated. The Charter was then reviewed by Council’s human resources risk consultant for feedback.

LGIS Human Resources Risk Consultant has prepared a training course in customer training to consolidate on the review of the Customer Service Charter. This training will include a session on what will occur should there be any aggressive or violent behaviour from customers.

STATUTORY ENVIRONMENT:

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995* it is the role of the Council to determine the Local Government’s policies. It is also common for a Council to adopt significant Corporate documents and make these documents available to members of the public on the website. Corporate documents normally have a higher profile than policies and as a consequence have a greater exposure.

It is normal for Local Governments to have a Customer Service Charter adopted by Council that forms part of a suite of corporate documents rather than have a policy.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Design and printing costs of \$631 for a professionally printed DL flyer for distribution.

STRATEGIC IMPLICATIONS:

The Customer Service Charter aligns with and supports our Community Strategic Plan:

Our Community Leadership

We listen to our community leaders

5.1 Listen

To listen and partner with our community leaders and all our diverse groups.

Complaints and opportunities responded to in accordance with our Customer Service Charter.

The Customer Service Charter aligns with and supports our Corporate Business Plan:

Focus Area 5: Our Community Leadership

Shire Services supporting our objectives: Community Development, Customer Service, Governance.

Focus Area 6: Our Council Leadership

A listening leadership that provides for and represents all.

Shire Services supporting our objectives:

Customer Service, Finance, Governance, Integrated Planning, Records Management.

RECOMMENDATION:

That Council adopt the draft Customer Service Charter as presented in 12.4.1.

VOTING REQUIREMENTS:

Simple Majority.

CORPORATE & COMMUNITY **SERVICES**

AGENDA NUMBER:	12.5
SUBJECT:	Budget Monitoring – June 2020
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Susan Fitchat – Acting Manager of Corporate Services
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	23 August 2020
ATTACHMENT:	12.5.1 – Financial Statements for the period ending 30 June 2020

BACKGROUND:

Local Government (Financial Management) Regulation 34(1) requires that Council report monthly on the financial activity from all the various operating and capital divisions. Council has adopted a variance threshold of 10% or \$30,000, whichever is the greater on which to report. The statutory statements are appended at Attachment 12.5.1.

Whilst this has resulted in all variances of 10% being identified and reported, it only focuses attention on the performance of the year to date to the month in question and not the likely outturn at the end of the year. The outturn at the end of the year is finalised once the year end audit is completed.

Monthly reporting draws on the flexibility allowed in the Financial Management Regulations to draw attention to likely under and overspends at the end of the year.

COMMENT:

Please refer to the attachment, Financial Statements for periods ending 30 June 2020 for a detailed analysis of our end of year position, Note 2.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 34(1)(a).

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The attached financial statements detail financial outcomes for 2019/20.

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION:

Monthly Financial Statements for the period ending 30 June 2020 be received.

VOTING REQUIREMENTS:

Simple Majority.

AGENDA NUMBER:	12.6
SUBJECT:	Monthly Accounts for Payment - July 2020
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Susan Fitchat - Acting Manager of Corporate and Community Services
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	23 August 2020
ATTACHMENT:	12.6.1 – Accounts for Payment July 2020

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 July to 31 July 2020 as detailed hereunder and noted on the attached schedule, are submitted to Council.

COMMENT:

If Councillors have questions about individual payments prior notice of these questions will enable officers to provide properly researched responses at the Council meeting.

There is currently one corporate credit cards in use. A breakdown of this expenditure in the monthly financial report is required to comply with financial regulations. This breakdown is included within the attachments.

Municipal Account

Accounts paid by EFT	12698 - 12792	240,827.19
Accounts paid by cheque	20463-20467	288.96
Accounts paid by Direct Debit	DD10833.1 – 10871.15	59,232.73
<i>Sub Total Municipal Account</i>		<u>\$300,348.88</u>

Trust Account

Accounts paid by EFT	12758,12759,12793	2,785.68
BSL Admin fee Trf		71.25
<i>Sub Total Trust Account</i>		<u>\$2,856.93</u>
Total Payments		<u>\$303,205.81</u>

STATUTORY ENVIRONMENT:

LG (Financial Management) Regulation 13

POLICY IMPLICATIONS:

None.

FINANCIAL IMPLICATIONS:

As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS:

None.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$303,205.81 1 July 2020 to 31 July 2020 in the attached schedule(s) be endorsed.

VOTING REQUIREMENTS:

Simple Majority.

13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

13.1 OFFICERS

13.2 ELECTED MEMBERS

**14. MEETING CLOSED TO THE PUBLIC
(Confidential Items)**

Nil.

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

17. CLOSURE OF MEETING



Attachments

Item	Attach	Title
8.1		23 July 2020 Ordinary Council Meeting
8.2		30 July 2020 Special Council Meeting
12.1	1	Register of Delegated Development Approvals
12.2	1	Location map
	2	Details originally provided by applicant
	3	Extract of planning framework
	4	Submissions
	5	Additional information from applicant
	6	Extract from <i>Planning and Development (Local Planning Schemes, Regulations 2015)</i>
12.3	1	Notice of Annual General Meeting 2020
12.4	1	Draft Customer Service Charter
12.5	1	Financial Statements for the period ending 30 June 2020
12.6	1	Accounts for Payment July 2020