

ITEM NO: 16

SUBJECT: PROPOSED CATEGORY FOR FEE WAIVER, REFUNDS AND REDUCTIONS UNDER THE LOCAL GOVERNMENT ACT - TOWN CENTRE MARKETS

FILE NO: F11894 - 19/12289

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**Delivery Program Link**

*Principal Activity:* Civic Leadership

*Service:* Governance and Risk

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**Recommendations:**

1. *That the Council acknowledges the benefits of regular town centre markets to the economic vitality of town centres in the Blue Mountains and that this inform the future setting of fees and charges for those markets;*
  2. *That the Council proposes to:*
    - a) *create an additional category - "regular town centre markets", which provides the Council discretion to reduce a fee in accordance with Section 610E of the Local Government Act 1993 ("the Act") for a regular market located within a town centre; and*
    - b) *grant delegation to the General Manager to reduce a fee under the Act for a regular town centre market that provides a community benefit and contributes to the economic wellbeing of the town, also accounting for the overall support provided to the market by the Council; and*
    - c) *confine the category to a market occurring regularly, being at least four times per year, within the town centre; and*
  3. *That the Council gives public notice of the proposed category of regular town centre markets to be amended in the Fees and Charges 2018-19 in accordance with Section 610E(2) of the Local Government Act 1993 and to seek public comment on the proposal for a period of 28 days.*
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**Report by Director Development & Customer Service:****Reason for report**

The purpose of this report is to acknowledge the benefits of regular markets within town centres. The report proposes that a new category be inserted into the Council's Fees and Charges which provides discretion to the Council to provide some reduction in fees for those markets which provide economic benefits to the town.

**Background**

The Council recognizes the benefits of regular markets to the life and vitality of town centres. At one level, the Council has invested in major facilities such as the Cultural Centre and Springwood Hub, but also contributes in supporting the organization and management of community markets and events. This includes an emerging focus in this work is risk management and traffic management.

Regular markets such as the Springwood Growers’ Market at Springwood Hub and the Blackheath Growers Market have been successful in providing high levels of community activity and have enlivened the town centre in which they are located. Emerging markets such as Etsy/Blue Mountains Makers Artisan Market are expected to also contribute.

Although these benefits are recognized, under the Council’s current Fees and Charges 2018-2019, the Council does not have any discretion to reduce adopted fees to recognise the community value of key markets.

However, s. 610E of the *Local Government Act 1993* provides that the Council may identify those categories in which it could have the discretion to reduce fees. These categories are identified in the Fees and Charges 2018-2019. The categories can only be amended by the same process that is used to set the initial fee under the *Local Government Act 1993*.

Accordingly, the Council may include the proposed category of “Regular Town Centre Markets (at least four times per year) – fee reduction”. The process would involve the public notice of the proposed category, providing a 28 day exhibition period for public comment.

The intention of the category is to focus on regular markets within town centres, not on one off events or occasional markets located outside of centres. All of these activities are of value to the Blue Mountains economy and social wellbeing, and this is reflected in fee setting. The Council provides significant support to the events process, such as not charging for event applications, and does not recover costs in most aspects of event management.

The proposal provides an additional mechanism to support markets by reducing – not waiving – fees at the discretion of the General Manager. Limited fee reductions will moderate fee increases and recognizes the costs to markets in terms of risk management and traffic management obligations.

**Sustainability Assessment**

<b>Effects</b>	<b>Positive</b>	<b>Negative</b>
Environmental	Well organized markets manage environmental impact and contribute to the streetscape.	Nil
Social	Regular markets promote social well-being and interaction.	Nil
Economic	Promotes regular markets which contribute to economic vitality of towns.	Limited reduction in fees.
Governance	Transparent process for fee reduction in accordance with the Act, encouraging public consultation.	Nil

**Financial implications for the Council**

The proposed change to the fees and charges fee reduction category will provide discretion in relation to a narrow class of use, with only limited financial implications, balanced against the promotion of local markets in town centres.

**Legal and risk management issues for the Council**

The proposed change to the fee reduction category is in accordance with the prescribed process of *Local Government Act 1993*. This process involves public consultation and promotes transparency in decision making.

**External consultation**

The proposal set out in this report includes a prescribed process of public consultation in which the public's views on the proposed fee reduction can be considered.

**Conclusion**

The Council supports local markets in its town centres and recognizes the benefits of those markets to the vitality of the town and the wellbeing of its residents. There are cases where the Council could reasonably reduce fees for those markets, but it would first be necessary to amend its adopted fees and charges to enable this to occur. In addressing this, it is recommended that the Council introduce the category of "Regular town centre markets" and exhibit this proposal for public comment for a period of 28 days.

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**Does this paper need to go to a briefing session OR have Ward Councillors been briefed?:** No

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