

**ORDINARY MEETING OF COUNCIL
27 APRIL 2009**

ORDERS OF THE DAY

ORDER 3

**ST KILDA ESPLANADE ARTS AND
CRAFT MARKET - UPDATE**

LOCATION/ADDRESS:

EXECUTIVE DIRECTOR:

**GEOFF OULTON, EXECUTIVE DIRECTOR,
COMMUNITY DEVELOPMENT AND
PLANNING**

PREPARED BY:

**IAN HICKS, MANAGER CULTURE &
RECREATION**

FILE NO.:

ATTACHMENTS:

**ATTACHMENT 1 – REFERENCE GROUP
TERMS OF REFERENCE.**

1. PURPOSE

This report updates Council on the proposed way forward for investigating the concerns raised as a result of the petition regarding the St Kilda Arts and Craft Market, as directed by Council at its Ordinary Meeting 23rd March 2009.

2. RECOMMENDATION

- That Council notes the proposed appointment of an independent consultant to undertake the review of the St Kilda Art and Craft Market.
- That Council notes the consultant brief and selection criteria to be used in the selection process for the independent consultant, noting that representatives of the St Kilda Arts and Craft Market Committee will be invited to be represented on the selection panel for the independent consultant.
- That Council notes the membership and terms of reference for the reference group to be established as part of the review of the St Kilda Arts and Craft Market.
- That Council notes the proposed project plan and consultation process to be undertaken as part of the review.

3. BACKGROUND AND CONTEXT

- The St Kilda Art and Craft Market was established in 1978 as a incubator and opportunity for the sale of arts and crafts produced locally by the local artisan community. The market occurs every Sunday and has capacity for over 200 stallholders.
- The St Kilda Art and Craft Market today is iconic and a popular destination in Melbourne.

- The market is now a popular opportunity for trade by artisans across Melbourne, with approximately 90% of stallholders coming from across Melbourne..
- At its Ordinary Meeting on March 23 this year, Council formally received a petition from some of the St Kilda Arts and Craft Market stallholders which stated:

“We the undersigned, urge the City of Port Phillip to temporarily take over the running of the St Kilda Arts & Crafts Market and to do immediately, to ensure that the potential for conflict of interest does not continue. During this temporary period we ask the City of Port Phillip to conduct an independent assessment of the best way to run the market in order to secure its long lasting future.”

- The petition was addressed at the same meeting by a number of petitioners.
- Council resolved that *‘the petition be received and referred to Executive Director, Community Development and Planning for investigation of the concerns raised and for options for the future management of the market and that this item be reported back to Council.’*

4. CONSULTATION AND STAKEHOLDERS

Consultation to date

- Officers have met with committee members to discuss Council's resolution of 23 March 2009 and outlined the proposal to select a consultant suitable for making an independent assessment.
- CoPP officers have been in contact with Stallholders by letter and through visits to the Market on Sundays over March.
- Council officers have drafted an interim short-form version of an Advertising Levy agreement, with a view to reaching agreement with the Committee. The adoption will allow CoPP to resume collection and distribution of the advertising levy.

Proposed Consultation (during review process)

- The review of the Esplanade Arts and Craft Market will involve consultation with a reference group of market stallholder representatives and CoPP. Terms of reference have been developed which outline the key roles of the reference group (refer Attachment 1
- There will be further opportunities for consultation with all individual stallholders as part of the review process.
- An outline project plan is provided in section 6.1 of this report.

5. DISCUSSION

5.1 PROPOSAL

It is proposed an independent assessor (consultant) be appointed to recommend the best model for future management of the market, based on the following brief:

Objectives:

Develop a governance model for the management of the Esplanade Arts and Craft Market that will:-

- Meet best practice in good governance relative to other and like markets;
- Be underpinned by a commitment to community development and engagement in the operation of the market;
- Protect the integrity of the St Kilda Art and Craft Market as a 'makers' market
- Retain the independence of the market operations while minimising risk to market stallholders, the association and the committee from perceived and actual conflict of interest;
- Ensure the successful operations of the market into the future.

Role of the consultant:

- Collate and analyse information pertaining to the current operations of the market.
- Assess and analyse like markets and their governance practices and models.
- Consult with the committee and individual stallholders of the market and CoPP management.
- Develop recommendations of the best practice governance model for the market and provide a report on the analysis that has led to that conclusion and/or recommendation.

Criteria for the selection of a consultant includes:

- Understanding of Community Development
- Experience in strategic and business planning
- Experience in the development of policies and procedures
- Developing strategies for similar operations (ie: market environments)
- Experience in governance and risk assessment
- Experience working with stakeholders in events, recreation, arts and tourism sectors.
- Experience in working with state or local governments.

5.2 POLICY IMPLICATIONS

Council has resolved to investigate the matters raised in the petition and this report and recommendation is consistent with that resolution.

The St Kilda Art and Craft Market is identified as a 'iconic activity', as part of CoPP Creative Futures Strategy 2008, developed as part of the City of Port Phillip Active and Creative Framework. This recommendation is consistent with supporting the importance of the market and the need for a review to ensure its governance is in line with best practice and its viability further enhanced.

5.3 FINANCE / RESOURCE IMPLICATIONS

The cost of engaging an independent consultant is estimated at \$10,000.

5.4 LEGAL & RISK IMPLICATIONS

The City of Port Phillip is committee of management for the land under the *Crown Land Reserves Act 1979* and effectively acts as landlord.

CoPP issue permits for occupancy of the land by stallholders and collects money from stallholders for distribution to the committee. It is reasonable given the role(s) of Council that there is some obligation to act on the matters raised in the petition in order to limit any potential legal and risk exposure of Council.

5.5 SUSTAINABILITY ASSESSMENT

Not required

6. IMPLEMENTATION STRATEGY

6.1 TIMELINE

- Establish Reference Group – April 2009
- Engage an independent consultant – May 2009
- Review and Benchmark Esplanade Market governance and management model and provide preliminary recommendations – June 2009
- Undertake consultation with association members and committee – June 2009
- Provide final report and recommendation – 30 June 2009
- Brief Councillors – July 2009
- Report to council – July 2009

6.2 COMMUNICATION

Key messages:

- The iconic Esplanade Arts and Crafts Market is an essential part of the cultural vitality of the City of Port Phillip.
- The City will consult with all stallholders and other stakeholders during this process to develop the best governance model for management of the Market.