

**ORDINARY MEETING OF COUNCIL
23 NOVEMBER 2009**

6	ST KILDA ESPLANADE MARKET REVIEW - FURTHER CONSULTATION
LOCATION/ADDRESS:	ST KILDA
GENERAL MANAGER:	VANDA IACONESE, GENERAL MANAGER CULTURAL AND COMMUNITY DEVELOPMENT
PREPARED BY:	MIKE MCINTOSH, ACTING MANAGER HEALTH, PARKING AND ENFORCEMENT
FILE NO.:	56/01/50
ATTACHMENTS:	1 - ANALYSIS OF SUBMISSIONS RECEIVED FOR ST KILDA ESPLANADE MARKET REVIEW 2 - TERMS OF REFERENCE

1 EXECUTIVE SUMMARY

- 1.1 This report provides Council with an overview of the submissions received in regard to the review of the management and governance of St Kilda Esplanade Market.

2 RECOMMENDATION

- 2.1 That Council:
- 2.1.1 Receives all submissions received to the Review of St Kilda Esplanade Market.
 - 2.1.2 After consideration of the submissions proceed with the implementation of the review recommendation of the Esplanade Art and Craft Market Governance and Management Review Part A, Part B and Part C
 - 2.1.3 Assumes responsibility for managing the market for a period of 2 years, to be reviewed at the end of that period
 - 2.1.4 Develops a Market Policy to guide the future support for semi-permanent markets in the City of Port Phillip
 - 2.1.5 Develops a 3 - 5 year Strategic Plan for the Esplanade Market
 - 2.1.6 Develops a Business and Operational Plan for the Esplanade Market
 - 2.1.7 Reviews and updates the local laws relating to the management and operations of the market to provide clear, unambiguous rules, transparent processes and an understanding of rights, responsibilities and processes
 - 2.1.8 Establishes an Advisory Group as per the terms of reference attached

3 BACKGROUND AND CONTEXT

3.1 A review of the St Kilda Esplanade Market has been conducted by an independent consultant and with input from a community reference group as appointed by Council.

3.2 The results of the Review were presented to council at its meeting September 14, 2009:

3.3 At that meeting, council resolved:

3.3.1 'That Council adopts the following proposal for further consultation:

- Receives the Esplanade Art and Craft Market Governance and Management Review Part A, Part B and Part C.
- Assumes responsibility for managing the market for a period of 2 years, to be reviewed at the end of that period.
- Establishes an Advisory Group consisting of stallholders, representatives from the Market Association, Councillors and community representatives to assist the City of Port Phillip in the management of the market.
- Develops a Market Policy to guide the future support for semi-permanent markets in the City of Port Phillip.
- Develops a 3 - 5 year Strategic Plan for the Esplanade Market.
- Develops a Business and Operational Plan for the Esplanade Market.
- Reviews and updates the local laws relating to the management and operations of the market to provide clear, unambiguous rules, transparent processes and an understanding of rights, responsibilities and processes.'

3.3.2 Puts its proposed implementation plan out for 4 weeks for public comment to gain feedback about the direction proposed'.

4 CONSULTATION AND STAKEHOLDERS

4.1 Submissions were to be received by COB Wednesday October 21 allowing 5 weeks for response.

4.2 The community had been able to access the report:-

- through council's website;
- copies of the report were placed in libraries and at the Town Halls and
- copies were available upon request.

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- 4.3 A total of 38 submissions have been received including a submission on behalf of the Market Association Committee. (Note that 39 submissions were actually received but two were from the same respondent and counted as one).
- 4.4 The submission received from the key stakeholder group, the Market Association Committee, was noted 'on behalf of the St Kilda Market Association, based on minuted decision of its elected Committee'.
- 4.5 As well, there were 37 individual submissions, some of whom identified as non-association stall holders.
- 4.6 All submissions were from stallholders.

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Overview of response to proposal implementation steps:

Proposal	Rationale	Feedback
<i>Receives the Esplanade Art and Craft Market Governance and Management Review Part A, Part B and Part C</i>	For council's consideration of the review of the Market.	General positive feedback on the process of the review and the integrity of the results. The Association Committee noted that the review process was welcomed and productive.
<i>Assumes responsibility for managing the market for a period of 2 years, to be reviewed at the end of that period.</i>	To allow time to work through issues and to develop the various requirements and procedures for good governance and marketing practice.	Strong acceptance of this proposal with many respondents clearly agreeing with the proposed directions. The Association Committee submission expresses a strong view that the 'reform process' of implementing the review recommendations 'needs to be conducted in such a way that confirms the legitimacy of the Association, and the Committee which the Association elects to be its voice in matters of importance like this'. A few respondents specifically request a period of no more than 12 months rather than two years.
<i>Establishes an Advisory Group consisting of stallholders, representatives from the Market Association, Councillors and community representatives to assist the City of Port Phillip in the management of the market.</i>	This was proposed to enable community skills and interest to be part of managing the Market.	Respondents generally accept the establishment of an Advisory Group. The Association Committee submission proposed that there be 2-3 market representatives on the Advisory Group and that these members be selected by the Committee from the Association membership ie not stallholders who are non-members. The view supported by some respondents was that existing Market Association Committee should select representatives for the Group rather than a wider selection based on skills as recommended in the report. Of the 38 submissions, 20 specified that no member of the Association Committee should be on the Advisory Group and that membership is made up of skills based representatives.
<i>Develops a Market Policy to guide the future support for semi-permanent markets in the City of Port Phillip.</i>	This was proposed to support the ongoing management and success of the Market business planning.	No concerns raised
<i>Develops a 3 - 5 year Strategic Plan for the Esplanade Market.</i>	This was proposed to support the ongoing management and success of the Market business planning.	No concerns raised
<i>Develops a Business and Operational Plan for the Esplanade Market.</i>	This was proposed to support the ongoing management and success of the Market business planning.	No concerns raised

Proposal	Rationale	Feedback
<i>Reviews and updates the local laws relating to the management and operations of the market to provide clear, unambiguous rules, transparent processes and an understanding of rights, responsibilities and processes.</i>	To make clear all roles and responsibilities and ensure accountability and successful governance.	No concerns raised

5 DISCUSSION

- 5.1 In general, both the proposed implementation of the review and the process of the review have been positively received.
- 5.2 The most contentious issue is that of who best represents stall holders on the proposed Advisory Group, what criteria is used and who will select members.
 - o The submission on behalf of the Association Committee proposed a change to the recommendation regarding membership of the Advisory Group in that there should be 2-3 members from the Committee itself and that the Committee should choose who those members should be.
 - o There was some agreement expressed with this view by some other Association members.
- 5.3 It should be noted that the strongest view expressed is for Council to appoint representatives from across all stallholders, based on criteria such as skills as recommended in the review.
 - o This could be done by an open 'Expression of Interest' process that would seek to involve all interested stakeholders.
- 5.4 Based on the feedback and the findings of the report, attached are draft terms of reference for the Esplanade Market Advisory Group

6 ALIGNMENT TO COUNCIL PLAN

- 6.1 The further consultation has been consistent with the Council Plan.

7 POLICY IMPLICATIONS PLAN

- 7.1 The further consultation has no direct policy implications but will assist in the development of CoPP policies for markets.

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8 FINANCE / RESOURCE IMPLICATIONS

8.1 The further consultation has had no financial implications.

9 LEGAL & RISK IMPLICATIONS

9.1 There are no legal/risk issues in the consideration of submissions.

10 COMMUNICATION

10.1 Outcomes from the review of the Esplanade Market will be made know to the community through *Diversity*, Council's website and the local media.

11 OFFICER DIRECT OR INDIRECT INTEREST

11.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.