



MEETING MINUTES
COUNCILLORS IMPLEMENTATION WORKING GROUP
OMBUDSMAN'S RECOMMENDATIONS
3 February 2011, 7.30pm
Council Chambers - Town Hall

Meeting Started: 7.00pm

Attendees:

Mayor AM Jean Hay (Chair); Councillors: Barbara Aird; Hugh Burns; Cathy Griffin; Adele Heasman; David Murphy (arrived 7.10pm); Craig Whitting; and Lauren Elder

Apologies: Councillors: Richard Morrison, Alan Le Surf and Peter Macdonald

Absent: Councillor Mark Norek

Also in attendance:

Deputy General Manager, Landuse & Sustainability; General Counsel and Secretariat Officer

ITEM 1 Welcome and Apologies

Apologies were received from Cllr Richard Morrison, Alan Le Surf and Peter Macdonald.
(Cllrs Heasman/Burns)
Unanimous

ITEM 2 Declaration of Interests – Nil

ITEM 3 Confirmation of Minutes – Minutes of the meeting on 29 November 2010 were read and confirmed, subject to a minor amendment.

Cllr Heasman requested that Item 1 be amended by deleting "(Cllrs Le Surf/Heasman)" as they were both in attendance.
(Cllrs Burns/Elder)
Unanimous

ITEM 4 Meeting with In-Consult (Mr Mitchell Morley)

Mr Morley made a presentation in respect of recommendations 7.13, 7.14 and 7.20. He explained the new Compliance and Enforcement Policy and DA Assessment Guidelines.

DA Assessment Guidelines

Mr Morley explained the process he went through in developing the DA Assessment Guidelines. He advised we now have a set of procedures and guidelines for staff to help them work through the assessment process. And Council should provide appropriate training to staff on the new guidelines. Refining the report templates and making sure they are consistent with the guidelines is important.

Mr Morley answered questions afterwards.

Clr Burns made the following comments:

1. Point 5 "Conflict of Interest"; needs expanding.
2. At point 7 "Record Keeping", current electronic capture procedures should be reviewed for DA assessment correspondence;
3. Point 9 "Amended Plans" outline grounds for readvertising;
4. At Point 10, Step 5 re the creation of a standard template to assist staff.

Compliance and Enforcement Policy

Mr Morley explained the process in developing the Compliance and Enforcement Policy. This policy is intended to provide a framework and principals for officers to apply when carrying out enforcement activities. The next step is to train staff, design procedures for specific enforcement activities and recommend an audit plan to the Internal Auditor.

Clr Aird asked for clarification on the last sentence on page 3 re the role of internal audits and frequency.

Mr Morley advised the question of audit frequency is risk related and is a matter for the Auditor to determine for the Audit Plan.

Clrs Aird/Heasman moved:

That Council provide a reason if the audits cannot be conducted within best practice timeframe.
(Unanimous)

Clr Murphy asked if staff received general site induction. The Deputy General Manager advised inspectorial staff are trained under council's corporate training plan.

Clr Whitting asked if 21 days had always been in the Compliance and Enforcement Policy for responding to complaints. In-consult advised 21 days was a reasonable time to deal with a complaint in full.

Clr Burns requested a review of the following in the Policy:

1. At Point 15 "Taking enforcement action", timeliness be added as some complaints are time critical.
2. At Point 19 "Record Keeping", an appendix be added listing records that need to be kept for any complaint action as a minimum.
3. At Point 22 "Procedures" - add "hours of operation and noise".

Clr Burns requested that we create checklists for top typical complaints to assist staff.

Clr Elder queried if record keeping was part of KPI's. The Deputy General Manager advised that it is.

Clr Griffin asked if technology such as an ipad can be provided to staff. The Deputy General Manager advised he would look into this request.

Heasman/Burns moved to:

1. *Adopt the revised Compliance and Enforcement Policy and Guidelines;*
2. *Note that the Compliance and Enforcement Policy and Guidelines will be supported by appropriate internal procedures;*

3. *Endorse the Development Assessment Procedures and Guidelines;*
4. *Ensure that appropriate training on both documents is provided to relevant staff, and*
5. *Request the Audit Committee to include the audit of development assessment and compliance and enforcement in the audit plan.*

(Unanimous)

The Deputy General Manager agreed to look into all requests from Councillors.

Mr Morley left the meeting.

ITEM 5 Draft Procedure for Misconduct Complaints and Assessment (7.16)

Clr Hay read out an email she had received from Jeff Williams, Fraud Prevention and Governance. Clr Hay agreed to forward the email onto the councillors.

Clr Burns requested that more detail be added to “Assessing complaints against staff” and that Section 8 “General nature of corrupt conduct” should treat councillors in a separate part, and “nondisclosure of interest” be included in part (2).

Clr Burns asked what we do when there is a significant complaint against a staff member. Clr Hay advised such matters are for the General Manager and the Office of Corporate Governance to manage, which can involve an external person in the investigative process.

Clr Elder requested that policies on Council’s website are linked by hyperlinks.

Clrs Elder/Burns moved that:

1. *The Draft Procedure for Misconduct Complaints and Assessment is received and noted.*
2. *A preamble about how this Procedure for Misconduct Complaints and Assessment ties in with other Council policies and how it is to be read in conjunction with the Complaints Handling Policy.*

(Unanimous)

ITEM 6 KPI’s (7.22)

Clrs Murphy/Elder moved:

That the KPI’s in respect of 7.22 be received and noted.

(Unanimous)

ITEM 7 Implementation Plan as at 27/01/2011

Burns/Whitting moved:

That the Implementation Plan as at 27/01/2011 be received and noted.

(Unanimous)

ITEM 8 General Business

- 8.1 Clr Whitting referred to recommendation 15 in the Implementation Plan asked why it took 4 years to implement. The Deputy General Manager advised the date on the Implementation Plan relates to when the Ombudsman’s recommendation made in his 3rd September was finalised, which is not related to the 6-9 months it took to complete recommendations of the DA Review back in 2007.

8.2 Clr Murphy advised that in the recent issue of "Coastal Currents" it states an online system for DA's is being trialled in 12 local Councils across NSW. So when a DA is assessed online it leaves Council out of the loop. How do we deal with that? The Deputy General Manager advised that he is going to give a talk at the Councillors workshop on 5/6th February 2011 about the new Complying Development Code.

8.3 Clrs Burns/Whitting moved:

That the Ombudsman report with staff names and work titles deleted be put on the Council website.

Clrs Murphy/Elder moved an Amendment:

Subject to legal advice and February Councillors and Staff Workshop agreeing, the Ombudsman report be made available on the web.

For the Amendment: Clrs Murphy, Aird, Griffin, Heasman, Elder and Hay

Against the Amendment: Clrs Whitting and Burns

The Amendment was passed and became the motion.

8.4 Clrs Burns/Aird moved:

That the Working Group calls for submissions from any aggrieved residents that would be valuable for us to review Council's performance.

For the Motion: Clrs Aird and Burns

Against the Motion: Clrs Murphy, Griffin, Whitting, Elder, Heasman and Hay

Motion Lost.

ITEM 9 Next meeting date TBC.

Closed Session:

The Deputy General Manager, Counsel and Secretariat Officer left the meeting.

Confidential Item

ITEM 7 Implementation Plan as at 27/01/2011 (Point 7.2)

This item was considered in closed session with the press and public excluded as provided for under section 10A(2) of the Local Government Act 1993 on the grounds that the matter will involve the discussion of personnel matters concerning a particular individual (other than councillors).

Meeting Closed at 9.45pm.