

Meeting Date: Tuesday 13 November 2018
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 6.45pm

NOTICE OF BUSINESS

Item	Page
1 CONFIRMATION OF MINUTES - Finance and Governance Committee Meeting held on 9 October 2018	1
2 ITEMS PUT WITHOUT DEBATE	8
3 ANNUAL REPORT ON CODE OF CONDUCT COMPLAINT STATISTICS	9
CONFIDENTIAL ITEMS	
4 REQUEST FOR TENDER - COR-RFT 01/18 - PLUMBING.....	15
5 ADVICE ON COURT ACTIONS.....	31

1 CONFIRMATION OF MINUTES - Finance and Governance Committee Meeting held on 9 October 2018

Report prepared by: Senior Coordinator - Civic Support
File No.: CLM/18/1/5/2 - BP18/1118

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Finance and Governance Committee 6/18, held on 9 October 2018, be confirmed.

ATTACHMENTS

- 1 MINUTES - Finance and Governance Committee Meeting - 9 October 2018

ITEM 1 (continued)

ATTACHMENT 1

**Finance and Governance Committee
MINUTES OF MEETING NO. 6/18**

Meeting Date: Tuesday 9 October 2018
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.13pm

ADJOURNMENT

The General Manager opened the meeting at 7.13pm and requested that the Committee move a Motion to adjourn this meeting to commence at 7.45pm on Tuesday, 9 October 2018 in the Council Chambers, Level 1A, 1 Pope Street, Ryde.

RESOLUTION: (Moved by Councillors Purcell and Zhou)

That this meeting be adjourned to 7.45pm.

Record of Voting:

For the Motion: Unanimous

Councillors Present: Councillors Clifton, Gordon, Pedersen, Purcell and Zhou.

Apologies: Councillor Moujalli.

MEETING RECONVENED

The Meeting reconvened at 7.45pm on Tuesday, 9 October 2018 in the Council Chambers, Level 1A, 1 Pope Street, Ryde.

The following Councillors were present:

Councillors Clifton (Chairperson), Gordon, Pedersen, Purcell and Zhou.

Apologies: Councillor Moujalli.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, Executive Manager – Strategy and Innovation, General Counsel, Manager – Communications and Engagement, Manager – Corporate Governance, Manager – People and Culture, Civic Services Manager and Senior Coordinator – Civic Support.

ITEM 1 (continued)

ATTACHMENT 1

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON

The General Manager, as Returning Officer, gave an overview of the election process in relation to the election of the Chairperson and Deputy Chairperson.

METHOD OF VOTING FOR CHAIRPERSON AND DEPUTY CHAIRPERSON

The General Manager, as Returning Officer presented the options on the method of voting for Chairperson and Deputy Chairperson.

RESOLUTION: (Moved by Councillors Gordon and Pedersen)

- (a) That the method of voting for the election of the Chairperson and Deputy Chairperson be open voting by show of hands.
- (b) That the General Manager, as Returning Officer, undertake the election of the Chairperson and Deputy Chairperson for the ensuing twelve (12) months by announcing the nominations and then conducting the election.

Record of the Voting:

For the Motion: Unanimous

ELECTION OF CHAIRPERSON

The General Manager, as Returning Officer called for nominations for the position of Chairperson of the Committee and received one (1) nomination being for Councillor Clifton.

The General Manager, as Returning Officer called for any further nominations. As there were none, nominations were closed.

The General Manager, as Returning Officer confirmed with Councillor Clifton that she accepted the nomination.

As there was only one nomination, **COUNCILLOR CLIFTON WAS DULY ELECTED CHAIRPERSON FOR THE ENSUING YEAR.**

ITEM 1 (continued)

ATTACHMENT 1

ELECTION OF DEPUTY CHAIRPERSON

The General Manager, as Returning Officer called for nominations for the position of Deputy Chairperson of the Committee and received one (1) nomination being for Councillor Purcell.

The Returning Officer called for any further nominations. As there were none, nominations were closed.

The Returning Officer confirmed with Councillor Purcell that he accepted the nomination.

As there was only one nomination, **COUNCILLOR PURCELL WAS DULY ELECTED DEPUTY CHAIRPERSON FOR THE ENSUING YEAR.**

Note: The Chairperson, Councillor Clifton then assumed the Chair.

2 CONFIRMATION OF MINUTES - Finance and Governance Committee Meeting held on 14 August 2018

RECOMMENDATION: (Moved by Councillors Purcell and Pedersen)

That the Minutes of the Finance and Governance Committee 5/18, held on 14 August 2018, be confirmed.

Record of Voting

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 OCTOBER 2018** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

3 ITEMS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Purcell and Pedersen)

That the Committee adopt Items 4 and 5 on the Agenda as per the recommendations in the reports.

Record of Voting

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

4 ANNUAL DISCLOSURE OF PECUNIARY INTERESTS

RECOMMENDATION: (Moved by Councillors Purcell and Pedersen)

That the Register of Disclosure of Pecuniary Interest Returns is tabled as required under Section 450A of the *Local Government Act, 1993*.

Record of Voting

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 OCTOBER 2018** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

5 YOUTH UNEMPLOYMENT

RECOMMENDATION: (Moved by Councillors Purcell and Pedersen)

That Council acknowledges the programs currently in place to support youth employment and endorses the expanded opportunities provided for youth, as outlined within this report.

Record of Voting

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 OCTOBER 2018** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice and as Councillor **KIM** requested that the matter be referred to the next Council Meeting.

4 ANNUAL DISCLOSURE OF PECUNIARY INTERESTS

Note: This Item was considered earlier in the meeting as detailed in these Minutes.

5 YOUTH UNEMPLOYMENT

Note: This Item was considered earlier in the meeting as detailed in these Minutes.

ITEM 1 (continued)

ATTACHMENT 1

CLOSED SESSION

ITEM 6 - ADVICE ON COURT ACTIONS

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

RESOLUTION: (Moved by Councillors Gordon and Pedersen)

That the Committee resolve into Closed Session to consider the above matter.

Record of Voting

For the Motion: Unanimous

Note: The Committee closed the meeting at 7.51pm. The public and media left the chamber.

6 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Pedersen and Gordon)

That the report of the General Counsel be received.

Record of Voting

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 OCTOBER 2018** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

ITEM 1 (continued)

ATTACHMENT 1

OPEN SESSION

RESOLUTION: (Moved by Councillors Zhou and Purcell)

That the Committee resolve itself into open Council.

Record of Voting

For the Motion: Unanimous

Note: Open Council resumed at 7.58pm.

The meeting closed at 7.58pm.

CONFIRMED THIS 13TH DAY OF NOVEMBER 2018.

Chairperson

2 ITEMS PUT WITHOUT DEBATE

Report prepared by: Senior Coordinator - Civic Support

File No.: CLM/18/1/5/2 - BP18/1119

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, the Committee can determine those matters on the Agenda that can be adopted without the need for any discussion.

RECOMMENDATION:

That the Committee determine the Items on the Agenda that will be adopted without any debate.

OR

That the Committee determine all Items on the Agenda.

3 ANNUAL REPORT ON CODE OF CONDUCT COMPLAINT STATISTICS

Report prepared by: Manager - Corporate Governance
File No.: GRP/09/5/13 - BP18/1125

REPORT

This report provides details of Code of Conduct complaints received between 1 September 2017 and 31 August 2018, in accordance with Part 12 of the City of Ryde Code of Conduct – Complaints Procedure. Part 12 also requires that these Code of Conduct statistics be provided to the Office of Local Government by 31 December 2018.

Part 12 of Council's Code of Conduct – Complaints Procedure, requires Council's Complaints Coordinator to submit statistics relating to Code of Conduct complaints about Councillors and the General Manager to Council within 3 months of the end of September each year. This information is also to be reported to the Office of Local Government (OLG) by the same date.

This complaints procedure and reporting requirement reflects the Local Government Model Code of Conduct as prescribed by *Local Government (General) Regulation 2005*.

The attached table of statistics follows the prescribed form, as issued by the OLG on 2 October 2018. As in previous years, the OLG has requested that these statistics be submitted by 30 November.

ATTACHMENT 1 details the Code of Conduct Complaints Statistics for the period 1 September 2017 to 31 August 2018.

Financial Implications

The total cost of managing complaints made about Councillors and the General Manager during the period 1 September 2017 to 31 August 2018, as provided in the complaints statistics report, was \$46,766. This total was made up of \$24,416 for external conduct review costs, and an estimated \$22,350 relating to staff costs.

There is funding available in the Budget for these costs.

Critical Dates

In accordance with Part 12 of the Code of Conduct Complaints Procedure, these statistics, including the investigation and resolution process and outcomes, are to be presented to Council by 31 December 2018. However, as in previous years, the OLG has asked that they receive these statistics by 30 November 2018.

ITEM 3 (continued)

Should Council not consider this report at the meeting of 27 November 2018, the OLG's request will be unable to be met. It is also possible that the statutory deadline of 31 December 2018 may be missed.

RECOMMENDATION:

- (a) That Council note the **ATTACHED** table of Code of Conduct complaints for the period from 1 September 2017 to 31 August 2018.
- (b) That Council provide these statistics to the Office of Local Government as required by the Model Code of Conduct – Complaints Procedure.

ATTACHMENTS

- 1 OLG - Code of Conduct Complaints Report - Data Collection 2017-18 - Form

Report Prepared By:

John Schanz
Manager - Corporate Governance

Report Approved By:

Steven Kludass
Director - Corporate Services

ITEM 3 (continued)

ATTACHMENT 1

Page 1 of 3

Model Code of Conduct Complaints Statistics City of Ryde Council 1 September 2017 - 31 August 2018		
Number of Complaints		
1 a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	6
b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct	3
Overview of Complaints and Cost		
2 a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	1
b	The number of complaints referred to the Office of Local Government under a special complaints management arrangement	0
c	The number of code of conduct complaints referred to a conduct reviewer	4
d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	1
e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	1
f	The number of finalised code of conduct complaints investigated by a conduct reviewer	1
g	The number of finalised code of conduct complaints investigated by a conduct review committee	0
h	The number of finalised complaints investigated where there was found to be no breach	1
i	The number of finalised complaints investigated where there was found to be a breach	0
j	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
k	The number of complaints being investigated that are not yet finalised	3
l	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	46,766

ITEM 3 (continued)

ATTACHMENT 1

Page 2 of 3

Preliminary Assessment Statistics	
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
a	To take no action 1
b	To resolve the complaint by alternative and appropriate strategies 0
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies 0
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police 0
e	To investigate the matter 3
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter 0
Investigation Statistics	
4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:
a	That the council revise its policies or procedures 0
b	That a person or persons undertake training or other education 0
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:
a	That the council revise any of its policies or procedures 0
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach 0
c	That the subject person be counselled for their conduct 0
d	That the subject person apologise to any person or organisation affected by the breach 0
e	That findings of inappropriate conduct be made public 0
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach 0
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 0
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action 0
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures 0

ITEM 3 (continued)

ATTACHMENT 1

Page 3 of 3

Categories of misconduct	
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:
a	General conduct (Part 3) 0
b	Conflict of interest (Part 4) 0
c	Personal benefit (Part 5) 0
d	Relationship between council officials (Part 6) 0
e	Access to information and resources (Part 7) 0
Outcome of determinations	
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation 0
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office 0

CONFIDENTIAL ITEMS

4 REQUEST FOR TENDER - COR-RFT 01/18 - PLUMBING

Report prepared by: Coordinator - Mechanical and Essential Services

Report approved by: Manager - Operations; Director - City Works

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND (d) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

File Number: GRP/09/3/15 - BP18/1142

Page Number: 15

5 ADVICE ON COURT ACTIONS

Confidential

This item is classified CONFIDENTIAL under Section 10A (2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential because it contains advice concerning legal matters that are:-

- (a) substantial issues relating to a matter to which the Council is involved.
- (b) clearly identified in the advice, and
- (c) fully discussed in that advice.

It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

Report prepared by: General Counsel

File Number: GRP/09/5/8 - BP18/1146

Page Number: 31