

# **General Management Services**

## **REPORTS**

**GENERAL MANAGEMENT SERVICES REPORTS**

**14.1 STRATEGIC DEVELOPMENT**

Nil

**14.2 ORGANISATIONAL DEVELOPMENT**

Nil

**14.3 ECONOMIC DEVELOPMENT**

**14.3.1 City of Albany 2008/09 Events Program**

<b>File/Ward</b>	:	REL021, REL110, REL132, REL137 & FIN025 (All Wards)
<b>Proposal/Issue</b>	:	Council adopt the proposed City of Albany Events Program for 2008/09
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Economic Development (J Berry)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 17/07/07 Item 14.3.2 OCM 20/06/06 Item 14.3.2
<b>Summary Recommendation</b>	:	<p>THAT Council conduct the following events in 2008/09:</p> <ul style="list-style-type: none"> <li>• Christmas Pageant parade followed immediately by family-based entertainment in city-centre</li> <li>• Family-based New Years Eve twilight entertainment (6.00pm-9.00pm) in CBD parkland followed by midnight Fireworks over Princess Royal harbour</li> <li>• Australia Day Entertainment, Citizenship Awards and fireworks</li> <li>• US Sub-mariners Memorial Service</li> </ul>
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	Nil

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.1 continued

**BACKGROUND**

1. The City of Albany conducts several events that are organised and funded by Council with the aim of fostering a healthy, vibrant community and recognising significant cultural, sporting, religious or heritage observances. Events are also important to support the City's tourism objectives as they can provide an enjoyable, entertaining experience for visitors to Albany. At OCM 17/07/07 Council resolved to run the following events for 2007/08:-
  - Turning on of the Christmas Lights on Saturday 1 December 2007 followed by a small celebration in Alison Hartman Gardens;
  - Christmas Pageant on Saturday 8th December 2007 with a small family concert; in Alison Hartman Gardens
  - New Years Eve Fireworks with an entertainment program on Anzac park in the lead up to the display;
  - Australia Day family concert followed by a fireworks display on 26th of January 2008; and
  - US Submariners Service
2. The City of Albany also runs other small events/activities such as Sportsperson of the Year, Seniors Expo, Youth events and activities at the Library and Leisure & Aquatic Centre. Civic receptions, freedom of entry functions and cruise ship support activities are also organised and funded by the City.
3. Festive lighting and decorations are also provided by the City of Albany to create a festive look to the CBD and celebrate the Christmas period.

**STATUTORY REQUIREMENTS**

4. There are no statutory requirements relating to this item.

**POLICY IMPLICATIONS**

5. There are no current policy implications for this item. A three year business plan is being prepared which will be considered by the Economic and Community Development Policy and Strategy Committee in April 2008.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.1 continued

**FINANCIAL IMPLICATIONS**

6. In 2007/08 Council budgeted \$97,600 to conduct the following event program. This amount includes a grant of \$20,000 from Lottery West to support the program.

<b>Event</b>	<b>Cost</b>
US Submariners Service	\$2,600
Christmas Pageant and Entertainment	\$16,000
Turning On of Christmas Lights	\$6,000
New Years Eve Fireworks	\$14,000
New Years Entertainment (Anzac Park)	\$23,000
Australia Day Family Entertainment	\$22,000
Australia Day Fireworks	\$14,000
<b>Total</b>	<b>\$97,600</b>

7. Expenditure in 2006/07 was \$67,600 with funds previously allocated to new-years-eve entertainment (discontinued for 06/07) re-directed to the introduction of a new fireworks display on Australia Day.
8. The City employs a Project Officer (City Events) (3 days per week) remunerated at approx \$34,000pa.
9. Council also allocates funding each year to external community events through a competitive grant program being the City of Albany Community Events Financial Assistance Program. In 2007/08 \$81,000 of Council funds were allocated to a range of community events.

**STRATEGIC IMPLICATIONS**

10. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

**“Community Vision:**

*Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...*

- *Diverse and affordable cultural, recreational and sporting opportunities.*

**Mission Statement:**

*The City of Albany is committed to.....*

- *Delivering excellent community services*
- *Promoting our community’s vision for the future.*

*The City of Albany will always be renowned for.....*

- *Our strategic integration*

*At all times we will...*

- *Respect the community’s aspirations and resources*
- *Actively keep abreast of best practice*
- *Demonstrate integrity, leadership and teamwork*
- *Seek innovative approaches*

**Priority Projects:**

*Nil”*

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.1 continued

**COMMENT/DISCUSSION**

11. An overview of the proposed City of Albany events program for 2008/09 was presented by City staff to the Economic and Community Development Policy and Strategy Committee meeting held on 19 March 2008. Members of the Committee agreed the program of events for 2008/09 could achieve better value for money outcomes by re-focussing the City events program towards families and youth.
12. A three year business plan for City events will be prepared for consideration at the next meeting of the Committee. The plan will state objectives for each event and a strategy for achieving each objective. This plan will result in more lead time and community certainty in the planning and organisation of the annual City events program. City staff will recommend events be primarily focused around activities that are aimed at family and youth audiences and conducted to achieve value for money to ratepayers.
13. In the absence of a Business Plan it is proposed Council adopt the following program of events in 2008/09:

a. **Christmas**

- Conduct the Christmas Pageant immediately followed by Entertainment in Alison Hartman Gardens (combined with Turning on of Christmas Lights) on Saturday 6 December 2008

This recommendation represents a saving of \$6,000 by eliminating a separate event to signify the turning of the lights.

b. **New Years Eve**

- Hold a small twilight entertainment program in either Alison Hartman Gardens or between the Town Hall and library aimed at youth and families and held between the hours of 6.00pm and 9.00pm.

Note: Entertainment held leading into midnight means high security costs. In 2007/08 these costs were (Security, \$7 000 and Fencing, \$8 000). \$7,000 was also spent on the actual entertainment. In 2007/08 a small audience of between 600-800 attended with Council outgoings of \$23,000. Also in 2008, the Anzac park will be a construction site and not available.

This recommendation will result in a saving of at least \$10,000 or more if grants from Healthways can be achieved for a youth/family twilight event.

- Conduct a New Years Eve fireworks display over Princess Royal Harbour in the lead up to midnight.

c. **Australia Day**

- Conduct an Australia Day Entertainment program with Citizenship Awards followed by a fireworks display.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.1 continued

**d. US Submariners Service**

This annual memorial service commemorates US Submarine crews who operated out of Albany during WW 2 paying the supreme sacrifice. Held the last Sunday in May.

**RECOMMENDATION**

THAT Council conduct the following events in the 2008/09 year:

- a) Christmas Pageant immediately followed by Entertainment in Alison Hartman Gardens on Saturday 6 December 2008 followed by family entertainment and turning on of the Christmas lights;
- b) A small twilight entertainment program in either Alison Hartman Gardens or between the Town Hall and Library aimed at youth and families and held between the hours of 6.00pm and 9.00pm. A New Years Eve fireworks display over Princess Royal Harbour in the lead up to midnight.
- c) Australia Day Entertainment, Citizenship Awards and fireworks held on 26th of January 2009; and
- d) US Submariners Service.

*Voting Requirement Simple Majority*

.....

**ALTERNATE MOTION BY COUNCILLOR BOSTOCK**

THAT Council conduct the following events in the 2008/09 year:

- a) Christmas Pageant immediately followed by Entertainment in Alison Hartman Gardens on Saturday 6 December 2008 followed by family entertainment and turning on of the Christmas lights;
- b) A small twilight entertainment program in either Alison Hartman Gardens or between the Town Hall and Library aimed at youth and families and held between the hours of 6.00pm and 9.00pm. A New Years Eve fireworks display over Princess Royal Harbour in the lead up to midnight.
- c) Australia Day Entertainment, Citizenship Awards and fireworks held on 26th of January 2009;
- d) US Submariners Service; and
- e) A community event to recognise the significant effort of volunteers during national volunteer week in May 2009.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.1 continued

**MOVED COUNCILLOR BOSTOCK  
SECONDED COUNCILLOR PRICE**

**THAT Council conduct the following events in the 2008/09 year:**

- a) Christmas Pageant immediately followed by Entertainment in Alison Hartman Gardens on Saturday 6 December 2008 followed by family entertainment and turning on of the Christmas lights;**
- b) A small twilight entertainment program in either Alison Hartman Gardens or between the Town Hall and Library aimed at youth and families and held between the hours of 6.00pm and 9.00pm. A New Years Eve fireworks display over Princess Royal Harbour in the lead up to midnight.**
- c) Australia Day Entertainment, Citizenship Awards and fireworks held on 26th of January 2009;**
- d) US Submariners Service; and**
- e) A community event to recognise the significant effort of volunteers during national volunteer week in May 2009.**

**MOTION CARRIED 8-3**

**14.4 CORPORATE GOVERNANCE**

Nil

**GENERAL MANAGEMENT SERVICES REPORTS**

Executive Directors Works & Services left the Chamber at 8.58pm and returned at 9.00pm.

**14.5 GENERAL MANAGEMENT SERVICES COMMITTEES**

**14.5.1 Minutes of Albany Tourism Marketing Advisory Committee –19 February 2008**

<b>File/Ward</b>	: STR207/All Wards
<b>Proposal/Issue</b>	: Committee Items for Council Consideration.
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: Manager Economic Development (J.Berry)
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Jon Berry
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: SCM 06/11/08 Item 6.1.16 OCM 15/01/08 Item 14.5.1
<b>Summary Recommendation</b>	: That the Minutes of Albany Tourism Marketing Advisory Committee held on Tuesday 19 February 2008 be received.
<b>Bulletin Attachment</b>	: Minutes of Albany Tourism Marketing Advisory Committee Tuesday 19 February 2008
<b>Locality Plan</b>	: N/A

RECOMMENDATION

THAT Council receive the minutes of the Albany Tourism Marketing Advisory Committee held on Tuesday 19 February 2008 (copy of minutes are in the Elected Members Report/Information Bulletin) be received.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR  
SECONDED COUNCILLOR**

**THAT Council receive the minutes of the Albany Tourism Marketing Advisory Committee held on Tuesday 19 February 2008 (copy of minutes are in the Elected Members Report/Information Bulletin) be received.**

**MOTION CARRIED 11-0**



**GENERAL MANAGEMENT SERVICES REPORTS**

**14.5.2 Minutes of the Albany Entertainment Centre Interior Design Committee**

<b>File/Ward</b>	:	MAN076/ Frederickstown Ward
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration.
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	Manager Economic Development (J.Berry)
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Jon Berry
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 15/01/2008 Item 14.3.1
<b>Summary Recommendation</b>	:	That the minutes of the Albany Entertainment Centre Interior Design Committee meeting held on 11 March 2008 be received and recommendations adopted.
<b>Bulletin Attachment</b>	:	Minutes of Albany Entertainment Center Interior Design Committee Tuesday 11 March 2008
<b>Locality Plan</b>	:	N/A

**RECOMMENDATION**

THAT Council receive the minutes of the Albany Entertainment Centre Interior Design Committee meeting held on 11 March 2008 and adopt the following recommendations:

- i) Item 3 - Election of Chairperson.

THAT the Albany Entertainment Centre Interior Design Committee appoints Mayor Evans as its Chairperson.

- ii) Item 5.1 - Presentation by Interior Design Consultants and Architects

THAT Council Endorse the proposed Interior Design Scheme for the Albany Entertainment Centre as presented to the Interior Design Committee by Cox Howlett Bailey Woodland.

Voting Requirement Simple Majority

.....

Item 14.5.2 continued

**MOVED MAYOR EVANS  
SECONDED COUNCILLOR WOLFE**

**THAT Council receive the minutes of the Albany Entertainment Centre Interior Design Committee meeting held on 11 March 2008 and the following recommendation adopted:**

- i) Item 5.1 - Presentation by Interior Design Consultants and Architects**

**THAT Council Endorse the proposed Interior Design Scheme for the Albany Entertainment Centre as presented to the Interior Design Committee by Cox Howlett Bailey Woodland.**

**MOTION CARRIED 11-0**

**GENERAL MANAGEMENT SERVICES REPORTS**

**14.5.3 Appointment of Representative to the Albany Port Authority Community Liaison Group**

<b>File/Ward</b>	:	REL054(All Wards)
<b>Proposal/Issue</b>	:	Request for Council to appoint a representative on the Albany Port Authority Community Liaison Group.
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Corporate Governance Coordinator (S Jamieson)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council nominate a member to the Albany Port Authority Community Liaison Group.
<b>Bulletin Attachments</b>	:	Copy of the advertisement seeking expressions of interest, the Statement of Intent and Rules of Operation of the group.
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. The Albany Port Authority is currently advertising for Expressions of Interest from community representatives who would like to become members of the Albany Port Authority Community Liaison Group.
2. The role of the Group is to provide the Albany Port Authority with comment on port operations and planning issues, and to disseminate information on port activities back to the community. The Group is made up of a Chair, plus eight (8) members with interests and skills in the areas of commerce, tourism, local government, port management and community Consultation.
3. All members are appointed by the Board of the Albany Port Authority, for a two year term.
4. A letter requesting a Council representative was sent to the City of Albany on the 12 Mar 08.
5. The Albany Port Authority was advised by the City of Albany, that the request for nomination would be presented to the Ordinary Council Meeting on the 15 April 2008 for resolution.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.5.3 continued

6. Public nominations closed on the 28 Mar 08; however this does not apply to the City of Albany nomination.

**STATUTORY REQUIREMENTS**

7. There are no statutory requirements relating to this item.

**POLICY IMPLICATIONS**

8. There are no policy implications relating to this item.

**FINANCIAL IMPLICATIONS**

9. There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS**

10. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

***“Community Vision:***

*Albany’s community will enjoy economic growth and outstanding opportunities for our youth through...*

- *Dynamic promotion & marketing of Albany’s advantages and opportunities;*
- *Innovative development complementing Albany’s unique character, natural environment and heritage*
- *Being the regional retailing and services hub;*

***Mission Statement:***

*The City of Albany will always be renowned for...*

- *Our strategic integration;*

***Priority Projects:***

*Nil”*

**COMMENT/DISCUSSION**

11. In making recommendations on external Committee representation, Council has adopted the following criteria:
  - a. The regional context of the committee and the relevance to development of the region or its essential infrastructure; and
  - b. The activity (or otherwise) of the committee and its relevance to Local Government operations.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.5.3 continued

8. The Council has previously provided representation on this committee.

RECOMMENDATION

THAT Council nominate Councillor \_\_\_\_\_ represent Council on the Albany Port Authority Community Liaison Group.

*Voting Requirement Simple Majority*

.....  
*Nominations were received for Councillors Stanton and Kidman.*

*A Ballot was conducted with the following results: Councillor Stanton (9 votes) Councillor Kidman (2) votes.*

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR BUEGGE**

**THAT Council nominate Councillor Stanton to represent Council on the Albany Port Authority Community Liaison Group.**

**MOTION CARRIED 11-0**

**GENERAL MANAGEMENT SERVICES REPORTS**

**14.5.4 Corporate Strategy and Governance Strategy and Policy Committee meeting minutes of 20th March 2008**

<b>File/Ward</b>	:	MAN 234 (All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration.
<b>Reporting Officer(s)</b>	:	Chief Executive Officer (A Hammond)
<b>Summary Recommendation</b>	:	That the Minutes of Corporate Strategy and Governance Strategy and Policy Committee meeting held on 20th March 2008 be adopted.
<b>Bulletin Attachment</b>	:	Nil

RECOMMENDATION

THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting of 20th March 2008 be received and the following recommendation adopted:

- i) Item 6.1 Albany Insight – Beyond 2020 Strategic Planning Process

THAT Council adopt the draft Albany Insight ~ Beyond 2020 Vision, Major Goals and Supporting Objectives; and

That they be released for public consultation for a period of one month with all feedback being referred to the Committee for consideration.

Draft Albany Insight ~ Beyond 2020 Vision

*By 2025 Albany will be... “Historic Albany – Home to a vibrant, resourceful and culturally diverse community driven by a spirit of generosity and opportunity, nestled around a spectacular natural harbour in a region of unique beauty.”*

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.5.4 continued

**Major Goals & Supporting Objectives**

<b>Major Goals</b>	<b>Supporting Objectives</b>
<p>1 Western Australia's regional City of first choice offering attractive and environmentally responsible housing, and fostering healthy, rich and active lifestyles.</p>	<p>1.1 Urban development that:</p> <ul style="list-style-type: none"> <li>• Is sympathetic to the historical aspect of the City;</li> <li>• Incorporates healthy lifestyle activities and easy access to green space; and</li> <li>• Embraces alternative approaches to energy and water consumption and disposal.</li> </ul> <p>1.2 New hospital facilities adding value to a centre of excellence for the housing, care and welfare of aged members of our community.</p> <p>1.3 Performing and visual arts communities are valued, celebrated and well catered for.</p> <p>1.4 Centennial Sporting precinct boasting contemporary community wet and dry sporting facilities.</p> <p>1.5 Young adults well catered for through a range of drug and alcohol free events and facilities.</p>
<p>2 Western Australia's first choice for regional investment in renewable energy, tourism and rural business resulting in a robust economy offering a wide choice of employment and learning opportunities.</p>	<p>2.1 World centre of excellence in renewable energy resulting in our region being a net exporter of renewable energy.</p> <p>2.2 Albany Airport servicing national and international visitors and investors.</p> <p>2.3 Australia's principal gateway to Antarctica.</p> <p>2.4 World class heritage precincts providing unique tourism hubs.</p> <p>2.5 Hosting of a significant annual international festival or event.</p> <p>2.6 Attraction of a State Government Department headquarters.</p> <p>2.7 Recognised as a University City offering the region's community the option of completing a full degree of their choice.</p>

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.5.4 continued

<p>3 Western Australia's most vibrant, safe, accessible and liveable regional City centre</p>	<p>3.1 Family and pedestrian friendly City Centre. 3.2 Vibrant cultural hub supplemented by attractive inner city residential and tourism accommodation. 3.3 Range of public transport options in and around Albany.</p>
<p>4 City of Albany renowned as an industry leader in good governance and service delivery.</p>	<p>4.1 Cohesive Council committed to delivering responsible government and bringing the Vision to fruition. 4.2 Albany's municipal assets capable of supporting our Community's lifestyle. 4.3 Excellent community services that meet the needs and interests of our growing and diverse community.</p>

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR BUEGGE**

**THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting of 20th March 2008 be received and the following recommendation adopted:**

**i) Item 6.1 Albany Insight – Beyond 2020 Strategic Planning Process**

**THAT Council adopt the draft Albany Insight ~ Beyond 2020 Vision, Major Goals and Supporting Objectives; and**

**That they be released for public consultation for a period of one month with all feedback being referred to the Committee for consideration.**

**Draft Albany Insight ~ Beyond 2020 Vision**

***By 2025 Albany will be... "Historic Albany – Home to a vibrant, resourceful and culturally diverse community driven by a spirit of generosity and opportunity, nestled around a spectacular natural harbour in a region of unique beauty."***



Item 14.5.4 continued

<b>Major Goals &amp; Supporting Objectives</b>	
<b>Major Goals</b>	<b>Supporting Objectives</b>
<p><b>1. Western Australia’s regional City of first choice offering attractive and environmentally responsible housing, and fostering healthy, rich and active lifestyles.</b></p>	<p><b>1.1 Urban development that:</b></p> <ul style="list-style-type: none"> <li>• Is sympathetic to the historical aspect of the City;</li> <li>• Incorporates healthy lifestyle activities and easy access to green space; and</li> <li>• Embraces alternative approaches to energy and water consumption and disposal.</li> </ul> <p><b>1.2 New hospital facilities adding value to a centre of excellence for the housing, care and welfare of aged members of our community.</b></p> <p><b>1.3 Performing and visual arts communities are valued, celebrated and well catered for.</b></p> <p><b>1.4 Centennial Sporting precinct boasting contemporary community wet and dry sporting facilities.</b></p> <p><b>1.5 Young adults well catered for through a range of drug and alcohol free events and facilities.</b></p>
<p><b>2. Western Australia’s first choice for regional investment in renewable energy, tourism and rural business resulting in a robust economy offering a wide choice of employment and learning opportunities.</b></p>	<p><b>2.1 World centre of excellence in renewable energy resulting in our region being a net exporter of renewable energy.</b></p> <p><b>2.2 Albany Airport servicing national and international visitors and investors.</b></p> <p><b>2.3 Australia’s principal gateway to Antarctica.</b></p> <p><b>2.4 World class heritage precincts providing unique tourism hubs.</b></p> <p><b>2.5 Hosting of a significant annual international festival or event.</b></p> <p><b>2.6 Attraction of a State Government Department headquarters.</b></p> <p><b>2.7 Recognised as a University City offering the region’s community the option of completing a full degree of their choice.</b></p>

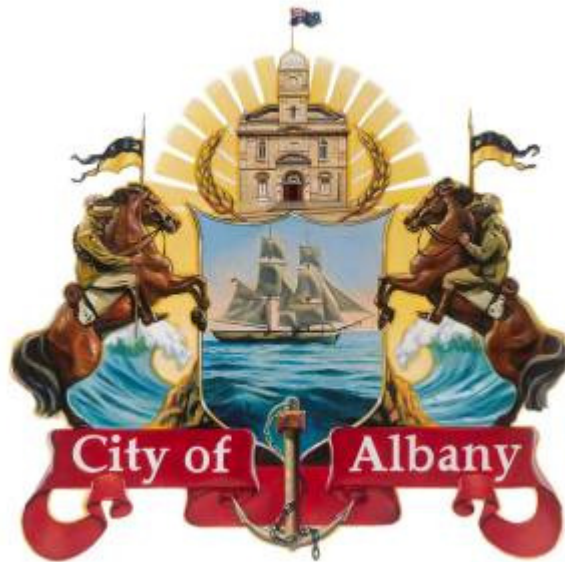
**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.5.4 continued

<p><b>3. Western Australia's most vibrant, safe, accessible and liveable regional City centre</b></p>	<p><b>3.1 Family and pedestrian friendly City Centre.</b></p> <p><b>3.2 Vibrant cultural hub supplemented by attractive inner city residential and tourism accommodation.</b></p> <p><b>3.3 Range of public transport options in and around Albany.</b></p>
<p><b>4. City of Albany renowned as an industry leader in good governance and service delivery.</b></p>	<p><b>4.1 Cohesive Council committed to delivering responsible government and bringing the Vision to fruition.</b></p> <p><b>4.2 Albany's municipal assets capable of supporting our Community's lifestyle.</b></p> <p><b>4.3 Excellent community services that meet the needs and interests of our growing and diverse community.</b></p>

**MOTION CARRIED 11-0**

Item 14.5.4 continued



# MINUTES

## CORPORATE STRATEGY AND GOVERNANCE STRATEGY AND POLICY COMMITTEE

Held on  
Thursday, 20<sup>th</sup> March 2008  
4.30pm

City of Albany Margaret Coates Boardroom

Item 14.5.4 continued

## **TABLE OF CONTENTS**

<b>1.0</b>	<b>Declaration of Opening</b>	<b>2</b>
<b>2.0</b>	<b>Record of Attendance/Apologies/Leave of Absence</b>	<b>2</b>
<b>3.0</b>	<b>Confirmation of Minutes of the Previous Meeting</b>	<b>2</b>
<b>4.0</b>	<b>Disclosure of Financial Interests</b>	<b>2</b>
<b>5.0</b>	<b>Election of Deputy Chair</b>	<b>2</b>
<b>6.0</b>	<b>Items for Discussion</b>	<b>3</b>
6.1	Albany Insight – Beyond 2020 Strategic Planning Process	3
6.2	Proposed Process for the review of the City of Albany Standing Orders	8
6.3	2007 City Scorecard Report – presentation by Manager Executive Services.	8
<b>7.0</b>	<b>Items to be Discussed at Next Meeting</b>	<b>8</b>
<b>8.0</b>	<b>Time and Date of Next Meeting</b>	<b>8</b>
<b>9.0</b>	<b>Closure of Meeting</b>	<b>8</b>

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.5.4 continued

**1.0 DECLARATION OF OPENING**

The Chair, Councillor Price, declared the meeting open at 4.33pm.

**2.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

Attendances:

Mayor -

Councillors -

MJ Evans, JP

J Bostock

DM Price

R Paver

G Kidman

DJ Wolfe

R Buegge (Arrived 4.40pm)

C Grogan

S Jamieson

Manager Executive Services

Corporate Governance Coordinator - Minutes

Observers:

Councillor EK Stanton

Apologies/Leave of Absence:

Councillor -

J Matla

**3.0 CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR PAVER**

**THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on 26<sup>th</sup> February 2008, as previously distributed, be confirmed as a true and accurate record of proceedings.**

**MOTION CARRIED 6-0**

Councillor Buegge arrived at the meeting at 4.40pm.

**4.0 DISCLOSURE OF FINANCIAL INTEREST**

Nil

**5.0 ELECTION OF DEPUY CHAIR**

The Chair called for nomination for the position of Deputy Chair.

Councillor Bostock nominated Councillor Paver; however nomination was declined.

Councillor Paver nominated Councillor Bostock.

Councillor Bostock was appointed Deputy Chair of the Corporate Strategy and Governance Strategy and Policy Committee unopposed.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.5.4 continued

**6.0 ITEMS FOR DISCUSSION**

The Chair, reminded all members of the committee that the City of Albany’s Standing Orders apply to the conduct of this committee, except for the need to stand to address the Chair.

The Chair thanked the Manager Executive Services, Ms Chris Grogan and Staff for compiling the information to be presented at the meeting.

**6.1 Albany Insight – Beyond 2020 Strategic Planning Process**

OFFICER RECOMMENDATION

That the Governance and Corporate Strategy Policy Committee recommend to Council:

- i) The adoption of the following draft Albany Insight ~ Beyond 2020 Vision, Major Goals and Supporting Objectives; and
- ii) That they be released for public consultation prior to final adoption.

Draft Albany Insight ~ Beyond 2020 Vision

*By 2025 Albany will be... “Historic Albany – Home to a vibrant, resourceful and culturally diverse community driven by a spirit of generosity and opportunity, nestled around a spectacular natural harbour in a region of unique beauty.”*

Major Goals & Supporting Objectives

<b>Major Goals</b>	<b>Supporting Objectives</b>
<p>1 Western Australia’s regional City of first choice offering attractive and environmentally responsible housing, and fostering healthy, rich and active lifestyles.</p>	<p>1.1 Urban development that</p> <ul style="list-style-type: none"> <li>• Is sympathetic to the historical aspect of the City;</li> <li>• Incorporates healthy lifestyle activities and easy access to green space; and</li> <li>• Embraces alternative approaches to energy and water consumption and disposal.</li> </ul> <p>1.2 New hospital facilities adding value to a centre of excellence for the housing, care and welfare of aged members of our community.</p> <p>1.3 Performing and visual arts communities are valued, celebrated and well catered for.</p> <p>1.4 Centennial Sporting precinct boasting contemporary community wet and dry sporting facilities.</p> <p>1.5 Young adults well catered for through a range of drug and alcohol free events.</p>

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.5.4 continued

<p>2 Western Australia’s first choice for regional investment in renewable energy, tourism and rural business resulting in a robust economy offering a wide choice of employment and learning opportunities.</p>	<p>2.1 World centre of excellence in renewable energy resulting in our region being a net exporter of renewable energy.</p> <p>2.2 Albany Airport servicing national and international visitors and investors.</p> <p>2.3 Australia’s principal gateway to Antarctica.</p> <p>2.4 World class heritage precincts providing unique tourism hubs.</p> <p>2.5 Hosting of a significant annual international festival or event.</p> <p>2.6 Attraction of a State Government Department headquarters.</p> <p>2.7 Recognised as a University City offering the region’s community the option of completing a full degree of their choice.</p>
<p>3 Western Australia’s most vibrant, safe, accessible and liveable regional City centre.</p>	<p>3.1 Family and pedestrian friendly City Centre.</p> <p>3.2 Vibrant cultural hub supplemented by attractive inner city residential and tourism accommodation.</p> <p>3.3 Range of public transport options in and around Albany.</p>
<p>4 City of Albany renowned as an industry leader and a Council that delivers results.</p>	<p>4.1 Cohesive Council committed to delivering responsible government and bringing the Vision to fruition.</p> <p>4.2 Albany’s municipal assets capable of supporting our Community’s lifestyle.</p> <p>4.3 Excellent community services that meet the needs and interests of our growing and diverse community.</p>

**MOVED MAYOR EVANS  
SECONDED COUNCILLOR BUEGGE**

**THAT the revised vision for Albany read:**

***By 2025 Albany will be... “Historic Albany – Home to a vibrant, resourceful and culturally diverse community, driven by a spirit of generosity and opportunity, nestled around a spectacular natural harbour in a region of unique beauty.”***

**MOTION CARRIED 6-1**

Mayor Evans left the meeting at 5.20pm.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.5.4 continued

The Proposed draft Albany Insight Strategic Goals & Objectives were reviewed by the committee and moved to include the following amendments:

- Supporting Objectives 1.5 amended to read:

*1.5 Young adults well catered for through a range of drug and alcohol free events and facilities.*

- Major Goals 4 amended to read:

*4. City of Albany is renowned as an industry leader in good governance and service delivery.*

**OFFICER RECOMMENDATION**

THAT the Governance and Corporate Strategy Policy Committee recommend to Council:

- i) The adoption of the following draft Albany Insight ~ Beyond 2020 Vision, Major Goals and Supporting Objectives; and
- ii) That they be released for public consultation for a period of one month, with all feedback being referred to the Committee for consideration.

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR WOLFE**

**THAT the Governance and Corporate Strategy Policy Committee recommend to Council**

- i) The adoption of the following draft Albany Insight ~ Beyond 2020 Vision, Major Goals and Supporting Objectives; and**
- ii) That they be released for public consultation for a period of one month with all feedback being referred to the Committee for consideration.**

**Draft Albany Insight ~ Beyond 2020 Vision**

*By 2025 Albany will be... "Historic Albany – Home to a vibrant, resourceful and culturally diverse community driven by a spirit of generosity and opportunity, nestled around a spectacular natural harbour in a region of unique beauty."*



**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.5.4 continued

<b>Major Goals &amp; Supporting Objectives</b>	
<b>Major Goals</b>	<b>Supporting Objectives</b>
<p>1. Western Australia's regional City of first choice offering attractive and environmentally responsible housing, and fostering healthy, rich and active lifestyles.</p>	<p>1.1 Urban development that</p> <ul style="list-style-type: none"> <li>• Is sympathetic to the historical aspect of the City;</li> <li>• Incorporates healthy lifestyle activities and easy access to green space; and</li> <li>• Embraces alternative approaches to energy and water consumption and disposal.</li> </ul> <p>1.2 New hospital facilities adding value to a centre of excellence for the housing, care and welfare of aged members of our community.</p> <p>1.3 Performing and visual arts communities are valued, celebrated and well catered for.</p> <p>1.4 Centennial Sporting precinct boasting contemporary community wet and dry sporting facilities.</p> <p>1.5 Young adults well catered for through a range of drug and alcohol free events and facilities.</p>
<p>2. Western Australia's first choice for regional investment in renewable energy, tourism and rural business resulting in a robust economy offering a wide choice of employment and learning opportunities.</p>	<p>2.1 World centre of excellence in renewable energy resulting in our region being a net exporter of renewable energy.</p> <p>2.2 Albany Airport servicing national and international visitors and investors.</p> <p>2.3 Australia's principal gateway to Antarctica.</p> <p>2.4 World class heritage precincts providing unique tourism hubs.</p> <p>2.5 Hosting of a significant annual international festival or event.</p> <p>2.6 Attraction of a State Government Department headquarters.</p> <p>2.7 Recognised as a University City offering the region's community the option of completing a full degree of their choice.</p>

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.5.4 continued

<p>3 Western Australia’s most vibrant, safe, accessible and liveable regional City centre</p>	<p>3.1 Family and pedestrian friendly City Centre. 3.2 Vibrant cultural hub supplemented by attractive inner city residential and tourism accommodation. 3.3 Range of public transport options in and around Albany.</p>
<p>4 City of Albany renowned as an industry leader in good governance and service delivery.</p>	<p>4.1 Cohesive Council committed to delivering responsible government and bringing the Vision to fruition. 4.2 Albany’s municipal assets capable of supporting our Community’s lifestyle. 4.3 Excellent community services that meet the needs and interests of our growing and diverse community.</p>

**MOTION CARRIED 6-0**

The Chair thanked the Manager Executive Services for her work and efforts in preparing the draft Albany Insight ~ Beyond 2020 Vision, Major Goals and Supporting Objectives.

Councillor Paver recommended that 6.3 is addressed prior to Item 6.2

Reason:

Item 6.3 directly relates to Item 6.1

<p><b>MOVED COUNCILLOR PAVER SECONDED COUNCILLOR WOLFE</b></p> <p><b>THAT Item 6.3 - 2007 City Scorecard Report – presentation by Manager Executive Services is dealt with prior to Item 6.2 - Proposed Process for the review of the City of Albany Standing Orders Local Law.</b></p> <p style="text-align: right;"><b>MOTION CARRIED 5-1</b></p>
---

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.5.4 continued

Item 6.2 withdrawn from the Agenda by Chair, for it to be dealt with at next scheduled committee meeting.

**6.2 Proposed Process for the review of the City of Albany Standing Orders Local Law**

OFFICER RECOMMENDATION

THAT:

- i) All Councillors be invited to complete a short questionnaire by Friday 18<sup>th</sup> April 2008 regarding the current City of Albany Standing Orders Local Law;
- ii) The Committee compare the current City of Albany Standing Orders Local Law with examples of Standing Orders Local Laws from three leading WA based local government authorities;
- iii) Following consideration of the priority concerns of Councillors and the examples from other Local Authorities that this Committee complete a comprehensive review of the City of Albany Standing Orders Local Law.

Item 6.2 withdrawn from the Agenda by Chair and referred to the next committee meeting.

**6.3 2007 City Scorecard Report – presentation by Manager Executive Services**

Manager Executive Services presented a summary of the 2007 City Scorecard Report and explained the contents of the document.

**7.0 ITEMS TO BE DISCUSSED RAISED AT NEXT MEETING**

- 7.1 Review of the City of Albany Standing Orders Local Law;
- 7.2 Review of Code of Conduct; and
- 7.3 Define the Councillors' Governance Role; which will incorporate Councillor Paver's document submitted at the 26 Feb 08 committee meeting (Detailed at annex A).

**8.0 TIME AND DATE OF NEXT MEETING**

Next meeting is scheduled for Thursday, 17<sup>th</sup> April 2008 at 4.00pm.

**9.0 CLOSURE OF MEETING**

There being no further business, the meeting closed at 6.10pm.

Annex:

- A. Council Paver RP 9/10/07 – City of Albany Reform Measures and Other Matters

## GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

Annex A to

City of Albany Reform measures and other matters.- RP 9/10/07 · Committee Minutes  
dated 20 Mar 08

- 1) Staff reports for agendas should be full, accurate, and contain properly reasoned recommendations. The Bulletin should contain all relevant information ie. relevant policies. The reports should not refer to material that is not in the current bulletin unless it is legal advice or confidential material which should to be sent to Councillors under separate cover. Failure to include relevant material in the agenda or to provide Councillors with legal opinions at the time the agenda is delivered to Councillors should result in a deferral of the item for one month. **Code of Conduct. Standing Orders. (See para. 8 below.)**
- 2) Staff should not seek nor Council grant delegated authority to issue planning consents subject to “approvals” from other government agencies, or the receipt of any information relevant to the matter before Council. **Code of Conduct.**
- 3) Staff should obtain from applicants for planning consents certificates of title with applications, and if information supplied by the applicant is false or misleading in a material particular the City should initiate prosecutions for breach of S97B(2) of the Planning and Development Act 2005. **Planning Scheme. Code of Conduct?**
- 4) Council should reexamine delegations and the introduction of a standing planning committee. **Resolution.**
- 5) In the interests of maintaining a professional distance between Councillors and staff, Council should examine whether staff and Councillors should be precluded from dining or taking drinks together immediately before or after Council meetings and forums. **Code of Conduct.**
- 6) Staff wishing to exercise statutory powers to take a cash contribution from developers in lieu of their making provision for public open space, should have to bring the matter to full Council for its deliberation and decision. Query whether Council’s statutory powers in this regard have in fact been delegated? If so, we need to reverse the delegation. We also need to know what has been paid in lieu to date, in respect of what subdivisions, in what account it is being held, and for what public park / facilities. **Resolution. Code of Conduct?**
- 7) A study should be done to determine whether the City should adopt a planning procedure similar to that in place in New South Wales under its State Policy 65. **Resolution.**
- 8) Staff shall not bring late items concerning planning approvals to ordinary Council meetings nor provide Councillors with material information on planning items other than timously through the Bulletin, or, if it is legal advice, by way of confidential delivery to Councillors with the Agenda / Bulletin. If a planning application needs to be dealt with urgently this shall be done through a special meeting of Council and all Councillors shall be given 7 days notice of the item and all information relevant to it. **Code of Conduct. Standing Orders.**
- 9) The rule that Councillors may not speak with staff below executive director level should be qualified to cater for situations when the executive directors are not contactable because, for example, they are attending to Council business out of town or are on a rostered day off or on leave etc etc. **Code of Conduct.**
- 10) Provision shall be made for Councillors to list and speak to items on the agenda of Concept briefing sessions. Adequate time shall be allocated for this. **Resolution.**
- 11) Agenda to be amended to include Questions without Notice. **Standing Orders.**

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.5.4 continued

12) All draft strategies and policies adopted for advertising to go at the time of advertising on the website under an appropriate button and to include comment forms. **Resolution.**

13) If a Councillor requests a late item to be prepared by an executive director for an ordinary Council meeting the item must be prepared. If the Mayor decides not to accept it as a late item the Mayor shall state in writing the reasons for his decision to the Councillor concerned and the matter shall still be put to the Council for its decision. In deciding the matter Council shall have strict regard to the criteria laid down in the standing orders. **Standing Orders.**

14) Council should look at Executive Director contracts to see that they reflect the statutory rules that regulate their behaviour, and any other lawful requirements deemed by the Council to be necessary. Should there be a Code of Conduct specifically for staff? **Resolution.**

15) Council should reconsider whether a convenor is necessary to oversee the CEO's performance appraisal. If a convenor is deemed necessary the position should be readvertised every two years and the appointment should be made by the whole Council after interviewing shortlisted applicants. **Resolution.**

16) Councillor complaints regarding staff conduct should be rationally acknowledged and addressed by the CEO. Register should be kept recording complaints and action taken, and a periodic report should be provided by the CEO to all Councillors. **Code of Conduct.** A mechanism should be put in place so that allegations that the CEO or staff have failed to address the complaint within a reasonable time or at all can be examined by an independent and appropriately qualified body established and empowered by Council to receive oral and written submissions from all parties, make findings and offer recommendations to Council. **Resolution.**

17) The CEO should be precluded from getting legal opinions on Councillor conduct without a formal resolution of Council whenever it is reasonable to conclude that the CEO is ethically compromised in doing so. (Joondalup report). **Code of Conduct.**

18) The CEO must not investigate a breach of the code of conduct when doing so involves his being a judge in his own cause. **Code of Conduct.**

How is this conflict to be resolved under the new Official Conduct Regulations? Should the City appoint an independent Complaints Officer? Suggest the CEO is too compromised by considerations of managerial expediency to deal objectively with complaints about staff conduct. Under the Local Government (Official Conduct) Act 2007 the Complaints Officer has to be a senior employee. But the CEO wields influence over all employees.

What about that part of our Code of Conduct that covers matters not covered by the Act? Should we appoint an independent complaints officer to deal with this area of complaints? Should we not review our entire complaints procedure, ie the procedure for dealing with complaints that are not covered by the Act and Code? It is simply not objective enough. If the Internal Review Committee cannot resolve the complaint to the satisfaction of the complainant perhaps we need to establish an external review body.

19) Legal advice from whatever source relating to or affecting Councillors' powers and duties should be conveyed to all Councillors by the CEO immediately it is received. **Resolution? Code of Conduct?**

20) The CEO should be charged with ensuring that the Mayor and Councillors are fully aware of procedural and substantive proprieties and with informing both when

## GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

they are acting or about to act in breach of these proprieties. **Resolution? Code of Conduct?**

21) The Mayor should not invite staff to enter debates on agenda items. Staff may only be requested to respond to questions seeking to clarify matters of fact. **Standing Orders? Code of Conduct?**

22) The Mayor should not suspend Standing Orders automatically the moment Council moves behind closed doors. Standing orders shall only be capable of being suspended expressly and specifically upon a formally presented and appropriately seconded motion. No suspension of any standing order should ever deprive the mover of a motion from first speaking to it and then having a right of reply. **Standing Orders.**

23) Staff should be required to act on all resolutions within a reasonable time (if action by a specific date is not specified.) Two glaring examples of the failure to do so relate to the resolution on the Walton and Pietropaulo matter and the establishment of a noise regulations enforcement regime. The CEO should be required to keep a register of actions required to be taken and should present a quarterly report identifying action that has and has not been taken. **Code of Conduct.**

24) The Mayor and the CEO should be in attendance at the Council offices on all days between the date the agenda is distributed and the date of the Council meeting to which it relates. **Code of Conduct.**

25) Staff are obliged to supply Councillors with information they require in order to carry out their duties properly. This information should be provided promptly and fully. This should be included in the **Code of Conduct.**

26) Steps should be taken by Council to alter the culture of accommodating revenue to expenditure rather than expenditure to revenue. The 109% increase in the rates since 2001 is unacceptable. Ways must be found to reduce expenditure. One area to look at is the provision of vehicles to staff. It needs to be determined who is provided with cars, why they need them, how often they need them, whether smaller less expensive cars will do and whether staff can perform their duties with access to cars from a pool. In doing so regard should be had to the comments of John Clements of Gledhow. (Smaller more fuel efficient cars).

Another area to look at is staff and Councillor travel and conference attendance. An examination should be made of staff and Councillor travel over the past two years to determine whether this travel has been for essential or non essential purposes. Travel needs to be limited to what is considered essential.

Proper studies need to be done on these and other matters and reports need to be prepared for Councillors with recommendations on what needs to be done to yield substantial savings in non essential administrative expenditure. It may be necessary to commission someone independent to do this. **Resolution.**

27) The CEO, executive directors, and Councillors should submit to Council quarterly in advance a list of their proposed travel arrangements and the purposes for which their travel is proposed. Council should be required to formally approve these travel arrangements. **Resolution. Code of Conduct.**

28) A moratorium should be placed on all non essential staff and Councillor travel in the short term. A study should be done on conventions attended by staff and Councillors over the past two years and a cost benefit analysis done. **Resolution.**

29) The cesspit arrangement with the Water Corporation needs to be revisited and reexamined to determine what it is costing the City and whether the Water Corporation has underwritten returns to the City for its involvement. **Resolution.**

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.5.4 continued

30) We need to look at why rate concessions were made to the owners of unimproved land, and address land banking. **Resolution.**

31) All land and buildings, whether or not let by the city, must be identified, listed and prioritised in case of the need to sell land to meet our financial obligations.

**Resolution.**

32) There is sometimes a need for Councillors to access legal advice directly rather than through the CEO or staff. **Resolution.**

33) Need to establish a statewide association of Councillors independent of WALGA. Mechanism for doing this needs to be independent of staff. All Councillors should be free to join and attend meetings. Membership subscriptions should be paid by local authorities.

34) The Code of Conduct should prescribe an objective process for dealing with complaints of breaches of the Code when such breaches are not breaches under the Local Government (Official Conduct) Act 2007 and prescribe the penalties in breach thereof. **Code of Conduct.**

35) The Code of Conduct should forbid any member of staff from alleging or from otherwise disseminating either orally or in writing allegations that anyone who has legitimately lodged complaints about staff conduct to the CEO is harrasing or bullying staff or causing them to undergo psychiatric treatment or medical counselling. Councillors and employees should not be victimised for making complaints or assisting with enquiries with respect to complaints. **Code of conduct.**

36) Any and all legal advice sought by the CEO or senior executives should be by way of a written request for such advice setting out the reasons why the advice is sought and always requesting that the advice be given with the fullest consideration of the interest the people of Albany have in the principles of good governance, which include but are not limited to openness, propriety and accountability. Copies of the written requests for legal advice should be made available to all Councillors. **Code of conduct.**

37) Matters raised by Councillors with staff that call for staff to deal with ratepayers' <sup>concerns</sup> must be logged. Action must be taken and a written report supplied to the Councillor concerned within a reasonable time. **Code of Conduct.**

38) Except in the most exceptional circumstances the Mayor and CEO should be in attendance at the City of Albany from the moment the agenda is distributed to Councillors until the end of the ordinary Council meeting to which it relates. **Code of Conduct.**

39) Agenda Briefing Sessions should allow members of the public the ability to speak for a limited time (Say 4 minutes each) to items on the agenda. This is allowed at ordinary Council meetings when their capacity to inform and persuade is of little value because Councillors have not had time to consider their submissions. **Standing Orders.**

40) The seating configuration of Council meetings needs to be altered so that proceedings are opened up to the gallery. The microphone limitations need to be overcome.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.5.4 continued

Matters raised by Local Government (Official Conduct) Act 2007 and Local Government (Rules of Conduct) Regulations 2007.

1) Whether under the Act we appoint a Complaints Officer, or leave it to the CEO to act as such, too much power is vested in the CEO that is capable of being abused without sufficient safeguards.

Under the Act the Complaints Officer or CEO may initiate a complaint. The only safeguard is that it shall be an offence to knowingly provide information that is false or misleading in a material particular. There is a similar provision in the CCC Act. It has never been used to launch a prosecution because it is almost impossible to establish bad faith. This problem is exacerbated by the fact that there is no requirement under the Act giving the person the subject of a complaint an opportunity either to be heard or to make written submissions before the complaint is submitted. Indeed I can find nothing in the Act that provides for the subject of a complaint a right either to be heard or to make submissions prior to a finding of breach. As far as minor breaches of the Regulations are concerned, this is left to the discretion of the standards panel which is presided over by an appointee from the Department of Local Government. See S5.110 (3) which says the standards panel “may request the complaints officer to provide anything further that the standards panel requires”. This denial of natural justice is all the more appalling because under S5.106 a finding of a breach of the regulations may be based on the balance of probabilities. It is not required to satisfy the stricter burden of proof of beyond a reasonable doubt, and this despite the fact that a serious breach of the Regulations might also be a criminal offence which has to be proved beyond a reasonable doubt.

The only natural justice rights the subject of a complaint appears to have is, under S5.110 (4), a right to receive notice of the finding of the standards panel and, once a finding of breach has been made, under S5.110 (5), a right to make submissions on how the breach is to be dealt with. One of these is to dismiss the complaint. But the finding of a breach has already been made. Why should an innocent party have to suffer a finding of breach at all by beaurocrats who have not given him a hearing in the first place?

In these circumstances should our Code of Conduct not require the complaints officer when he gives notice of the complaint to the person the subject of it under S5.108.(2)(b) to give him such notice within three days of the receipt of the complaint and advise him that he has a right to make a written submission in response to the complaint within 7 days. This submission should then go to the panel along with the other items specified under S5.108(2)(c) within 14 days of the receipt of the complaint as required under s5.108 (2).

2) Gifts: The Local Government (Rules of Conduct) Regulations 2007 make provision for notifiable and prohibited gifts. Under S5.65 LGA 1995 notifiable gifts must be disclosed and under S5.67 LGA the disclosing member is forbidden from participating at the meeting. (This is the advice we should have received regarding Plowman and Wiseman) from our lawyers. To strengthen this the Code of Conduct should preclude all notifiable gifts from being treated as trivial under S5.68 of the LGA 1995. Anyone receiving a prohibited gift is a fortiori forbidden from participating at a meeting.

3) I have a great deal of difficulty with S10(1)(a) of the Local Government (Rules of Conduct) Regulations. How is this to be reconciled with the Councillors right to information.