



Vincent Street
CESSNOCK 2325.

27 February 2008

To All Councillors

You are hereby notified that the next Ordinary Meeting of the Council will be held in the Council Chambers on Wednesday, 5 March 2008, immediately following the conclusion of the Corporate and Regulatory Services Committee Meeting, for the purpose of transacting the undermentioned business.

**B R MORTOMORE
GENERAL MANAGER**

AGENDA:

PAGE NO.

(1) APOLOGIES.

(2) CONFIRMATION OF MINUTES.

Minutes of the Ordinary Meeting of the Council held on
20 February 2008

(3) MAYORAL MINUTES.

(4) COMMITTEES' REPORTS.

Report of Works & Services Committee Meeting
held on 5 March 2008

Report of Strategic & Community Services
Committee Meeting held on 5 March 2008

Report of Corporate & Regulatory Services
Committee Meeting held on 5 March 2008

(5) OFFICERS' REPORTS

GENERAL MANAGER

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- (6) BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN.**
- (7) COUNCILLORS' REPORTS.**
- (8) QUESTIONS WITHOUT NOTICE.**
- (9) REPORT OF THE COMMITTEE OF THE WHOLE MEETING HELD ON
5 MARCH 2008**

OFFICERS' REPORT

GENERAL MANAGER'S REPORT NO. 7/2008

SUBJECT: ORGANISATION STRUCTURE

Council at its meeting of 6 February 2008 adopted in principle a broad structure for the organisation and determined to give staff an opportunity to comment on the structure before it was confirmed by Council at this meeting.

A number of staff have taken the opportunity to provide input, both directly and through the Consultative Committee, and all have been very supportive of the direction taken. A number of changes have been suggested by staff and after consideration it is recommended that the structure, as provided to Council on 6 February 2008, be amended as follows.

1. Infrastructure and Services Department

- i) Building Services be moved from the Recreation Section to Logistics and Depot Services.

This suggestion was made by staff involved in this area and was supported by the Director.

- ii) Tidy Towns be moved to the Environment and Waste Services area from Recreation.

There are arguments either way on this issue, however, it is recommended that this change be made and the situation be kept under review over the next twelve months.

- iii) The suggestion has also been put forward that Tree Preservation and Noxious Weeds be relocated to Regulatory Section under City Planning, however, it is not proposed that this change be made at this time with this matter also to be kept under review over the next twelve months.

2. Community & Corporate Services Department

There have been strong submissions that the Economic Development area should remain as a direct report to the General Manager as many of the issues dealt with directly involve the General Manager, eg Tourist Board, BEC, subdivision development.

While the structure recommended for adoption by Council shows Economic Development in the Community and Corporate Services Department, it is proposed to defer a final decision on this matter until the new Director for this department is appointed. The matter can then be reassessed after input from the Director and an assessment of their particular skills and strengths.

3. General

There have been a number of submissions in regard to relocating various responsibilities across the organisation, however, these generally relate to the next level down and will be addressed once Directors are in place and the more detailed structure is developed prior to adoption by Council.

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It is recommended that the broad structure shown in Enclosures 1, 2, 3 and 4 be adopted by Council with the proviso that a decision on the location of the Economic Development area be deferred until the new Director is in place and the situation is reassessed.

Other matters raised will be considered as the more detailed structure is developed and prior to its adoption by Council.

If Council is supportive of this recommendation then it is intended that the two vacant Directors positions will be advertised immediately. Local Government Employment Solutions (LGES) have been engaged to assist with and to expedite the process and a timetable has been put in place for the recruitment process.

It is intended to again involve Councillors in this process and LGES have recommended that the Mayor and one Councillor be appointed to assist me with the recruitment.

RECOMMENDATION that:

1. Council adopt the structure shown in Enclosures 1, 2, 3 and 4 subject to a final decision on the location of Economic Development being deferred until the new Directors are appointed and the matter reassessed.
2. The two vacant Directors positions be advertised.
3. Council appoint the Mayor and one Councillor to assist the General Manager with the appointment of the new Directors.

To: **Ordinary Council Meeting**
5 March 2008

B R MORTOMORE
GENERAL MANAGER
27 February 2008

GENERAL MANAGER'S REPORT NO. 8/2008

SUBJECT: INFORMATION NEWS SHEET

Included in the Enclosure document is the Information News Sheet relative to:

Staff Appointments
Outstanding Questions Without Notice

RECOMMENDATION that the information be noted.

To: **Ordinary Council Meeting**
 5 March 2008

B R MORTOMORE
GENERAL MANAGER
26 February 2008

NOTICE OF MOTION

It is my intention to move at the meeting of 5 March 2008 the following:

Motion

That Council amend its Code of Conduct to include the following:

1. No person whom the Code applies to can accept a gift from a person or entity (or someone connected to a person or entity) who is engaged in the business of property development (or could reasonably be expected to be) in the Cessnock LGA. A gift includes accepting hospitality or attendance at a function.
2. No person to whom the Code applies will accept gifts or hospitality from suppliers to Council.
3. The Code of Conduct limits gifts from any source to a maximum of \$25.
4. No person to whom the Code applies will accept invitations to events as 'guest of honour' unless that person is speaking on behalf of Council at the event.
5. That the Code will specify that Councillors are obliged to declare all donations as non pecuniary conflicts of interest when voting on matters connected to persons or entities that have made a donation to their campaign. Further that each Councillor is responsible to know the identity and likely business interests, within reason, of all persons or entities who make donations to their campaigns.

Rationale

Investigation by ICAC into Wollongong Council has revealed that acceptance of gifts and hospitality was commonplace. Further the ICAC has developed recommendations to minimise the risk of Corruption in Local Government (*Corruption Risks in the Development Approval Process: Position Paper* ICAC September 2007). One of these recommendations is for the Department of Local Government to provide clear guidance on the identification and management of non-pecuniary interests.

ICAC have also made a submission to the NSW Parliamentary Inquiry into Funding of Political Parties which includes the following statement:

“The Commission believes political donations comprise a particular category of non-pecuniary conflict of interest.”

Considering the events at Wollongong Council and the ICAC Report, it is appropriate for Cessnock Council to consider adding to its Code of Conduct to minimise the risk and perception of corruption.

Sgd: Cllr James Ryan

Date: 26 February 2008