

Business Paper



Extra Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 11 March 2024

at 6:00 PM

ORDER OF BUSINESS

1. Acknowledgement of Country	3
2. Present.....	3
3. Apologies	3
4. Declaration of Interest.....	3
5. Mayoral Minutes.....	4
6. Public Forum.....	4
7. Administration Reports.....	5
7.1. Responsible Governance & Civic Leadership	5
7.1.1. GM - 11/03/2024 - Ordinary Meeting of Council start time change	5
7.1.2. GM - 11/03/2024 - General Manager Recruitment Process	7
8. Business of Great Urgency.....	10

1. Acknowledgement of Country

Acknowledgement of Country

Lithgow City Council acknowledges Wiradjuri Elders past and present of the Wiradjuri nation - the original custodians of the land on which the Lithgow's communities reside. The Council also extends our respects to our neighbouring nations.

Declaration of Webcasting

I inform all those in attendance at this meeting, that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements concerning any person, Councillor or employee, and refrain from discussing those matters subject to Closed Council proceedings as indicated in clause 14.1 of the code of meeting practice.

2. Present

3. Apologies

4. Declaration of Interest

Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, officers and community committees

Oath or Affirmation of Office

Councillors are reminded of the Oath or Affirmation taken of office, made under section 233A of the *Local Government Act 1993* when elected.

Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of interest

A conflict of interest is a clash between private interest and public duty. The test for conflict of interest:

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of 'corruption' – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

There are two types of conflict:

- **Pecuniary** – regulated by the *Local Government Act 1993* and Office of Local Government. A person with a pecuniary interest should at least disclose and not vote, but it would also in these cases be appropriate to leave the chamber.
 - **Non-pecuniary** – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only). If declaring a Non-Pecuniary Conflict of Interest, a person
-

with a non-pecuniary interest can choose to either disclose and vote, disclose and not vote or leave the Chamber.

- Local Government Act 1993 and Model Code of Conduct
For more detailed definitions refer to the *Local Government Act 1993*, Chapter 14 Honesty and Disclosure of Interest and adopted Code of Conduct.

Identifying problems

1st Do I have private interests affected by a matter I am officially involved in? **2nd** Is my official role one of influence or perceived influence over the matter? **3rd** Do my private interests conflict with my official role?

Disclosure of pecuniary interests / non-pecuniary interests

Under the provisions of Section 440AAA(3) of the *Local Government Act 1993* (pecuniary interests) and the Model Code of Conduct it is necessary for you to disclose the nature of the interest when making a disclosure of a pecuniary interest or a non-pecuniary conflict of interest at a meeting.

A Declaration form should be completed and handed to the General Manager as soon as practicable once the interest is identified. Declarations are made at Item 3 of the Agenda: Declarations - Pecuniary, Non-Pecuniary and Political Donation Disclosures, and prior to each Item being discussed: The Declaration Form can be downloaded at

5. Mayoral Minutes

The Mayor is able to table a Mayoral minute at the meeting if required.

6. Public Forum

Any person registered to speak during Public Forum on a matters included in the business paper and registered via the Council website prior to 12 Noon on the day of the meeting will have the opportunity to speak. There will be only two speakers for and against, on each matter on the business paper.

Public forum will be allocated half an hour time in total with each speaker having 3 minutes to speak.

Speaker not registered for public forum will have an opportunity to speak on matters on the business paper if time permits.

7. Administration Reports

7.1. Responsible Governance & Civic Leadership

7.1.1. GM - 11/03/2024 - Ordinary Meeting of Council start time change

Strategic Context for this matter:**Responsible Governance & Civic Leadership**

To develop community confidence in the organisation by the way it is directed, controlled and manage

Author: Trinity Newton - Executive Assistant to the Office of the General Manager and Mayor

Responsible Officer: Craig Butler - General Manager

Executive Summary

The request for the holding of this meeting listed one of the items for debate as being -

“Change the time of commencement of Ordinary Meetings of Council from 7:00PM to 6:PM commencing from the 26 March 2024 Meeting.”

The aspects of the procedures for Council's Meetings are defined in the adopted Code of Meeting Practice. The Council's adopted Code is substantially aligned to the Model Code. In determining its meeting procedures the Council is, however, able to depart from the Model Code provided the departures are not in conflict with any statutory requirement. The time at which the Meeting commences is a matter for the Council to determine.

Clause 3.1 of the adopted Code currently provides –

- 3.1 *Ordinary meetings of the council will be held on the following occasions: **Council meetings are held on the 4th Monday of the month. The meetings are conducted at the Lithgow City Council Chambers, 180 Mort Street Lithgow, Commencing at 7p.m.***

Administration's Recommendation

THAT:

1. the Council receive this report and determine its position in relation to the time of commencement of Ordinary Meetings.
2. should any change to the commencement time be resolved then the Code of Meeting Practice be updated to reflect this and the new practice commence immediately.

Attachments

Nil

Reference to any relevant previous minute

Min 22-86 Resolved at Ordinary Meeting of Council held 26 April 2022.

Background and discussion

N/A

Consultation and Communication**Policy**

Code of Meeting Practice Adopted 26 April 2022.

Legal

Nil

Risk Management

Risk considered when reviewing this matter are:

- Councillor and Staff fatigue management.
- Psychosocial factors
- Environmental factors in the winter months considered

Financial

- Budget approved – N/A
- Cost centre – N/A
- Expended to date – N/A
- Future potential impact – N/A

Consultation and Communication

Consultation with Councillors and relevant staff was carried out.

7.1.2. GM - 11/03/2024 - General Manager Recruitment Process**Strategic Context for this matter:**

Responsible Governance & Civic Leadership - To develop community confidence in the organisation by the way it is directed, controlled and managed

Author: Michael McGrath – Acting Human Resource Manager

Responsible Officer: Craig Butler - General Manager

Executive Summary

The request for this Meeting listed the following as one of the items for discussion – Selection of the recruitment consultant and determination of another councillor for the selection panel for the process of recruitment of a General Manager.

Commentary is provided for each of these in the body of this report. In relation to the selection of the recruitment consultant, the report explains the procurement and selection process that has been followed. The comparison of submissions received against appropriate criteria results in the administration recommending the appointment of McArthur.

The recommendation also deals with the delegations that should be provided to the Mayor to enable the process to be conducted in a proper and timely fashion.

Administration's Recommendation

THAT Council:

1. Appoint McArthur as the specialist adviser and recruitment consultant to assist Council with the process of recruitment of a General Manager,
2. Determine the other councillor to work with the Mayor and Deputy Mayor on the selection panel, and,
3. Delegate to the Mayor (who will be supported by the Human Resources Manager, and will work with the selection panel) the tasks of ensuring –
 - The panel is established,
 - GM's position description is current and evaluated in terms of salary to reflect the responsibilities of the position,
 - The salary range reflects the responsibilities and duties of the position,
 - The position is advertised according to the Act, and,
 - Information packages are prepared.

Attachments

1. **Confidential - Commercial in Confidence** GM Recruitment EOI Assessment [7.1.2.1 - 1 page]

Reference to any relevant previous minute

At the Ordinary Meeting of 20 February 2024 the Council resolved –

THAT the Council

1. Contact LGNSW to work with councillors to prepare the position description for the General Manager
2. Activate the recruitment process immediately,

3. Establish the panel comprising of the Mayor, Deputy Mayor and one other Councillor.
4. Acknowledge that the final decision may be made by the new council.

Background and discussion

1. Selection of a recruitment consultant

Five (5) industry recruitment consultants were invited to submit a GM Recruitment Proposal by COB 29 February 2023.

A briefing was provided to five (5) industry recruitment consultants. The brief was designed to ensure compliance with the OLG General Manager Appointment Guidelines as follows:-

Council is seeking to engage a recruitment consultant to assist with the recruitment of a new General Manager.

The current General Manager has submitted his resignation effective 30 June 2024.

The elected council has resolved to commence the recruitment process as soon as possible and it may wish to approve the appointment of the new General Manager prior to Friday 16 August 2024.

The following tasks will be the responsibility of the recruitment consultant-

- *Verify that proper processes and procedures are followed in the appointment of the general manager*
- *Ensure that the position is advertised in a manner sufficient to enable suitably qualified persons to apply for the position*
- *Assist the selection panel* with the preparation of a suitable advertisement and candidate information package*
- *Assist the panel with various reports to the elected council on the selection process*
- *Notify applicants selected for interview and remain the contact person for all applicants and potential applicants*
- *Carry out the short listing of candidates*
- *Coordinate interviews and ensure interviews are held as soon as possible after candidates are shortlisted*
- *Assist the panel with the design of interview questions that reflect the selection criteria and that assist the panel to assess the suitability of the candidate*
- *Contact and check references and referees*
- *If contact with someone other than a nominated referee is required, the applicant's permission is sought*
- *Carry out all appropriate background checks including criminal checks, ASIC checks, bankruptcy checks, and eligibility to work in Australia*
- *Conduct psychometric testing (preferably using the Hogan suite of psychometric tools)*
- *Assist the panel with the retention of all records created as part of the recruitment process*
- *Assist the panel with market appropriate remuneration negotiations with the preferred applicant*
- *Assist with the preparation of the standard contract of employment*
- *Other activities aligned with best practice senior executive recruitment*

Council received proposals from: - LOGO, Nicriel, LGMS, McArthur, and LGSG and were assessed against the following criteria: -

1. Quality, detail and compliance with brief
2. Recruitment guarantee
3. Timeline
4. Quality of *Sample Pack*
5. Level of relevant experience

6. Additional Services
7. Costs and Fees (Ex GST)

The Council Governance Manager and Human Resources Manager reviewed the five proposals (see attached commercial in confidence ranking) and assessed them against the seven criteria. The result was that McArthur are recommended for appointment.

2. Determination of the other councillor for the selection panel

The Office of Local Government has produced guidelines for the appointment of a General Manager, which they consider to be best practice. The guidelines are issued under section 23A of the Act and must be taken into consideration by councils when exercising their functions in relation to the recruitment and oversight of general managers. In relation to the selection panel, the guidelines state - The selection panel should consist of at least the mayor, the deputy mayor, another councillor and a suitably qualified person independent of the council ie., a suitable qualified recruitment consultant.

The Council has resolved that the panel include one other councillor, beyond the Mayor and Deputy Mayor. This goes beyond past practice for this Council. Previously, only the Mayor and Deputy Mayor were appointed to the panel (and the recruitment consultant). Tonight's meeting provides the opportunity for the Council to determine the other councillor for the panel.

Consultation and Communication

Not relevant.

Policy

Nil applicable.

Legal

Council is following the OLG guidelines for the recruitment process.

The procurement processes for the selection of the recruitment consultant comply with all statutory requirements.

Risk Management

Nil applicable.

Financial

- Budget approved – recruitment costs are a normal operational cost addressed through the overall approved budget for the workforce
- Cost centre – PJ 800173
- Expended to date – not itemised, recruitment costs are a normal operational cost addressed through the overall approved budget for the workforce
- Future potential impact – approximately \$25 000 plus other costs (All proposals indicate that some travel costs, background checks, Hogan psychometric profiles, and advertising are all additional charged at/near cost)

8. Business of Great Urgency
