



# Council Meeting 18 August 2015

# MINUTES

**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON  
MONDAY, 18 AUGUST, 2015 COMMENCING AT 6.32PM.**

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**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBER, ON MONDAY, 18 AUGUST, 2015 COMMENCING AT 6.32PM.**

**172. DECLARATION OF OPENING OF MEETING**

The Mayor (Presiding Member) declared the meeting open.

**172.1**

***Present***

Mayor J O'Neill	Presiding Member
Cr C Collinson	
Cr J Harrington	
Cr S Martin	
Cr M McPhail	
Cr M Rico	
Cr A Watkins	
Mr G Clark	Acting Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Administration (To 6.55pm)
Mr J Douglas	Manager Planning Services (to 6.50pm)
Ms J May	Minute Secretary

**173. ACKNOWLEDGEMENT OF COUNTRY**

The Presiding Member made the following acknowledgement:

*“On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place.”*

**174. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF**

There were two members of the public in the gallery at the commencement of the meeting.

**175. RECORD OF APPROVED LEAVE OF ABSENCE**

Cr J Amor

**176. RECORD OF APOLOGIES**

Nil.

**177. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**

Nil.

**178. PUBLIC QUESTION TIME**

Nil.

**179. APPLICATION FOR LEAVE OF ABSENCE**

Nil.

**180. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**180.1**

***Council Meeting 21 July 2015***

**Cr Rico – Cr Harrington**

**That the Minutes of the Council Meeting held on 21 July 2015 be confirmed.**

CARRIED 7:0

**181. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**

**181.1**

***East Fremantle Lacrosse Club/East Fremantle Cricket Club Clubrooms***

Mayor O'Neill advised that he, along with Cr Collinson, the A/CEO and the Principal Environmental Health Officer had attended the official opening of the above facility on 31

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July. The Club acknowledged current and former elected members and staff, particularly Les Mainwaring, Shelley Cocks, Jamie Douglas and Alan Ferris.

**181.2 Forum – Perth Freight Link**

Mayor O'Neill advised that Council had made available the East Fremantle Tricolore Community Centre to the Rethink the Link group to allow the staging of a Perth Freight Link forum on Wednesday 2 September 2015.

**181.3 Cottesloe Ratepayers Meeting – Perth Freight Link**

Mayor O'Neill advised that the above meeting was to be held on Tuesday, 1 September and he had indicated he would be in attendance.

**182. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS**

Nil.

**183. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS**

Nil.

**184. CORRESPONDENCE****184.1 C & A Tandon**

Expressing their concern regarding the proposed heritage listing of their properties at 39 and 45 Canning Highway and advising that they had been overseas during the comment period.

**Cr McPhail – Cr Collinson**

**That the letter from Mr & Mrs Tandon be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 185.1).**

CARRIED 7:0

**185. TOWN PLANNING & BUILDING****185.1 Minutes of Town Planning & Building Committee 4 August 2015 – Receipt****Cr Martin – Cr Collinson**

**That the Minutes of the Town Planning & Building Committee held on 4 August 2015 be received.**

CARRIED 7:0

**(A) T89.1 Review of Municipal Heritage Inventory and Heritage List**

The letter from Mr & Mrs Tandon, referred from Correspondence (MB Ref 184.1) was tabled.

Mrs Tandon (owner 39 and 45 Canning Highway) addressed the meeting opposing the heritage listing of her two properties on the following grounds:

- No significant portion of the building fabric had been retained
- She disagreed with the notion of the preservation of the streetscape character given the surrounding structures
- They would be financially disadvantaged by the listing of the properties.

*Cr Martin declared a financial interest in the confirming of her property 16 Sewell Street as a Category 'B' on the revised Municipal Inventory and being included in the Scheme's Heritage List, and left the meeting at 6.43pm.*

**Cr McPhail – Cr Collinson**

**The adoption of the Committee's recommendation which is as follows:**

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**That property 16 Sewell Street, shown on the MI Index as Management Category 'B' be confirmed as Category 'B' on the revised MI and included in the Scheme's Heritage List pursuant with CI 7.1.3(d) of Town Planning Scheme No 3.**

CARRIED 6:0

*Cr Martin returned to the meeting at 6.45pm and it was noted she did not speak or vote on the previous motion.*

**Cr Martin – Cr Collinson**

**The adoption of the Committee's recommendation which is as follows:**

**That:**

- (a) where appropriate the relevant Place Record Forms should be revised to reflect the physical and historic information in the owners submissions. This should include 84 King Street which is not denoted in the officer's report.
- (b) 46 East Street (Harbour Heights) should be removed from the Municipal Inventory
- (c) consideration of the inclusion of 57 Duke Street be deferred.
- (d) with the exception of 91 & 93 Canning Highway which should be changed to Management Category C and 57 Duke Street, all properties shown on the attached MHI Index as Management Category 'B' should be confirmed as Category 'B' on the revised MI and included on the Scheme's Heritage List pursuant with CI 7.1.3 (d) of Town Planning Scheme No. 3.
- (e) notification in respect of all places to be included on the Scheme's Heritage List be undertaken in accordance with the provisions of CI.7.1.4 of Town Planning Scheme No. 3.

CARRIED 7:0

*The Manager Planning Services and Cr McPhail left the meeting at 6.50pm.*

**186. ADJOURNMENT**

**Mayor O'Neill – Cr Harrington**

**That the meeting be adjourned at 6.50pm.**

CARRIED 6:0

**187. RESUMPTION**

**Cr McPhail – Cr Watkins**

**That the meeting be resumed at 6.52pm with all those present prior to the adjournment, and Cr McPhail, in attendance.**

CARRIED 7:0

**188. FINANCE**

**188.1 Monthly Financial Activity Statement for Period Ending 31 July 2015**

*By Les Mainwaring Executive Manager Finance & Administration on 10 August 2015*

**PURPOSE**

To provide timely financial information to Elected Members including regular review of the current forecast. This statement compares actual performance against budget estimates, and summarises operating and capital results in accordance with statutory requirements.

**BACKGROUND**

The report comprises the financial results from the month of July 2015, with commentary focusing on comparisons to the year to date budget position.

The monthly Financial Activity Statement for the period ending 31 July 2015 is appended and includes the following:

- Financial Activity Statement
- Notes to the Financial Activity Statement including schedules of investments, rating information and debts written off.
- Capital expenditure Report

**ATTACHMENT**

The attached Financial Activity Statements are prepared in accordance with the amended Local Government (Financial Management) Regulations 1996; together with supporting material to provide Council with easy to understand financial information on Council activities undertaken during the financial year.

## REPORT

### Introduction/Comments

The following is a summary of information on the attached financial reports:

#### Revised Budget Forecast

The current budget forecast for the 30 June 2016 indicates a small surplus of \$20,900 which was the budget position adopted 20 July 2015.

#### Operating YTD Actuals (compared to the YTD Budget)

Operating Revenue 2409%; is \$7,129,000 more than the YTD budget. (Favourable)

Operating Expenditure 67%; is \$259,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$7,392,000 more than the YTD budget (Favourable).

Operating Revenue is 2409% Favourable with year to date budget.

The significant favourable variance within operating revenue is the raising of rates earlier in July whereas this has usually occurred in August; early receipt of a \$50,000 grant for development of the Recreation and Community Facilities Plan; early timing difference of HACC funding \$38,000; the early raising of refuse service charges with rates \$96,000; and the early raising of Mooring Pen licenses \$130,000 which will be offset in August.

Operating Expenditure is 33% favourable to year to date budget.

The main area of favourable variation for operating expenditure is timing differences on Community Amenities waste collection and waste processing charges which are invoiced the following month.

All capital activities have been set forward in the budget so that they can be easily monitored in terms of progress.

The current year's capitals works programmes had not commenced at reporting date until adoption of the budget.

Other details can be found in the attached notes to the financial activity statement.

#### Capital Programs YTD Progress Summaries

Annual Timeline 8% of year elapsed

Land & Buildings 0% expended

Infrastructure Assets 0% expended

Plant & Equipment 0% expended

Furniture & Equipment 0% expended

Capital expenditure is \$2,052,000 less than the YTD budget (Favourable) which represents 100% of the capital programs to be completed. The report provides details on individual capital works to be progressed as at 31 July 2015.

**Statutory Requirements**

Local Government Act 1995 (As amended)  
Local Government (Financial Management) Regulations 1996 (As amended)

**Relevant Council Policies**

Significant accounting policies are adopted by Council on an annual basis. These policies are used in the preparation of the statutory reports submitted to Council.

**Strategic Plan Implications**

Nil

**Financial/Resource/Budget Implications**

The July 2015 Financial Activity Statement shows variances in income and expenditure when compared with year to date draft budget estimates.

**Conclusion**

The attached Financial Activity Statement for the period 1 July 2015 to 31 July 2015 is presented to the Council for timely information. The current annual forecast of a small \$20,900 surplus is confirmed by these accounts in conjunction with further analytical analysis undertaken at officer level.

**Voting Requirements**

Simple Majority

**RECOMMENDATION**

That the Financial Activity Statement for the period ending 31 July 2015 be received.

**Cr Collinson – Cr Martin**

**That the Financial Activity Statement for the period ending 31 July 2015 be received.** CARRIED 7:0

**188.2****Accounts for Payment – July 2015**

*By Les Mainwaring, Executive Manager Finance & Administration on 11 August 2015*

**PURPOSE**

To endorse the list of payments made under delegated authority for the period 1 July to 31 July 2015.

**BACKGROUND**

The Acting Chief Executive Officer has delegated authority to make payments from the Municipal and Trust Accounts in accordance with budget allocations.

The Town provides payments to suppliers by electronic funds transfer, cheque or credit card. Attached is a list of all payments made under delegated authority during the said period.

**ATTACHMENT**

**REPORT****Statutory Requirements**

Local Government (Financial Management) Regulations 1996 – Regulation 13

**Comments/Discussion**

The List of Accounts paid for the period beginning 1 July to 31 July 2015 requires endorsement by the Council.

**RECOMMENDATION**

That the List of Accounts paid for the period beginning 1 July to 31 July 2015 be received, as per the following summary table:

JULY 2015		
Voucher Nos	Account	Amount
4901 – 4910	Municipal (Cheques)	\$7,738.76
EFT 21186 – EFT 21292	Electronic Transfer Funds	\$668,459.57
Payroll	Electronic Transfer Funds	\$181,733.75
	<b>Municipal Total Payments</b>	<b>\$857,932.08</b>

**Cr Martin – Cr Collinson**

**That the List of Accounts paid for the period beginning 1 July to 31 July 2015 be received.** CARRIED 7:0

*The Executive Manager Finance & Administration left the meeting at 6.55pm.*

## **189. REPORTS OF ELECTED MEMBERS**

### **189.1 Local Government Conference/WALGA AGM**

Cr Rico reported on matters raised at the WALGA AGM and highlighted a couple of interesting speakers at the Conference.

### **189.2 SMRC**

Cr McPhail provided an update on the SMRC and reminded interested elected members to RSVP for the SMRC Presentation: Strategic Waste Management Plan at 6:30pm on Monday 7th September.

### **189.3 Future Freo Committee**

Cr McPhail advised of a presentation regarding the Future Freo initiative on 10 September 2015 at 3pm.

## **190. REPORTS OF ACTING CHIEF EXECUTIVE OFFICER**

### **190.1 Employment Committee**

*By Gary Clark, Acting CEO, 13 July 2015*

*Declaration of interest: The author declares a financial interest in this matter because the proposed employment committee will determine matters relating to his employment.*

#### **Purpose**

To establish an Employment Committee for the purpose of providing oversight of matters relating the employment of the Chief Executive Officer (CEO) such as recruitment and performance reviews.

#### **Background**

From time to time Council needs to make decisions on various aspects of the CEO's employment. Local governments usually establish a standing Employment Committee for this purpose.

#### **Comment**

The most common tasks for an Employment Committee are performance reviews, establishing key performance indicators, recruitment of a CEO and negotiating remuneration. As some of these tasks are undertaken at least annually it is more effective to establish a standing committee.

The performance review for the Acting CEO and the recruitment of a permanent CEO are the two matters that need to commence in the next month for the Town of East Fremantle.

It is not uncommon for the whole Council to conduct performance reviews or recruit CEO's. However, an interview or performance review panel should be limited to a maximum of four members to provide an environment that enables good communication. A membership of four elected members should provide enough diversity and confidence in any recommendation to Council.

The attached draft terms of reference for the proposed employment committee recommend that the membership of the committee be Mayor, Deputy Mayor and two other elected members. While the membership of the committee may change after each election there should be some continuity. It would be preferable if committee members had some training or knowledge of good human resource processes. **ATTACHMENT**

The draft terms of reference also provide delegation to appoint consultants to a cost limit. This is necessary to allow the committee to obtain advice without waiting for a Council resolution or the authorisation of expenditure from the CEO.

The estimated timing for the recruitment of a permanent CEO is set out below. Staff will seek quotes from consultants to manage the process and assist the employment committee. A recommendation will be made to the Employment Committee (subject to delegated authority) or the Council to appoint a consultant.

Task	Timing
Discuss at Council Concept Forum	14 July 2015
Form CEO Employment Committee	18 August 2015 (Ordinary Council Meeting)
Appoint a Recruitment Consultant	22 September 2015 (Ordinary Council Meeting)
Advertise	3 October 2015
Applications Close	23 October 2015
Shortlist Applicants	30 October 2015
Interviews Arranged	6 November 2015
Interviews Complete	19 November 2015
Reference Checks	25 November 2015
Advise Preferred Applicant	30 November 2015
Contract negotiated	7 December 2015
Council Decision	8 December 2015 (Spec Council Meeting)
CEO starts work	9 March 2016
Handover with Acting CEO	9 – 11 March 2016

**Statutory Requirements**

Local Government Act, Part 5, Division 2, Section 5.8 to 5.18 provides for the establishment, membership and conduct of committees.

**Relevant Council Policies**

Nil

**Strategic Plan Implications**

Nil

**Financial/Resource/Budget Implications**

Nil

**Conclusion**

Establishing a standing Employment Committee will provide an effective governance framework to consider employment matters relating to the CEO.

**Voting Requirements**

Absolute Majority

**RECOMMENDATION**

That Council:

1. establish the Employment Committee in accordance with the attached Terms of Reference,
2. appoint the Mayor, Deputy Mayor and Councillors ..... and ..... to the Committee and,
3. note the timeline for the recruitment of a permanent CEO.

The Mayor called for nominations for the two Councillor vacancies on the proposed Committee. Crs McPhail and Collinson nominated for the positions.

*Cr McPhail – Cr Watkins*

*That Council:*

1. *establish the Employment Committee in accordance with the attached Terms of Reference,*
2. *appoint the Mayor, Deputy Mayor and Councillors McPhail and Collinson to the Committee and,*
3. *note the proposed timeline for the recruitment of a permanent CEO.*

Amendment

*Cr Rico – Cr Collinson*

*That part 6 of the Terms of Reference be amended to read:*

*“Appointing WALGA Recruitment to provide advice, facilitate or assist with any matter before the committee.”*

LOST 2:5

The substantive motion was put.

**Cr McPhail – Cr Watkins**

**That Council:**

1. **establish the Employment Committee in accordance with the attached Terms of Reference,**
2. **appoint the Mayor, Deputy Mayor and Councillors McPhail and Collinson to the Committee and,**
3. **note the proposed timeline for the recruitment of a permanent CEO.**

CARRIED 7:0  
ABSOLUTE MAJORITY

Reason for Varying the Officer’s Recommendation

To ensure the recommendation to Council is orderly and sequential.

**190.2**     **Policy – CEO Leave Approval**  
*By Gary Clark, Acting CEO, 11 August 2015*

**Purpose**

To adopt a policy for approve the CEO's requests to take leave.

**Background**

Council has requested that the Acting CEO develop a policy to ensure accountability about the accrual and taking of leave by the CEO. A draft policy was presented to Council at the June meeting however the item was held over to be discussed at the July Council Concept Forum.

**Comment**

The CEO is an employee of the Council and is therefore accountable to Council in accordance with the contract of employment.

The CEO is required by the Local Government Act 1995 to ensure that systems are in place to record the financial transactions of the local government. In the case of employee's leave entitlements the payroll system is designed to record the accrual and taking of leave. These transactions must be supported by substantiating documentation (such as authorised leave applications) to allow verification by internal or external audit.

The accrual of leave is substantiated by the contract of employment or the appropriate employment award. The taking of leave is substantiated by a leave application signed and authorised by the relevant manager or the CEO. The authorisation by a manager or the CEO is appropriate for all employees except the CEO because the CEO is only accountable to the Council.

Requiring the Council to authorise the CEO's leave is administratively inefficient. The solution is for the Mayor to liaise with the CEO and authorise leave forms after being advised of the relevant leave balances.

Council can be kept informed when leave has been approved, who has been appointed to act as CEO during the leave and the relevant amount of accrued leave.

The draft policy was to be discussed at the July Council Concept Forum however that forum was cancelled. The feedback on the proposed policy indicated that Councillors were most concerned about the amount of long service leave that was able to be accrued and the mechanism for reporting leave balances on an annual basis.

The attached draft policy has been amended to;

1. require that long service leave be taken within three years of it becoming due and,
2. ensure that the accrued balances are reported annually in conjunction with the annual performance review.

**Statutory Requirements**

Nil

**Relevant Council Policies**

Nil

**Strategic Plan Implications**

Nil

**Financial/Resource/Budget Implications**

Nil

**Conclusion**

The attached draft policy will ensure that Council's expectations about the accrual and taking of leave by the CEO are clear.

**ATTACHMENT**

**Voting Requirements**

Simple majority

**RECOMMENDATION**

That Council adopt the attached policy titled "CEO Leave Approval".

**Cr Martin – Cr Harrington**

That Council adopt the policy, attached to these minutes, titled "CEO Leave Approval". CARRIED 7:0

**191. CONFIDENTIAL BUSINESS**

**Cr McPhail – Cr Martin**

That this part of the meeting be closed to members of the public in accordance with Section 5.23(2)(a) of the Local Government Act 1995, at 7.35pm. CARRIED 7:0

**191.1 Performance Review – Acting CEO**

A confidential report prepared by the Acting CEO was considered.

**CONFIDENTIAL ATTACHMENT**

Cr Martin drew attention to the indicative timeframe which scheduled a meeting of the Employment Committee on the same evening as the Town Planning & Building Committee meeting and noted that three members of the Employment Committee were also members of the Town Planning Committee.

**Cr McPhail – Cr Martin**

That Council appoint Helen Hardcastle of Learning Horizons to facilitate the performance review of the Acting CEO. CARRIED 7:0

**192. REOPENING OF MEETING TO PUBLIC**

**Cr McPhail – Cr Martin**

That the meeting be reopened to members of the public at 7.47pm.

**193. NOTICES OF MOTION BY ELECTED MEMBERS FOR CONSIDERATION AT THE FOLLOWING MEETING**

Nil.

**194. CLOSURE OF MEETING**

There being no further business, the meeting closed at 7.49pm.

*I hereby certify that the Minutes of the meeting of the Council of the Town of East Fremantle, held on 18 August 2015, Minute Book reference 172. to 194. were confirmed at the meeting of the Council on*  
.....  

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*Presiding Member*