



A CENTRE OF REGIONAL EXCELLENCE

**MINUTES**

EXTRA ORDINARY MEETING OF COUNCIL

HELD ON

19 OCTOBER 2016

AT 6.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL EXTRA ORDINARY MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 19 OCTOBER 2016**

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Meeting Commenced 6.00pm

**ACKNOWLEDGEMENT OF COUNTRY**

Public: 4

**PRESENT**

His Worship the Mayor  
Councillor S Lesslie  
Councillor M F Ticehurst  
Councillor C Coleman  
Councillor G Cox  
Councillor W McAndrew  
Councillor S Ring  
Councillor J Smith  
Councillor M Statham  
Councillor R Thompson

**APOLOGIES**

NIL

**Also in attendance**

Mr Roger Bailey, General Manager

**DECLARATION OF INTEREST**

His Worship the Mayor called for Declarations of Interest on any matter before the Meeting.

Nil

**QUESTIONS FROM THE PUBLIC**

Nil

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**CLOSED COUNCIL**

**ITEM-1            CONFIDENTIAL - CLOSED COUNCIL - GM – 19/10/16 - STAFF SURVEY**

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**16 – 271 RESOLVED**

**THAT** Council consider the Staff Survey Report in a closed Council pursuant to Section 10A(2)(a) of the Local Government Act 1993.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor S Ring.

**CARRIED**

**CLOSED COUNCIL**

The Mayor asked if there were any objections from the Public with regards to the confidential reports being considered in closed Council.

There were Nil objections.

**16 – 272 RESOLVED**

**THAT** Council move into Closed Council to consider the confidential report.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor S Ring

**CARRIED**

At 6:05pm the Council resolved to move into Closed Council.

## **CLOSED REPORTS**

### **ITEM-1            CONFIDENTIAL - CLOSED REPORT - GM - 191016 - STAFF SURVEY**

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Closed Council started at 6:05pm.

## **16 - 273 RESOLVED**

**THAT** Council consider the Staff Survey Report.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor S Ring.

**CARRIED**

## **MOTION**

**THAT** the General Manager be asked to leave the meeting whilst the staff survey is discussed.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor S Ring.

## **AMENDMENT**

**THAT** items 1 and 2 be debated with the General Manager present and that item 3 be debated with the General Manager absent.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson

The amendment was PUT and **LOST**.

## **16 – 274 RESOLVED**

**THAT** the General Manager be asked to leave the meeting whilst the staff survey is discussed.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor S Ring.

The Motion was then PUT and was **CARRIED**

## **PROCEDURAL MOTION**

**THAT** the staff survey be debated in committee.

**MOVED:** Councillor J Smith

**CARRIED**

## **MOTION**

**THAT:**

1. Under Point 10.3.5 of the contract of employment between the Lithgow City Council and the General Manager expiring on the 21 September 2017, Council terminate the G.Ms contract immediately by paying under Point 11.3 the appropriate remuneration to the General Manager.
2. That under Section 351 (1) of the Local Government Act 1993, Mr Andrew Muir, the Council's Group Manager of Planning and Environment, is immediately appointed temporarily to the position of General Manager, Lithgow City Council.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor S Ring.

The Mayor ruled the Motion out of order.

A motion of dissent against the Mayor's ruling was moved by Councillor M F Ticehurst. Seconded by Councillor J Smith.

**CARRIED**

The motion was reinstated.

## **AMENDMENT**

**THAT:**

1. That in response to the letter sent to Cr Statham, the then Mayor, on 10 June 2016 requesting a renewal of appointment as General Manager that it is Council's decision not to reappoint the General Manager after the 21 September 2017 as per the terms of the contract.
2. As a matter of urgency, Council through the Mayor, Deputy Mayor and General Manager engage an external independent person or persons with the skill, experience and expertise to independently undertake a review/investigation of Council's management behaviour, processes, policies and procedures.
  - The Terms of Reference will include but not be limited to:
    - A thorough investigation of management at all levels taking special interest in accusations of harassment, intimidation and bullying.

- Investigation and assessment of all Council's employment/employee policies. Eg. harassment and bullying policies.
- Assessment of the Employee Satisfaction Survey and the Diversity, Equal Employment Opportunity, Bullying and Harassment Training outcomes from late 2015.
- Assessment of the strength and weaknesses of the Internal Audit Committee Terms of Reference Assessment of the appropriateness of the current Council Code of Conduct, which forbids staff members raising issues of concern with, elected Councillors.
- That the External Providers present their findings, conclusions and recommendations to all Councillors at a Specially Convened Extraordinary Closed Meeting. Those findings, conclusions and recommendations to form a final report and be provided in writing to all Councillors at this meeting.
- Further, that it goes without saying, that all Councillors, the General Manager, Senior Staff and all employees are to co-operate fully with the External Providers and that the General Manager provide to them all appropriate documentation as required for them to properly undertake their review.
- The Mayor and Deputy Mayor to regularly oversee the process so that the external providers are provided with all the appropriate support and documentation they need.
- Further, that Council allocates the appropriate funds to engage the external providers as outlined.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson

The amendment was PUT and **LOST**

The Motion was PUT and **CARRIED**

## **16 – 275 RESOLVED**

**THAT:**

1. Under Point 10.3.5 of the contract of employment between the Lithgow City Council and the General Manager expiring on the 21 September 2017, Council terminate the G.Ms contract immediately by paying under Point 11.3 the appropriate remuneration to the General Manager.
2. That under Section 351 (1) of the Local Government Act 1993, Mr Andrew Muir, the Council's Group Manager of Planning and Environment, is immediately appointed temporarily to the position of General Manager, Lithgow City Council.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor S Ring.

## **PROCEDURAL MOTION**

**THAT** standing orders be resumed

**MOVED:** Councillor R Thompson

**CARRIED**

### **PROCEDURAL MOTION**

**THAT** the Committee's decision be debated in Council.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor S Ring

**CARRIED**

### **MOTION**

**THAT:**

1. That under Point 10.3.5 of the contract of employment between the Lithgow City Council and the General Manager expiring on the 21 September 2017, Council terminate the G.Ms contract immediately by paying under Point 11.3. the appropriate remuneration to the General Manager.
2. That under Section 351 (1) of the Local Government Act 1993, Mr Andrew Muir, the Council's Group Manager of Planning and Environment, is immediately appointed temporarily to the position of General Manager, Lithgow City Council.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor S Ring

### **AMENDMENT**

**THAT:**

1. That in response to the letter sent to Cr Statham, the then Mayor, on 10 June 2016 requesting a renewal of appointment as General Manager that it is Council's decision not to reappoint the General Manager after the 21 September 2017 as per the terms of the contract.
2. As a matter of urgency, Council through the Mayor, Deputy Mayor and General Manager engage an external independent person or persons with the skill, experience and expertise to independently undertake a review/investigation of Council's management behaviour, processes, policies and procedures.
  - The Terms of Reference will include but not be limited to:
    - A thorough investigation of management at all levels taking special interest in accusations of harassment, intimidation and bullying.
    - Investigation and assessment of all Council's employment/employee policies. eg harassment and bullying policies.



- Assessment of the Employee Satisfaction Survey and the Diversity, Equal Employment Opportunity, Bullying and Harassment Training outcomes from late 2015.
- Assessment of the strength and weaknesses of the Internal Audit Committee Terms of Reference Assessment of the appropriateness of the current Council Code of Conduct, which forbids staff members raising issues of concern with, elected Councillors.
- That the External Providers present their findings, conclusions and recommendations to all Councillors at a Specially Convened Extraordinary Closed Meeting. Those findings, conclusions and recommendations to form a final report and be provided in writing to all Councillors at this meeting.
- Further, that it goes without saying, that all Councillors, the General Manager, Senior Staff and all employees are to co-operate fully with the External Providers and that the General Manager provide to them all appropriate documentation as required for them to properly undertake their review.
- The Mayor and Deputy Mayor to regularly oversee the process so that the external providers are provided with all the appropriate support and documentation they need.
- Further, that Council allocates the appropriate funds to engage the external providers as outlined.

The amendment PUT was **LOST**.

The motion was PUT and **CARRIED**.

A **DIVISION** was called by Councillors M F Ticehurst and S Ring.

**Divisions -**

**FOR**

Councillor M F Ticehurst  
Councillor C Coleman  
Councillor G Cox  
Councillor S Ring  
Councillor J Smith  
Councillor M Statham

**AGAINST**

Councillor S Lesslie  
Councillor R Thompson  
Councillor W McAndrew

The Council resolved to refer to open Council and recommend the resolutions of Closed Council.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor S Ring

**CARRIED**

The Mayor announced the recommendations of the Closed Council.

## **16 – 276 RESOLVED**

**THAT** Council adopt the recommendations of the closed Council being the resolution as:

1. That under Point 10.3.5 of the contract of employment between the Lithgow City Council and the General Manager expiring on the 21 September 2017, Council terminate the G.Ms contract immediately by paying under Point 11.3. the appropriate remuneration to the General Manager.
2. That under Section 351 (1) of the Local Government Act 1993, Mr Andrew Muir, the Council's Group Manager of Planning and Environment, is immediately appointed temporarily to the position of General Manager, Lithgow City Council.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor S Ring

**CARRIED**

A **DIVISION** was called by Councillors M F Ticehurst and S Ring.

**Divisions -**

### **FOR**

Councillor M F Ticehurst  
Councillor C Coleman  
Councillor G Cox  
Councillor S Ring  
Councillor J Smith  
Councillor M Statham

### **AGAINST**

Councillor S Lesslie  
Councillor R Thompson  
Councillor W McAndrew

## **BUSINESS OF GREAT URGENCY**

*In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only of:*

- a) *A motion is passed to have the business transacted at the meeting: and*
- b) *The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.*

NIL

There being no further business the meeting closed at 8:25pm.

Minutes taken by Mayor, Councillor Stephen Lesslie.