

Agenda

Special Council Meeting Tuesday 5 September 2023

Notice of Meeting

A Special Council Meeting for Council to take place in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on **Tuesday 5 September 2023** commencing at **7:00 pm**, for the purposes of:

- Considering recommendations from the CEO Review Committee meeting held 21 August 2023; and
- Considering a report from the CEO in relation to the Annual Performance Review and Key Performance Indicators.

Please note that whilst the meeting is a public meeting, the agenda item is confidential, and it is likely that the Council will go behind closed doors for the majority of the meeting.

Yours sincerely



KYM LEAHY
A/CHIEF EXECUTIVE OFFICER

29 August 2023

Council Chambers Seating Plan



Jeremy Edwards
CEO



Cr Filomena Piffaretti
Mayor



Cr Giorgia Johnson



Cr Lorna Clarke



Cr Dan Bull



Cr Elli Petersen-Pik



Cr Catherine Ehrhardt
Deputy Mayor



Cr Assunta Meleca



Cr Steven Ostaszewskyj



Cr Sally Palmer



Cr Josh Eveson



Cr Michelle Sutherland



Des Abel,
DC



Kym Leahy,
DCS



Luke Botica,
DIA

Agendas
and Minutes
Officer

Press

Gallery

Nature of Council's Role in Decision Making

Advocacy:	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive/Strategic:	The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative:	Includes adopting local law, town planning schemes and policies.
Review:	When Council reviews decisions made by officers
Quasi-Judicial:	When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits/licenses (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

*City of Bayswater Standing Orders Local Law 2021***6.9 DEPUTATIONS**

- (1) Allowance has been established for deputations to be heard at Agenda Briefing Forums the week prior to the Ordinary Council Meeting by any person or group wishing to be received. A deputation may be heard at the Council meeting, Agenda Briefing Forum or a Committee meeting open to the public at the discretion of Council, and the depute is to either-
 - (a) apply, before the meeting, to the CEO for approval and can be considered in both a verbal and written format;
 - (b) with the approval of the Presiding Member, at the meeting; and-
 - (c) are to be received by 1.30pm on the day of the forum receiving the deputation.
- (2) Upon receipt of a request for a deputation the CEO must refer the request to the relevant Council meeting, Agenda Briefing Forum or a Committee meeting.
- (3) Unless the Presiding Member allows, a depute invited to attend the meeting is not to address the meeting for a period exceeding 5 minutes.
- (4) Unless given leave by the Presiding Member, only two members of the deputation may address the meeting, although others may respond to specific questions from Members.
- (5) For the purposes of this clause, unless Council, Agenda Briefing Forum or the Committee determines otherwise, a deputation is taken to comprise all those people either in favour of, or opposed to, the matter which is the subject of the deputation.
- (6) Unless Council, Agenda Briefing Forum or the Committee resolves otherwise, any matter which is the subject of a deputation to the Council, Agenda Briefing Forum or a Committee open to the public is not to be decided by Council, Agenda Briefing Forum or the Committee until the deputation has completed its presentation.
- (7) The Presiding Member may require deputations to leave the meeting while other deputations are being heard in relation to that matter.
- (8) A member of the public who makes a deputation is to state his or her name and address, however only the name will be published in the minutes.

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1 OFFICIAL OPENING**2 ACKNOWLEDGEMENT OF COUNTRY**

In accordance with the City of Bayswater's Reflect Reconciliation Action Plan November 2019-November 2020, the Presiding Member will deliver the Acknowledgement of Country.

Noongar Language

Ngalla City of Bayswater kaatanginy baalapa Noongar Boodja baaranginy, Wadjuk moort Noongar moort, boordiar's koora koora, boordiar's ye yay ba boordiar's boordawyn wah.

English Language Interpretation

We acknowledge the Traditional Custodians of the Land, the Whadjuk people of the Noongar Nation, and pay our respects to Elders past, present and emerging.

3 ANNOUNCEMENTS FROM THE PRESIDING MEMBER**4 ATTENDANCE****Members**North Ward

Cr Filomena Piffaretti, Mayor
Cr Josh Eveson
Cr Michelle Sutherland

Central Ward

Cr Assunta Meleca
Cr Steven Ostaszewskyj
Cr Sally Palmer

South Ward

Cr Catherine Ehrhardt, Deputy Mayor
Cr Elli Petersen-Pik

West Ward

Cr Dan Bull
Cr Lorna Clarke
Cr Giorgia Johnson

Officers

Mr Jeremy Edwards	Chief Executive Officer
Ms Amanda Albrecht	Manager Governance and OPD (minute-taker)

Observers

Press -
Public -

4.1 Apologies

4.2 Approved Leave of Absence

Nil.

4.3 Applications for Leave of Absence

5 DISCLOSURE OF INTEREST SUMMARY

In accordance with section 5.65 of the *Local Government Act 1995*:

A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

The following disclosures of interest were provided prior to the meeting:

Name	Item No.	Type of Interest	Nature of Interest
Mr Jeremy Edwards, Chief Executive Officer	8.1.1	Financial	Mr Jeremy Edwards has declared a financial interest in this report as he holds the position of Chief Executive Officer and this report relates to his performance and remuneration.
Ms Amanda Albrecht, Manager Governance and Organisational Planning and Development	8.1.1	Impartial	Ms Albrecht has declared an impartiality interest in this item as she is a direct report to the Chief Executive Officer.

6 PUBLIC QUESTION TIME

In accordance with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the *City of Bayswater Standing Orders Local Law 2021* the following procedures relate to public question time:

1. A member of the public who raises a question during question time, is to state his or her name and address.
2. Each member of the public with a question is entitled to ask up to 3 questions. At a Special Council Meeting these questions must relate to the purpose of the meeting.
3. The minimum time to be allocated for public question time is 15 minutes.
4. Questions from the public must relate to a matter affecting the local government, and at a Special Council Meeting, the purpose for which that meeting has been called
5. A summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of the meeting.
6. Where a question is taken on notice at the meeting, a summary of the response to the question will be provided in writing to the member of public and included in the agenda for the following meeting.

6.1 Public Question Time

7 PRESENTATIONS**7.1 Petitions****7.2 Deputations****8 MEETING CLOSED TO THE PUBLIC****8.1 Matters for Which the Meeting May be Closed****8.1.1 Chief Executive Officer Annual Performance Review 2022/23**

Responsible Branch:	Governance and Organisational Planning and Development
Responsible Directorate:	Office of the Chief Executive Officer
Authority/Discretion:	Legislative
Attachments:	<ol style="list-style-type: none">1. CONFIDENTIAL - Attachment 1 - CEO Performance Review 2023-23 with attachments - 21.07.23.2. CONFIDENTIAL - Attachment 2 - Performance Appraisal Report 2022-23 - Learning Horizons - August 2023 - Replacement Report3. CONFIDENTIAL - Attachment 3 - Draft CEO KPIs 2023-244. CONFIDENTIAL - Attachment 4 - Revised Draft CEO KPIs 2023-24

MR JEREMY EDWARDS DECLARED A FINANCIAL INTEREST

Mr Jeremy Edwards has declared a financial interest in this report as he holds the position of Chief Executive Officer and this report relates to his performance and remuneration.

MS AMANDA ALBRECHT DECLARED AN IMPARTIAL INTEREST

This report has been prepared by Ms Amanda Albrecht, Manager, Governance and Organisational Planning and Development (MGOPD). The Chief Executive Officer has been consulted in the drafting of this report. Ms Albrecht has declared an impartiality interest in this item as she is a direct report to the Chief Executive Officer.

REASON FOR CONFIDENTIALITY

This is a CONFIDENTIAL REPORT in accordance with section 5.23(2) of the Local Government Act 1995 (WA), which permits the meeting to be closed to the public for the business relating to:

- (a) a matter affecting an employee or employees;*

COMMITTEE RECOMMENDATION

That the recommendation as contained in the “Confidential Report” be adopted.

9 CLOSURE