COMMITTEE OF THE WHOLE
AS AMENDED BY COUNCIL ON FEBRUARY 28, 2007
REPORT 07-006
2:30 p.m.
February 26, 2007
Council Chambers
Hamilton City Hall
71 Main Street West, Hamilton

Present: Mayor F. Eisenberger
Councillors B. McHattie, B. Bratina, B. Morelli, S. Merulla,
C. Collins, T. Jackson, S. Duvall, T. Whitehead, B. Clark,
D. Mitchell, L. Ferguson, R. Powers, R. Pasuta, M. McCarthy

Absent with Regrets: Councillor M. Pearson – Family Funeral

Also Present: G. Peace, City Manager
L.A. Coveyduck, General Manager, Planning and Economic Development
J.A. Priel, General Manager, Community Services
A. Pekaruk, Director, Audit Services
P. Barkwell, City Solicitor
R. Caterini, Deputy Clerk/Manager of Legislative Services & Records
S. Paparella, Legislative Assistant

COMMITTEE OF THE WHOLE PRESENTS REPORT 07-006 and RESPECTFULLY RECOMMENDS:

1. Building and Licensing Division Operational Review Sub-Committee Report 07-001 (Item 4.1)

   (a) That Report CM07007, respecting the Operational Review of the Standards and Licensing Section of the Planning and Economic Development Department, as submitted by the Audit Services Division of the City Manager’s Office, be received.

   (b) That the forty-eight (48) recommendations, as set out in the Executive Summary of the Operational Review of the Standards and Licensing Section of the Planning and Economic Development Department, dated November, 2006, attached as Appendix “A” to Report 07-006, be approved.

   (c) That Schedule “E”, of the Operational Review of the Standards and Licensing Section of the Planning and Economic Development Department, attached as Appendix “A” to Report 07-006 remain private and confidential.
(d) That staff report back to the Building and Licensing Division Operational Review Sub-committee with an implementation plan that prioritizes the forty-eight (48) recommendations contained in Appendix A to Report 07-006.

(e) That staff identify, in that report, where recommendations will internally yield savings to pay for the proposed enhancements, outlined in Appendix A to Report 07-006.

(f) That the report also identifies, in the 2007 budget, the levy requirements to implement the recommendations contained in Appendix A to Report 07-006.

(g) That the need for additional enforcement officers be brought back to the Building and Licensing Division Operational Review Sub-committee Committee for consideration by June 2007 for action in the 2007 fiscal year.

2. Operational Review of the Standards and Licensing Section (PED07071) (City Wide)

(a) That Recommendation Nos. 10 and 32, outlined in Appendix B to Report 07-006 be referred to the 2008 Budget process for Council’s consideration after the appropriate reviews of pro-active enforcement and mobile access for Standards and Licensing Inspectors have been completed.

(b) That staff report back in six (6) months with a status report and an overall detailed work program for the Economic Development and Planning Committee’s information.

That Item 2, of Committee of the Whole Report 07-006 be amended, by adding subsections (c) through (i), to read as follows:

(c) That the proposed Implementation Plan contained in Appendix B to Report 07-006 be received for information.

(d) That Recommendation No. 3 outlined in Appendix B to Report 07-006, which requires one-time funding of $30,000 to develop a centralized filing system, be referred to the 2007 Budget process for Council’s consideration.

(e) That Recommendation No. 10 outlined in Appendix B to Report 07-006, which requires one-time funding of $40,000 and 0.5 FTE to undertake a pilot of proactive licensing enforcement, be referred to the 2007 Budget
process for Council’s consideration and a more permanent solution be referred to the 2008 Budget process after a review of the pilot.

(f) That Recommendation No. 17 outlined in Appendix B to Report 07-006, which requires $15,000 and 0.33 FTE to hire a co-op student, be referred to the 2007 Budget process for Council’s consideration.

(g) That Recommendation No. 25 outlined in Appendix B to Report 07-006, which requires $65,000 and 1.0 FTE to hire a Customer Service and Liaison Officer, be referred to the 2007 Budget process for Council’s consideration.

(h) That Recommendation No. 41 outlined in Appendix B to Report 07-006, which requires $95,000 and 1.0 FTE to hire a Coordinator of Licensing, be referred to the 2007 Budget process for consideration.

(i) That Recommendation No. 45 outlined in Appendix B to Report 07-006, which requires $25,000 one-time funding to undertake the effectiveness of noise complaints, be referred to the 2007 Budget process for Council’s consideration.

3. Licensing of Private Clubs

That staff be directed to investigate the implementation of licensing and licensing fees for Private Clubs and report back to the Building and Licensing Division Operational Review Sub-committee.

4. Appointment of an Additional Member to the Building and Licensing Division Operational Review Sub-committee

That Councillor B. McHattie be appointed as a member to the Building and Licensing Division Operational Review Sub-committee.

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA

The Clerk noted the following changes to the agenda:

(i) Circulation of revised Report 07-001 of the Building and Licensing Division Operational Review Sub-Committee, which included section (g) Staff Direction, provided at the sub-committee.

The agenda was approved as amended.

(b) DECLARATIONS OF INTEREST

There were none declared.

(c) ADOPTION OF MINUTES

February 12, 2007

The Minutes of February 12, 2007 were adopted as presented.

(d) Chair

Deputy Mayor Collins called the meeting to order and chaired until Mayor Eisenberger joined the meeting and assumed the Chair.

(e) Code of Conduct for Elected Officials respecting Enforcement Matters

The City Solicitor was directed to report back to Committee of the Whole on draft guidelines, which can be incorporated into a Code of Conduct, for how members of Council may interact with enforcement staff.

(f) PRIVATE AND CONFIDENTIAL

Minutes of Closed Session Meeting held on February 12, 2007 (Item 7.1)

Item 7.1 was not addressed at the February 26, 2007 meeting of Committee of the Whole. Therefore, the Closed Session Minutes of the February 12, 2007 meeting will be brought forward for approval at a future meeting.

(g) Staff Direction Items

(i) Committee directed staff to report back, to the Building and Licensing Division Operational Review Sub-committee, with a list of businesses operating without a licence in the City of Hamilton.

(ii) Staff was directed to report back, to the Building and Licensing Division Operational Review Sub-committee, with a list of how many aromatherapy businesses are licensed versus how many exist in the City of Hamilton.

(iii) Staff was directed to report back, to the Building and Licensing Division Operational Review Sub-committee, as to how many categories of
licenses should be licensed and how many are not (i.e. Bed & Breakfasts, etc.); noting the potential loss of revenue.

(iv) Using the AMANDA system, staff was directed to determine how many licenses are currently issued in each category, and report back those findings to the Building and Licensing Division Operational Review Sub-committee.

(v) Staff was requested to inform the Committee as to the rationale used when it was determined that Private Clubs be exempt from Licensing Code By-law 06-213.

(vi) The Mayor requested that staff report back on a more frequent basis; every three (3) months rather than every six (6) months, as to the progress of the recommendations contained within Appendix A to Report CM07007.

(vii) Councillor Mitchell requested that when by-laws are created or amended that members of Council be brought into these discussions to provide input, prior to the by-law being finalized.

(viii) Staff was directed to provide copies of the Ontario Municipal Benchmarking Initiative (OMBI) report(s) for the next meeting of the Building and Licensing Division Operational Review Sub-committee.

(h) ADJOURNMENT (Item 8)

There being no further business, the meeting adjourned at 3:40 p.m.

Respectfully submitted,

Mayor F. Eisenberger, Chair

R. Caterini
Deputy Clerk/Manager
Legislative Services & Records
February 26, 2007
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EXECUTIVE SUMMARY

Introduction
The Standards and Licensing Section within the Planning and Economic Development Department protects health, safety and property of the City of Hamilton’s residents through the enforcement of a series of regulatory by-laws including, but not limited to: licensing (lottery, trade, establishment and mobile); noise; zoning; fences; property standards; grass and weeds; and the accumulation of garbage and debris. It also handles animal control which is outside the scope of this operational review.

This Section also reviews and recommends new policy and business standards in order to harmonize, revise or update by-laws. These initiatives impact the Section’s services with respect to licensing and enforcement.

The effectiveness of the Section’s service has a direct impact on the quality of life within the City by delivering these services in a manner that ensures public safety, consumer integrity and protection and responsible business and personal activities.

In 2005, 9,800 licences were issued. Much of the enforcement that is carried out is in response to Action Requests from Councillors, staff and the public. In 2005, approximately 10,000 Action Requests were received with the majority in the categories of backyard conditions (2,819), noise (2,054) and property standards (2,265).

The objective of this operational review was to assess the overall quality of the licensing and standards by-laws enforcement operations. The adequacy of the management and operational practices as they relate to the effectiveness and efficiency of operations and compliance with regulations and policies was reviewed. Weaknesses which affected program delivery were identified and practical recommendations for improvement were suggested.

The review was conducted during the period of September, 2005 to September, 2006. The scope and methodology were discussed with and approved by the Building and Licensing Division Operational Review Sub-Committee and Council. The fieldwork involved a review of: relevant regulations, policies and procedures; site visits; interviews with staff and Councillors; an employee survey; examination of documents and records; analysis of data; and a review of the practices of other municipalities. The conclusions were based on the situations as they existed at the time of the review. However, there have been some changes in the Section, the results of which are not reflected in this report.
Key Findings
Much of the review work was prompted by the recognized need for increased enforcement, better co-ordination, performance monitoring, greater consistency and more effective enforcement of both routine infractions and problem premises.

Changes in management practices, systems functionality and technology tools to be able to fully establish, monitor or provide assurance that delivery of Standards and Licensing services meets the expectations of efficiency and effectiveness are required.

The following recommendations address the large number of varied issues identified during the review. The main subject areas covered by the recommendations include:

- Standardization of Practices
- Communication
- Training
- AMANDA, Technology and Data Collection
- Monitoring and Performance Measures
- Increased Enforcement
- Staffing and Management

Recommendations

Lottery Licensing

1. That an internal policies and procedures manual for the Lottery Licensing Section be developed and distributed. The manual should fully describe processes, provide decision trees and clearly delineate staff responsibilities with respect to licensing activities.

2. That all licensees, including renewals, undergo a complete eligibility review every two years.

3. That resources be provided to develop and implement standards for a centralized filing system for licensee correspondence, documents and other pertinent information.

4. That appropriate education seminars be developed and conducted for various groups of licence applicants/holders. Some training should be made mandatory (in order to obtain a licence) to ensure such organizations are cognizant of their obligations.
5. That appropriate training of staff occurs to ensure the eligibility and compliance processes thoroughly assess all requirements of provincial regulations and the applicable by-law.

6. That the full capabilities of the AMANDA application in meeting the needs of the Lottery Licensing Section be explored. Appropriate changes should be implemented to ensure the efficient operations of the Section.

7. That the AMANDA system be configured to track receipt of financial information required as per the data entered on the issuance of the original licence. A provision of automatic delinquency letter generation based on a set schedule should also be considered.

8. That staff develop risk criteria for non-compliance issues related to lottery licensing and use these criteria to select events for inspection. The current inspectors in the Standards and Licensing Section should receive training specific to lottery licence enforcement before being assigned to inspections determined as necessary using the risk criteria.

9. That management review the staffing based on the current lottery licensing conditions with the possible reassignment of staff to the implementation of some of the recommendations made earlier such as eligibility reviews or the development of a procedures manual or implementation of a centralized filing system.

Trade and Business Licensing

10. That the implementation of proactive licence enforcement include timely inspection of new applicants whose period for compliance has exceeded a pre-determined reasonable length of time to ensure the business/individual is not operating.

11. That enforcement of expired establishment licences be advanced to ensure prompt compliance. Issuance of orders as early as five (5) days after expiry should be considered.

12. That literature (pamphlets, brochures) regarding meeting compliance requirements with the City’s licensing by-law be developed (or updated as in the case of the trade licensing). A variety of distribution and promotional channels should be considered as a proactive approach to facilitate compliance.

13. That an Activity Based Costing exercise be completed immediately in order to comply with subsection 150(9) and section 158 of the Municipal Act.
14. That more diligence be required when entering information from the licence applications into the AMANDA system, especially in fields which can be used for performance metrics, activity based costing or statistical information.

15. That the Licensing Section explore alternate means of records management or, at the very least, improve upon the micro-fiching process to ensure completeness of information.

16. That appropriate performance metrics for licensing processes be developed and a reporting process be implemented.

17. That a process for determining the level of compliance by comparing the business licensing database to various internal and external databases be developed. The process should also include appropriate follow up procedures to ensure licensing compliance. Additional budget allocations to execute the comprehensive data collection and enforcement efforts targeting unlicensed businesses/individuals needs to be provided. Such a review should be conducted every 2-3 years. Equally important is the reporting to Council of the results of such efforts including the enhanced revenues, the return on the money spent and the progress towards increasing equity among businesses.

Licensing Committee

18. That the mandate and terms of reference of the Licensing Committee be reviewed and updated, as necessary.

19. That a process of follow up of conditions imposed on licensees by the Licensing Committee and/or Council be formalized. The Legislative Assistant for the Licensing Committee should keep track of such items as outstanding business on the Committee agenda. This would then require staff to report back regarding compliance with the imposed conditions.

20. That conditions imposed on the licensee by the Committee or Council be time limited. At the very least, conditions should be re-evaluated in regard to their continuance/discontinuance before the next potential annual renewal of the licence.
Standards

21. That a formal, comprehensive set of procedures be developed and maintained in a central depository (i.e. section’s “N” drive) which is accessible to all applicable staff. Management should take responsibility for keeping the information up to date as changes and additions/deletions are made to staff’s duties. Management would also ensure these procedures are communicated to staff for appropriate and consistent application.

22. That regular staff meetings take place to keep staff informed of current events in the division/section. Opportunities for training geared to specific needs of an employee group (i.e. new by-law requirements, change in a process) may be considered for certain short sessions so that all staff receive the same message.

23. That agendas and minutes of staff meetings be maintained and made available to all appropriate staff. Issues raised for further investigation should be tracked through an “Outstanding Business” list to encourage timely follow up and reporting back in subsequent meetings.

24. That the Manager work with the Co-ordinators to convey uniform messages regarding execution of duties to ensure consistent application among all inspectors, no matter to which Co-ordinator they report.

25. That the position of a Customer Service and Liaison Officer be added to the staff complement of the Licensing and Standards Section.

26. That involvement with community groups and City committees be reviewed and evaluated to ensure coverage of required day-to-day activities while still recognizing the need for the outside interaction. A planned and prioritized approach, along with the potential additional resource of the Customer Service and Liaison Officer, should be factored into the consideration.

27. That appropriate tools (brochures, educational materials) be developed for distribution to community groups and the public (as needed) in order to educate the stakeholders as to the processes and expectations for enforcement of by-laws.

28. That staff skills and knowledge requirements as identified in the needs assessment be addressed with a plan for training required to ensure the capability of staff to carry out their duties.
29. That access rights to the AMANDA system be reviewed and assessed in terms of job requirements and emphasis on maintaining the integrity of the information stored in the system.

30. That the capability of AMANDA to provide valuable performance information be explored.

31. That the division retain a technology project manager whose responsibilities not only include database administration but also require the planning and conduct of projects based on the technological support required for service delivery and the provision of reliable information to management. This position should work in concert with Information Technology Services (ITS) to pursue and project manage opportunities to enhance operational efficiency through the use of available technology tools.

32. That the implementation of mobile access for Standards & Licensing inspectors in the field be considered. The possibility of the inclusion of these inspectors in the implementation of mobile access for the building inspectors’ initiative should be investigated.

33. That management set service criteria to include completion standards and performance targets to improve upon staff utilization, monitoring and reporting for inspection activities. As part of the development of the standards, Council’s direction regarding the areas or degree of desired proactive enforcement should be sought for the exercise. Any resource challenges to meet such expectations should be reported to Council.

34. That the feasibility of assigning a specific pre-determined, priority ranking based on the nature of the complaint during the initial input stage in AMANDA be investigated. Each priority category would be based on the expected time period in which an inspector should attend. This ranking should be duly reflected in the inspectors’ “TO DO” lists.

35. That the capabilities of AMANDA in providing tracking and feedback data for the efficient allocation of staff resources be explored in consultation with the Co-ordinators and the Manager.

36. That consistent case flow and file management processes within AMANDA be instituted and communicated to all enforcement staff.
37. That the Licence Officers work with the Law Clerks from Legal Services and the POA Office employees to develop an effective system of communicating the results of charges laid under the POA (in particular, convictions in absentia) in order to ensure timely notification.

38. That the capability of AMANDA for retaining all ticketing, court and fine data be explored. This would eliminate the need to keep spreadsheets outside the system as well as provide a single source of such information regarding a property or individual in cases of licence renewals or repeat offences.

39. That, once the data is considered reliable, a review of the numbers of convictions and withdrawals versus charges laid be undertaken. Guidelines governing the process for determining whether to pursue legal action against a non-complaint person or business should be developed taking into consideration potential costs, benefits and trends for withdrawals.

40. That guidelines governing the consideration of licence suspension or revocation at Show Cause hearings following convictions under the POA be developed and formally adopted by the Licensing Committee. The decision should be communicated to all appropriate licence applicants and appropriate staff.

41. That the division increase staff complement by one (1) co-ordinator position to supervise and guide staff in all licensing areas.

42. That management investigate the feasibility of implementing a specialist team approach among the inspectors for enforcement purposes. The development of teams should be based on the frequency and the type of action requests received over a sample period. Specifically focused training will be provided, where necessary.

43. That staff are made aware of management expectations regarding duties to be carried out during afternoon shifts as well as related proactive enforcement in regular inspections. Staff actions should be monitored accordingly.

44. That a review of scheduling options and use of standby be undertaken. The review should take into consideration practices of other municipalities as well as weighing the practicality of providing 24/7 coverage against the related costs.
45. That the effectiveness of using inspectors in the Standards and Licensing Section to respond to noise complaints be reviewed in consultation with the Hamilton Police Service.

46. That job descriptions be reviewed to ensure that they accurately reflect the responsibilities, duties and qualifications of the position they define. Changes and adjustments should be made, as required, and staff performance should be evaluated against the corresponding job descriptions and duties.

47. That management complete performance evaluations on all staff at least on an annual basis to provide adequate feedback regarding performance.

48. That the sources of staff’s discontent be investigated and appropriate methods of dealing with the issues be implemented (i.e. team building exercises, staff meetings, identifiable skills assessment).
INTRODUCTION
Standards and Licensing is a section within the Planning and Economic Development Department. It is comprised of a Manager and 33 full-time equivalent positions which exclude staff in Animal Control and Municipal Law Enforcement still under this Manager but whose functions are outside the scope of this review. There is also a Director, Building and Licensing, who is responsible for this Section and several other sections that deal with building construction, engineering and zoning.

*Animal Control and Municipal Law Enforcement excluded from this chart

The Standards and Licensing Section is responsible for the issuance and administration of municipal licences and the enforcement of the condition of a property, legality of the use of a property, accumulation of garbage and debris, excessive growth of grass and weeds, excessive noise and establishment, mobile, trade and lottery licences.

The following table summarizes the key components of the 2005 and 2006 operating budgets for the Standards and Licensing Section (excluding Animal Control):

<table>
<thead>
<tr>
<th>Table 1 – Operating Budgets</th>
<th>2005 Budget</th>
<th>2006 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gross Expenditures:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standards &amp; Licensing Enforcement</td>
<td>1,278,550</td>
<td>1,352,330</td>
</tr>
<tr>
<td>Licensing</td>
<td>1,088,720</td>
<td>1,151,940</td>
</tr>
<tr>
<td>Lottery Licensing</td>
<td>308,810</td>
<td>304,360</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2,676,080</td>
<td>2,808,630</td>
</tr>
<tr>
<td><strong>Gross Revenues:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standards &amp; Licensing Enforcement</td>
<td>10,600</td>
<td>10,600</td>
</tr>
<tr>
<td>Licensing</td>
<td>1,241,300</td>
<td>1,339,850</td>
</tr>
<tr>
<td>Lottery Licensing</td>
<td>1,175,370</td>
<td>973,170</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2,427,270</td>
<td>2,323,620</td>
</tr>
<tr>
<td><strong>Net Levy Requirement</strong></td>
<td>248,810</td>
<td>485,010</td>
</tr>
</tbody>
</table>
BACKGROUND
At its July 13, 2005 meeting, Council carried a motion that the City Manager be directed to initiate an internal operational review of the Standards and Licensing Section of the Planning and Economic Development Department. The City’s Audit Services Division was assigned to conduct the review.

The objective of the operational review was to assess the overall quality of the licensing and standards by-law enforcement operations. In addition, the review would identify any weaknesses which affected the efficiency or effectiveness of program delivery and assess the degree of compliance with statutory regulations and policy directives. The Section’s performance was to be measured and quantified against goals and objectives, where available. Practical recommendations for improvement were to be made.

The overall approach involved, but was not limited to, the following:

- A review of relevant background material such as by-laws, procedures, systems documentation, financial information, organization charts, job descriptions and reports and information provided to various committees in order to gain an understanding of operations, practices and resources.

- Interviews with departmental and section staff, Councillors (including several members of the Licensing Committee) and staff of other interfacing departments (Fire, Legal Services, Public Health, Building, Police) to get a more detailed understanding of services, management and operations.

- An employee survey distributed to all 30 staff below the level of co-ordinators to allow employees to voluntarily express their opinions anonymously on a variety of issues dealing with management control and leadership, communications and the working environment.

- A survey sent to 10 recent licence applicants, chosen at random from the various categories, in order to gain a viewpoint from a customer service perspective.

- Documentation of procedures, work flow and paper flow.

- Reviews of pertinent files (manual, electronic and AMANDA based) and the selection of a sample of files for review for specific transaction practices.

- Observation of actual selected operations.

- Analysis of available data and other relevant reports.

- Evaluation of performance measures, where available.

- Benchmarking against practices of other municipalities.
Analysis of the information gathered and identification of issues, risks and improvement opportunities and discussion with senior staff.

Findings, conclusions and suggestions for further study and recommendations summarized in a report.

OBSERVATIONS, FINDINGS AND RECOMMENDATIONS

Employee Survey

Employee attitudes are very important. Favourable perceptions positively influence employee performance and productivity. On the other hand, unfavourable perceptions can have a negative impact on performance, morale, working relationships and a general sense of well-being. As well, unfavourable perceptions decrease productivity and increase costs.

In order to capture staff perceptions, a questionnaire was developed and structured as a series of statements pertaining to key organizational and management areas. The areas included: Objectives and Planning, Organizational Authority, Management Control, Communications, Working Environment and Leadership Style. Respondents were asked to circle the number adjacent to each statement that best represented their opinions.

All employees below the level of co-ordinator in the Standards and Licensing Section (Inspectors, Licensing Clerks and Officers, By-law Clerks, Lottery Licence Clerks) were given the opportunity through the survey questionnaire to voluntarily express their opinions anonymously on a variety of issues as noted above. Thirty (30) questionnaires were distributed and fifteen (15) were completed and returned.

Those statements which, by their average numerical score, showed high levels of consensus or indicated that a problem or strength may exist were noted and may be used throughout the body of the report to support recommendations made elsewhere. No recommendations specific to the survey results are made.

Lottery Licensing

Background

The Registrar of the Alcohol and Gaming Commission of Ontario (AGCO) under the Gaming Control Act, 1992 is responsible for administration of the regulatory framework governing the issuance of lottery licences. As partners with the AGCO and by Order-in-Council 2688/93, municipalities in the province are delegated the authority to issue the majority of lottery licences primarily to religious, non-profit and charitable organizations for bingo lottery events, break open ticket lottery events (Nevada), raffle and bazaar lottery events.
Special parameters established by the Order-in-Council are enacted in City By-law 04-134 respecting the licensing of lotteries. In addition to these parameters, the Lottery Licensing Policy Manual (provided by the AGCO) provides guidance with regard to the determination of eligibility of applicants, terms and conditions for events, prize limitations, restrictions on the use of proceeds, specific banking and reporting requirements of Licensees and limitations on fees to be charged for the issuance of a licence. The By-law also explains responsibility for the issuance, renewal, suspension or cancellation of licences.

Table 2 – Lottery Licences Issued

<table>
<thead>
<tr>
<th>Type</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>#</td>
<td>$</td>
<td>#</td>
</tr>
<tr>
<td>Bingo</td>
<td>25</td>
<td>753,836</td>
</tr>
<tr>
<td>Nevada</td>
<td>419</td>
<td>218,331</td>
</tr>
<tr>
<td>Raffle/Bazaar</td>
<td>607</td>
<td>29,561</td>
</tr>
<tr>
<td>Totals</td>
<td>1,051</td>
<td>1,001,728</td>
</tr>
</tbody>
</table>

The lottery licensing function results in revenue to the City that is much greater than the costs of providing the service. As the chart above indicates, 1,051 lottery licences were issued in 2005 generating over $1 million plus $4,475 in application/administration fees. For the six month period of January 1 to June 30, 2006, revenues amounted to $340,570 plus administration fees of $900 for the issuance of 459 licences. Net revenues for 2005 were $673,300 and are estimated at $191,800 for the six month period as at June 30, 2006. This positive net revenue remains with the City.

It should be noted that the Lottery Licensing Section was under the responsibility of the City Clerk’s Office until May, 2005 when such responsibility was transferred to the Planning and Economic Development Department under Standards and Licensing.

Standardization of Practices

Policies and Procedures - The AGCO’s Licensing Policy Manual is meant to provide guidance to help municipalities administer the licensing function in a consistent manner. As it is quite detailed and lengthy, the City should have its own set of policies and procedures. For example, the provincial criteria of eligibility require judgment in their application. The decision to issue a licence and the terms and conditions under which it will be issued are quite complex and certainly not routine. City staff providing this service would benefit from detailed process notes and decision tree systems which could form part of the internal policies and procedures manual.

The manual would also promote consistent application of provincial requirements as well as clarify certain “grey” areas, some of which staff have identified as the charging of administration fees for such things as extensions and filling of bingo timeslots, certain allowable costs and use of funds and particular rules as applied to legions and service clubs.
In the employee survey, almost three quarters of the respondents confirmed that there was a lack of adequate policies and procedures to guide the work.

It is recommended:

1. That an internal policies and procedures manual for the Lottery Licensing Section be developed and distributed. The manual should fully describe processes, provide decision trees and clearly delineate staff responsibilities with respect to licensing activities.

Eligibility and Renewals - To be eligible for a lottery licence, applicants must qualify and submit a formal application with supporting documentation to substantiate eligibility and allow for City staff review and approval. The eligibility requirements that are applicable to these organizations are governed by the regulations of the AGCO and the City Licensing By-law. There are over 600 active organizations running bingos, raffle and break-open ticket lottery events so a majority of applications processed are for the renewal of licences as renewals are required every six months. However, many of these organizations have not had a full eligibility review in several years. Staff agree that there may be a number of organizations receiving renewals which may no longer be eligible with respect to the current criteria (i.e. use of proceeds, Boards not meeting requirements, etc.). The process for determination of the continued eligibility of renewal applicants to conduct and manage lottery schemes requires improvement to comply with responsibilities mandated under the regulations.

It is recommended:

2. That all licensees, including renewals, undergo a complete eligibility review every two years.

Filing of Documents - Currently, correspondence, information and submissions by the licensed organizations are retained in various places, some even on personal computers. This situation is further exacerbated by a lottery licensing process that is highly paper intensive. A records retention and organized filing system with all documentation retained in a central depository would serve staff and the City’s customers much better.

Standards for the type of necessary document retention would ensure that files contained up-to-date information but also provided a suitable history for staff consultation, when needed. In the long run, staff time spent tracking down information for eligibility and compliance reviews would be reduced.

It is recommended:

3. That resources be provided to develop and implement standards for a centralized filing system for licensee correspondence, documents and other pertinent information.
Communication

Public and Licensee Information - Customers applying for lottery licences are generally different than those that apply for other licences in that they are primarily community volunteers who require support and guidance through the application and compliance processes. The Section’s current documentation and narratives on the City’s website are quite extensive and comprehensive and include various links to other sources of information. However, in many cases, clients still seek out the support of the Section’s staff. The lottery licensing personnel have developed valuable knowledge of the client base and have even suggested offering training specific to particular lottery licences or targeting certain responsibilities of the officers of the applying organizations.

For example, developing group seminars (offered at set times throughout the year) for each of bingo, raffle and Nevada licence applicants or distributing training CD’s would provide a more focused and less time consuming method of mass or group education. Certain training could be made mandatory (i.e. Treasurers of organizations) in order to ensure these officers are aware of their responsibilities with respect to requirements under lottery terms and conditions. Such support for charities and non-profit groups is in the general interests of the community and may make the City’s administration of lottery licensing easier.

It is recommended:

4. That appropriate education seminars be developed and conducted for various groups of licence applicants/holders. Some training should be made mandatory (in order to obtain a licence) to ensure such organizations are cognizant of their obligations.

Training

Staff Training - Once the manual noted above has been created, training around specific aspects of eligibility and monitoring processes would be beneficial to staff. For example, during the interview sessions, several employees indicated that although financial statements submitted by organizations are reviewed, the scrutiny is not performed in great detail as many of the clerks lack the accounting/financial knowledge and are unsure of what exactly they should be looking for.

It is recommended:

5. That appropriate training of staff occurs to ensure the eligibility and compliance processes thoroughly assess all requirements of provincial regulations and the applicable by-law.
AMANDA, Technology and Data Collection

*Computerized Systems* - With the transfer of responsibility for lottery licensing to the Planning and Economic Development Department, the Section made use of the AMANDA software for processing and retaining information. However, parts of the application software have not been developed to meet specific needs of the lottery licensing group. This results in staff using other software or electronic spreadsheets to perform their work. For example, the financial sub-system of AMANDA has not been developed. A separate Point of Sale (POS) system is used for the collecting and accounting of fees collected. As such, no reconciliation of funds processed to licences issued or corresponding information in AMANDA is performed.

The automation of form letters into AMANDA would also contribute to a more efficient operation. Some letters have been migrated but a few do not work. Others are required to be written into AMANDA so the processes become more automatic and thus ensure conformity with a pre-set schedule (i.e. issuance of warning letters for violations). Staff in the Lottery Licensing Section also use electronic spreadsheets to keep track of due and submission dates for organizations’ reports and financial information. The configuring of information already inputted into AMANDA to provide a similar information report would allow staff to discontinue the maintaining of this spreadsheet and provide information consistent with AMANDA data in a less labour intensive and timely manner.

*It is recommended:*

6. **That the full capabilities of the AMANDA application in meeting the needs of the Lottery Licensing Section be explored. Appropriate changes should be implemented to ensure the efficient operations of the Section.**

*Tracking of Financial Information* - The issuance of lottery licences carries with it several terms and conditions. Raffle, bazaar and Nevada ticket Licensees are required to submit a financial report 30 days after the event takes place/last ticket is sold. Bingo reports (which account for about 6,000 reports annually by themselves) are required to be submitted 15 days after the event. Proof of deposits is required for raffles, bazaars and bingo events within the time frames noted above. Raffle, bingo and Nevada ticket licensees are also required to provide bank statements and cancelled cheques. These latter submissions account for about 5,000 receipts annually.

In addition, organizations which are granted lottery licences must provide a set of annual financial statements with 180 days of their fiscal year ends detailing receipts and disbursements of lottery proceeds from all lotteries for which they are licensed. It is evident that this is a highly paper intensive process and requires careful tracking and timely follow up in order to establish compliance. By its very nature, periods of high lottery activity could trigger manpower shortages to properly monitor, review and act upon issues of non-compliance.
Even though staff have developed a spreadsheet for this purpose, a more effective method would involve a tracking capability with automatic delinquency letter generation within AMANDA. The Lottery Licence Administrator has the authority to revoke or suspend a licence if the Licensee fails to submit the financial information as required by the conditions of the licence (section 12(1)(b) of By-law 04-134). In practice, this authority has not been exercised.

**It is recommended:**

7. That the AMANDA system be configured to track receipt of financial information required as per the data entered on the issuance of the original licence. A provision of automatic delinquency letter generation based on a set schedule should also be considered.

Increased Enforcement

**Risk Criteria** - Staff have indicated that on-site inspections have always received low priority. Bingo inspections have been done very sporadically (by lottery staff and none more recently), third party Nevada locations have not been inspected in years and raffle/bazaar inspections have never been inspected according to lottery licensing employees. Although staff believe more emphasis on follow up and enforcement of licence terms and provincial and municipal licensing legislation for compliance with inspection visits is necessary, limited staff resources in this Section have not provided ample time for such work. Now that this function is reporting under the arm of the Standards and Licensing Section of the Planning and Economic Development Department (since May, 2005), management should consider taking advantage of the opportunities for better enforcement through the use of inspectors in this area. However, the inspectors would have to be trained to ensure they are aware of what such inspections might entail. To make efficient use of this potential resource and not overburden the limited number of inspectors, the development and application of criteria that are indicators of non-compliance should be used to select and prioritize Licensees for periodic reviews based on the risks represented by these criteria.

In order to be able to utilize such a program of enforcement, it would have to be ensured that the AMANDA system was appropriately populated with a historical database of non-conformity to licence requirements and compliance issues as noted in the prior recommendation.

**It is recommended:**

8. That staff develop risk criteria for non-compliance issues related to lottery licensing and use these criteria to select events for inspection. The current inspectors in the Standards and Licensing Section should receive training specific to lottery licence enforcement before being assigned to inspections determined as necessary using the risk criteria.
Staffing and Management

Workload and Reassignment - A review of the lottery licensing staffing and their workload indicated the following:

- There are currently five (5) lottery licence clerks. The most current job information questionnaire on file estimates that collectively, approximately 5.5 hours a day are spent aiding the City Clerk’s staff (lottery licensing was under the City Clerk’s responsibility up to May 2005) in serving their customers. Even though they are still physically located in the Clerk’s area, they are no longer part of that division and therefore, should not perform such duties.

- The number of lottery licences issued has steadily declined over the last few years. This is most noticeable in the bingo licence area where the number issued has fallen from 379 in 2004 to 25 in 2005 and 4 in the period January to June 2006. This is due to the closure of bingo hall facilities in the community. This is also the more labour intensive area as thousands of bingo reports were required with the number of licences issued in the past years.

It is recommended:

9. That management review the staffing based on the current lottery licensing conditions with the possible reassignment of staff to the implementation of some of the recommendations made earlier such as eligibility reviews or the development of a procedures manual or implementation of a centralized filing system.

Trade and Business (Mobile & Establishment) Licensing

Background

The Municipal Act (section 150) enables the City to pass by-laws for the licensing, regulating and control of specific types of premises, callings, businesses or occupations. This section of the Act also states that municipalities may only exercise their licensing powers for one or more of the following purposes: health and safety, nuisance control and consumer protection.

City of Hamilton Licensing By-law 06-213 (recently updated from By-law 01-156) regulates the licensing process and sets out the specific licensing categories and the related fees. There also exists Taxi By-law 03-128 which provides for licensing, regulating and governing taxi-cab owners and drivers. The following are the types of licenses issued.

Trade Licences – Licences are issued to contractors and masters working in building repair, heating, ventilation and air conditioning and drain laying, thus providing eight (8) different types of trade licences. See Schedule “C” for a listing.
Tradepersons actually performing the work or in charge of the work apply for a Master’s licence by completing an application with the necessary documentation (i.e. police clearance, proof of valid certificate of qualification (where applicable)), passing an examination administered by a Licence Officer, where applicable, and paying the appropriate fees. The licence is mailed and a mandatory photo identification card prepared at City Hall is required. The timeframe for obtaining this licence is dependent on when a required exam is successfully completed. The City of Hamilton is part of a reciprocal agreement with certain Ontario municipalities which recognizes the exam passed for a Master’s licence in another municipality and allows the applicant to forego the City’s testing process.

A Contractor’s licence actually licenses the business. The owner or officer of the company applies for the licence, provides insurance and business information and pays the appropriate fee. A Contractor’s licence cannot be issued until such time as a licensed Master is in the employ of the company.

Trade licences are issued throughout the year and expire one year from the date of issuance. Renewal notices are sent out by mail thirty (30) days prior to the expiry date. A signed declaration (part of the renewal notice), proof of insurance (for Contractor’s licence) and payment of renewal fees are only required. The licensing process is typically completed the same day that the renewal is received. There is no follow up on outstanding renewals.

<table>
<thead>
<tr>
<th></th>
<th>2004</th>
<th>2005</th>
<th>2006 (January to June)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New</td>
<td>128</td>
<td>133</td>
<td>106</td>
</tr>
<tr>
<td>Renewed</td>
<td>2,418</td>
<td>2,379</td>
<td>1,250</td>
</tr>
<tr>
<td>Total</td>
<td>2,546</td>
<td>2,512</td>
<td>1,356</td>
</tr>
</tbody>
</table>

Action Requests concerning trade licences are referred to building inspectors which are in another section of the Planning and Economic Development Department.

In 2005, 16 Action Requests were set up and in 2006 (January to June) year-to-date, 13 such requests have been assigned to inspectors for investigation of possible trade licence violations.

Establishment Licences – Under this broad category, an establishment licence is required for a place of business with a physical location. There are twenty-five (25) different categories of establishment licences. A listing is provided in Schedule “A”.

An applicant must obtain a Zoning Verification Certificate (approved zoning for the type of business) first. An application is completed after determination of the specific licence required for the business operations proposed along with any other documentation required (i.e. Articles of Incorporation, criminal record of applicant) and the appropriate fees.
Once the information is inputted into AMANDA, departmental inspection requests are circulated to the appropriate departments (i.e. Building, Health, Fire and Traffic) to ensure the proposed business complies with the requirements of these departments. See Schedule “A” for details of inspections required for each type of establishment licence. If compliance is confirmed by the inspection carried out by each of the areas, then a new licence will be issued and the ward councillor will be notified. If any of the departments report a non-compliant issue, the applicant will be notified so that corrections can be made.

If the applicant does not reply with compliance confirmation within 30 days, a reminder letter is sent out. If compliance is not achieved within the additional 14-day period indicated, an action request is set up and an inspector is assigned to attend the location to determine if the business is operating without a licence (violation) or not operating so the file will be closed. The total time period for the licensing process varies greatly as it depends on the establishment, the scheduling of inspections and the changes required to reach compliance. However, enforcement procedures have been described as soft. Often, extensive time is given for a licence applicant to comply with requirements of the various departments. During this generous time allowance permitted for compliance, businesses have been operating with no licence and not in compliance.

*It is recommended:*

10. **That the implementation of proactive licence enforcement include timely inspection of new applicants whose period for compliance has exceeded a pre-determined reasonable length of time to ensure the business/individual is not operating.**

Establishment licences are issued throughout the year and expire one year from the date of issuance. A renewal remittance form is mailed to the licence holder one month prior to the licence expiry date. The applicant should sign the declaration on the back of the form and submit the completed notice and fees prior to expiry. Except for a few establishments (i.e. residential care facilities), no inspections are required and these licences can usually be renewed within a day.

**Exhibit 4 – Establishment Licences Issued**

<table>
<thead>
<tr>
<th></th>
<th>2004</th>
<th>2005</th>
<th>2006 (January to June)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New</td>
<td>625</td>
<td>616</td>
<td>324</td>
</tr>
<tr>
<td>Renewed</td>
<td>2,895</td>
<td>3,416</td>
<td>1,715</td>
</tr>
<tr>
<td>Total</td>
<td>3,520</td>
<td>4,032</td>
<td>2,039</td>
</tr>
</tbody>
</table>

Only 4 of the 25 types of establishment licences accounted for 75% of the 4,032 licences issued in 2005. These were eating establishments, public garages, cigarette/tobacco sales and food shops.
The number of Action Requests set up for establishment licences totalled 302 in 2005 and 47 in the period January to June, 2006.

Approximately monthly, a report listing all establishment licences that have not been renewed and are 30 days overdue is produced. This report typically contains approximately 200 establishment licences that have passed their renewal date by at least 30 days. Licensing Clerks attempt to contact the licence holder to inform him/her that the licence has expired and request renewal action. If contact is unsuccessful, an action request is set up and an inspector is assigned to attend the location to determine if there is a violation.

A scan of the selected pages of the report indicated several businesses know to exist. Therefore, it can be deduced that such businesses have been operating, several for over six months, without a valid licence. Of the 95 businesses/operations noted on the report, 45 were indicated as set up on an Action Request. A review of AMANDA records in the two months following the date of the original report revealed that very few of the Action Requests had been dealt with by the inspectors.

In order to assess the effectiveness of the indicated enforcement, a portion of the monthly report referred to above was reviewed. Several expiry dates as old as 2003 and 2004 were noted. A sample of individual entries, including some of the 2003 and 2004 expired licences referred to earlier, was selected and traced to Action Requests and the allocation to particular inspectors on AMANDA in order to “Determine if there is a violation”. In all but one case, no inspection or investigation had been indicated as having taken place and the items remained on the “To Do” list. In the one remaining instance, inspector contact by telephone, then a re-check and the issuance of an order one month later (so the licence has been expired for at least 60 days while the business continued in operation), finally resulted in the renewal of the licence. In 2005, there were approximately 33 establishment files that were forced to go as far as the enforcement level (i.e. issuing an order).

In order to ensure there is a perception of fairness within the business community regarding the requirement for appropriate establishment licences, the timing of the issuance of an order to comply should be minimal and such that businesses cannot continue to operate over extended periods of time without a proper licence. Considering that licensees are given thirty (30) days' notice before the expiry of a licence and the renewal process does not require extensive effort, enforcement as soon as feasible after expiry deserves consideration.

It is recommended:
11. That enforcement of expired establishment licences be advanced to ensure prompt compliance. Issuance of orders as early as five (5) days after expiry should be considered.
Mobile Licences – A mobile licence is required by the individual of a business identified in Schedule “B”. There are sixteen (16) different categories of mobile licences.

An applicant fills out a licence application and ensures that all other requirements are met (i.e. police clearances, driver abstracts for taxi and limousine drivers). Note that applicants for a taxi driver licence must obtain their applications from the cab broker (for which they intend to work) with an authorization signature.

All proper documentation and fees are submitted with the application. The information is input into AMANDA. Taxi drivers are required to write and pass an exam administered by the City’s licensing staff. The exam time is scheduled. Vehicles of limousine owners must undergo a vehicle inspection conducted by Standards and Licensing staff in the City garage before a licence is issued.

Once all requirements have been met, a licence will be issued. Many of the mobile licences require picture identification which is issued with the licence. Some mobile licences can be issued immediately or quickly (i.e. for transients) if all documentation is in order. Other mobile licences may vary in length of time required to issue depending on the various procedures involved (i.e. passing the test for taxi drivers).

Mobile licences are issued throughout the year and are to be renewed annually on the anniversary of the original issuance. A renewal remittance form is generated through AMANDA and mailed out to the licence holder one month prior to the licence expiry date. The licensee submits the completed licence renewal notice along with the amount of the renewal fee. Additional exams are not required for limousine and taxi drivers. Updated picture identification may be required for a number of different mobile licences. Vehicles of taxi and limousine owners require inspection by the City before their licences can be renewed. There is no follow up on outstanding renewals.

No new taxi plates can be applied for. Plates are only available from the priority list as approved by the Licensing Committee on an annual basis or through plate transfers. For taxi owner plate transfers, certain criteria must be met by the transferee (i.e. possession of a valid taxi drive licence; taxi cab industry experience). The applicant can then submit a transfer application, vehicle ownership and safety certificates and the required fee. The vehicle is also subject to an inspection in the City garage.

Table 5 – Mobile Licences Issued

<table>
<thead>
<tr>
<th></th>
<th>2004</th>
<th>2005 (January to June)</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>New</td>
<td>455</td>
<td>318</td>
<td>200</td>
</tr>
<tr>
<td>Renewals</td>
<td>1,654</td>
<td>1,850</td>
<td>1,098</td>
</tr>
<tr>
<td>Total</td>
<td>2,109</td>
<td>2,168</td>
<td>1,298</td>
</tr>
</tbody>
</table>

December, 2006
Only 3 types of the 16 categories of mobile licences accounted for 87% of the 2,168 licences issued in 2005. These included taxi cab drivers, taxi cab owners (private) and adult entertainment parlour attendants.

Information obtained from AMANDA indicated that there were 16 Action Requests relating to mobile licences filed in 2005 and 6 such requests in the period January to June, 2006.

Communication

Promotional Literature - It appears that little effort is made to inform new business proprietors of the need to comply with the licensing by-law. At present, staff have prepared pamphlets detailing requirements for the various trade licences. These pamphlets now need updating due to recent changes in examination requirements in obtaining certain trade licences. However, these pamphlets are not widely distributed and are usually made available upon individual inquiry.

In regard to business licences, staff could not provide any pamphlets. Even though information and applications are available on the City’s website, no printed literature or other promotional communication was available. Developing a pamphlet with general guidelines for business licensing and some specific requirements for individual licence applicants would provide a means of communicating the required compliance with the by-law.

Distribution channels such as municipal service centres, libraries, BIA’s, Chamber of Commerce, Small Business Enterprise Centre and the Hamilton Incubator of Technology should all be considered. Occasional high profile by-lines on the City’s internet site or notices on the community cable channel would expand the reach of the promotional literature.

It is recommended:

12. That literature (pamphlets, brochures) regarding meeting compliance requirements with the City’s licensing by-law be developed (or updated as in the case of the trade licensing). A variety of distribution and promotional channels should be considered as a proactive approach to facilitate compliance.

AMANDA, Technology and Data Collection

Fees Justification - Section 150(9) of the Municipal Act (2001) limits the amount of fees that a municipality may charge. The fee for a class of business cannot exceed the direct administrative and enforcement costs related to the municipality’s licensing operation. The costs would include: preparation of the by-law; inspections; enforcement; prosecution and court proceedings; and expenses related to any reciprocal licensing arrangements.

An accounting exercise, normally referred to as Activity Based Costing (ABC), carried out on the licensing operations would help the City justify the fees that are charged. Section 158 of the Act requires municipalities to maintain a “list”, available for public inspection, which detail how fees are calculated and include the cost of administration and enforcement of the by-law by class. The “list” was required by January 1, 2005. To date, no ABC exercise has been completed in order to provide the detail in the “list” required by the Municipal Act.
It is recommended:

13. That an Activity Based Costing exercise be completed immediately in order to comply with subsection 150(9) and section 158 of the Municipal Act.

AMANDA System - As the AMANDA software is used in various applications within the Building and Licensing Division and general comments and recommendations have been provided elsewhere in this report, only issues specific to the licensing process are provided here.

In an effort to determine if applications received were complete and the data transferred to the AMANDA system was accurate, a sample of various types of licences issued was selected. Hardcopy or fished records were reviewed for the selected licences to ensure that all required documents had been provided by the applicants. In addition, certain information in the application bundles was compared to data on AMANDA for accuracy and consistency.

The review of the hardcopy or micro-fiched applications indicated that, generally, all document and information requirements had been met by the applicants. However, the comparison of hardcopy/micro-fiche to the records in AMANDA resulted in some inconsistencies. Licences which were actually renewals had been input as “new” which could result in incorrect fees being charged (as the fee schedule is tracked in AMANDA and renewals may not be as costly as new applications). This may also skew the statistics and ABC exercise as renewals do not usually require as much effort as new licences. Error in inputting applicant names could contribute to difficulty in retrieving information in the future.

Other isolated issues concerned the inability to find renewal forms in hardcopy or micro-fiche (although AMANDA indicated there were licences renewals). This is of concern as originals are destroyed at the end of the faching process and no supporting documentation (i.e. signed declarations) would be available if records were missed in the faching process.

It is recommended:

14. That more diligence be required when entering information from the licence applications into the AMANDA system, especially in fields which can used for performance metrics, activity based costing or statistical information.

15. That the Licensing Section explore alternate means of records management or, at the very least, improve upon the micro-fiching process to ensure completeness of information.
Monitoring and Performance Measures

Performance Measures - In an attempt to benchmark certain licensing processes, Internal Audit endeavoured to collect certain statistical measures and data relating to risk management and customer service expectations. Some of the licensing activities which would be appropriate to measure and report upon include average processing times (for which operational staff appear to have a good sense already), delays in issuing of licences, infractions and time spent on follow up and inspections.

This information was not readily available, if at all. Such performance measures would provide mechanisms for monitoring and updating goals and project objectives but more importantly, periodically involving and advising key stakeholders on achievement. This may alleviate some of the concerns expressed by Councillors in their interviews regarding the lack of information regarding processes and operations.

The AMANDA software system may be able to provide much of the associated information gathering provided the accuracy of inputted data is improved as per the recommendation noted above.

It is recommended:
16. That appropriate performance metrics for licensing processes be developed and a reporting process be implemented.

Increased Enforcement

Enforcement - Revenue from business licensing fees is not being maximized. Other than the process of following up on establishment licences not renewed within the 30 day overdue period and acting on the few complaints received from the public, there is little proactive enforcement of the Licensing By-law. Given that the decision to license brings with it the duty to ensure compliance (i.e. to inspect and enforce), the City could be found to have acted negligently if it fails to enforce its own by-law. It appears that any possible resources for proactive enforcement are directed towards enforcing and monitoring property standards and other similar by-laws. Enacting legislation that does not have a credible enforcement strategy and dedicated resources can frustrate the public by creating a false expectation. By-laws that are not seen to be enforced also lose the power to affect changes in behaviour.

Few resources are currently available to track down unlicensed activities. A plan to include performing various file matching activities and producing listings of mismatched/non-matched businesses for contact/inspection should be considered. The possibility that this activity may produce revenues (licence fees) that could more than offset the cost of the extra resources is promising.
Data collection from telephone business listings, internet sources, other resources such as the Chamber of Commerce and even provincial or Canada-wide associations with member listings would provide a variety of information to be matched to internal records of already licensed businesses. Even other suitable databases internal to the City such as Health’s listings of tobacco retailers or residential care facilities (RCF’s), the GIS database, Finance’s database for commercial taxpayers, Economic Development’s business directory and the Building and Licensing Division’s monthly reports regarding permit information for new business facilities would all be useful for comparison and identification of non-matching establishments.

Once the exercise is complete, a process of notifying these businesses of their licensing requirement and ensuring compliance is necessary. An alternative may include using an outside firm which specializes in such data information work and structure its fee based on the number of new licences issued from its listing.

The above project appears fairly resource consuming and would require regular updating. In spite of these challenges, it is believed there would be a positive payback. As an example, Internal Audit noted that the AMANDA system had no licences issued for bed and breakfast establishments even though Schedule 3 of By-law 01-156 (this was the By-law in effect at the time of the testing) indicated such licences were required. An approximately 10-15 minute review of telephone book listings and an internet search produced at least 20 listings of such establishments in the City of Hamilton. A $185 licence fee would generate $3,700. Even factoring in minimal labour costs to call or inspect the businesses to require their compliance, a net revenue gain would still result from such a short and simple exercise.

It is recommended:

17. That a process for determining the level of compliance by comparing the business licensing database to various internal and external databases be developed. The process should also include appropriate follow up procedures to ensure licensing compliance. Additional budget allocations to execute the comprehensive data collection and enforcement efforts targeting unlicensed businesses/individuals needs to be provided. Such a review should be conducted every 2-3 years. Equally important is the reporting to Council of the results of such efforts including the enhanced revenues, the return on the money spent and the progress towards increasing equity among businesses.

Licensing Committee
The City of Hamilton’s Licensing Committee is composed of five (5) members of City Council. For the purpose of business and lottery licensing, the Licensing Committee provides parties an opportunity to be heard in case of refusal, revocation or suspension of a licence. The applicant or licensee, City Licensing staff or Council itself can request a hearing in front of the Licensing Committee.
The start of a new term of this Committee and of Council presents the opportunity to review the mandate and terms of reference of the Committee to ensure alignment with the Municipal Act and the requirements of Council.

It is recommended:

18. That the mandate and terms of reference of the Licensing Committee be reviewed and updated, as necessary.

The Committee is provided various information including the grounds for the refusal, revocation or suspension and the circumstances and facts are heard as evidence of the parties. After a hearing, the Committee may recommend that a licence be granted or refused, suspended or revoked and may recommend the imposition of conditions. The Licensing Committee will forward a report to Council on the final decision arising from each hearing.

As noted above, the Licensing Committee, after a hearing, may recommend the imposition of conditions to Council. Once Council approves such conditions, notations may or may not be made under the licence information in AMANDA. A review of the minutes of several recent Licensing Committee and Council minutes provided several examples of conditions imposed on licensees. Although notations of these conditions were made in some of the folders of the licensees examined in AMANDA, no formal process for appropriate follow up of conditions exists.

Of the several conditions noted, there was only one instance where the notes in the folder indicated that appropriate follow up had been conducted by an inspector. Upon inquiry, the Legislative Assistant for the Licensing Committee could not find any references in subsequent minutes of the Committee meetings which indicated the reporting of the results of any follow up of conditions.

According to the past Manager of the Standards and Licensing Section, the Co-ordinator and/or Manager involved with the Licensing Committee hearing is supposed to communicate the information to the Co-ordinator responsible for the subject area who, in turn, would assign a specific inspector to the follow up. In general, this is not practised. It was also noted that some of the conditions imposed would be interpreted as requiring continuing monitoring for an indefinite period of time which would make the follow up process time consuming and inefficient if it was so carried out.

It is recommended:

19. That a process of follow up of conditions imposed on licensees by the Licensing Committee and/or Council be formalized. The Legislative Assistant for the Licensing Committee should keep track of such items as outstanding business on the Committee agenda. This would then require staff to report back regarding compliance with the imposed conditions.
20. **That conditions imposed on the licensee by the Committee or Council be time limited.** At the very least, conditions should be re-evaluated in regard to their continuance/discontinuance before the next potential annual renewal of the licence.

**Standards**  
**Background**  
The balance of the Standards and Licensing Section (excluding Animal Control and Municipal Law Enforcement) is responsible for the enforcement of a series of regulatory by-laws which includes, but is not limited to, the condition of a property (property standards), zoning, the accumulation of garbage and debris, the excessive growth of grass and weeds, excessive noise, heat and the legality of the use of a property. There are 11 standards type by-laws (many of which have several separate subject classes) in addition to lottery and licensing by-laws which are subject to enforcement. This Section also does the policy work to develop, implement and maintain municipal by-laws related to this Section’s responsibilities. Actions taken by staff in this area impact customer confidence, safety, well being and quality of life.

Investigation and enforcement workload is primarily complaint driven. Note that there is some proactive enforcement in noise throughout April, September and October in the McMaster University and Mohawk College neighbourhoods and in the adult entertainment industry. The public, Councillors (on behalf of constituents), building and licensing staff and various agencies (i.e. BIA’s) can file an Action Request (AR) to review a situation. In 2004, approximately 9,700 AR’s were received of which backyard by-law (2,855), property standards (2,650) and noise (1,762) were the major issues. In 2005, approximately 10,000 AR’s were received and again, the major issues were backyard by-law (2,819), property standards (2,215) and noise (2,054). The six month period of January 1 to June 30, 2006 includes approximately 5,600 AR’s with concentration once again in backyard by-law (1,884), noise (1,057) and property standards (1,017). As can be seen from the data above, over the past few years, enforcement related work has been steadily increasing.

Action Requests are logged into AMANDA and assigned by the co-ordinators to the respective inspector according to the reported address and the area jurisdiction of the inspector. Each assignment appears as a “Determine if there is a violation” on the “To Do” list of the inspector. It is expected that an inspection will then be done. The process then can take several routes. According to middle management, every situation is different, depending on the complainant, the person in violation and the individual inspector.

If there is no violation, the AR is closed without enforcement.

- If there is a violation and the respondent is willing to co-operate and comply, the AR will be marked “Re-check Voluntary Compliance” so the inspector is expected to re-visit the site at the agreed time to verify action and compliance. If there is compliance at that visit, the AR is closed without enforcement.
If there does not appear to be co-operative compliance, an order is issued with the violation explained and a due date. The inspector is expected to attend after that date to ensure compliance.

If non-compliance continues, the AR is closed with enforcement. Another process starts anew where enforcement can include fines, legal action, registering an order on the title, the City completing the necessary work to reach compliance and placing the costs on the tax bill or any combination of the above, as warranted.

The respondent may appeal a property standard order to the Property Standards Committee within a time specified on the order. The Committee, composed of five (5) citizen members, conducts a hearing and based on evidence presented by staff and the respondent, can decide to uphold the order, change the requirements or compliance date or quash the entire order. A review of the minutes of several of the Committee meetings indicated appropriate staff reporting to the Committee regarding follow up of conditions imposed/passed by its members.

Standardization of Practices

A set of documented procedures to be followed in various situations provides a basis for consistent application as well as aiding in the development of performance standards.

A request to management to provide a procedures manual resulted in several individual pages on topics ranging from Uniform Entitlements to Using the Police Dispatch Radio to Enforcement of selected By-law sections to the Operational Protocol – Multi Agency Task Force. Although it appears that an attempt may have been made to formalize such details in a manual format (appearance of consistent headers, footnotes, etc.), there is no evidence that this was successful. This is further substantiated by staff responses in individual interviews and in the staff survey which indicated they had no knowledge of formal sets of procedures to guide their work. For several of the enforcement areas, without formal documentation, processes are subject to individual inspector interpretation. Without specific instructions and appropriate training, differences in documentation style in AMANDA, inspector logs, Action Request sheets, etc. is evident and could be problematic in cases leading to court proceedings or Licensing Committee hearings. Some staff even indicated that they were unsure they were performing all the steps necessary for a particular function/inspection as they had not received instructions on the expected process. This situation would lead to inconsistency in several operational areas and, in particular, enforcement.

It is recommended:

21. That a formal, comprehensive set of procedures be developed and maintained in a central depository (i.e. Section’s “N” drive) which is accessible to all applicable staff. Management should take responsibility for keeping the information up to date as changes and additions/deletions are made to staff’s duties. Management would also ensure these procedures are communicated to staff for appropriate and consistent application.
Communication

Staff Meetings - As noted throughout the report, communication is a key contributor to effective and efficient operations. Developed and practiced communication processes support the achievement of results and provide an open, productive work environment.

As noted in the employee survey, strong communication amongst staff appears lacking. Rumours and hearsay, rather than proper practiced communication channels, create divisiveness amongst the staff and perpetuate the “cliques” that have formed and are evident in the interviews conducted with staff. Most of the respondents to the survey felt that this resulted in a lack of co-operation among co-workers which, in turn, would affect the efficiency of staff resources.

Communication between staff and management also shows signs of being ineffective. Survey results indicating that reliance on the “grapevine” rather than official communication channels is used to keep informed about current events in the division. Regular staff meetings are virtually non-existent. Respondents to the survey expressed the desire for more time to be allocated to regular staff meetings of work unit personnel.

The fact that rumours and hearsay can destroy loyalties and divide groups is evident in that 80% of the responses disagreed that there was a good sense of co-operation and sharing of a common goal between this Section’s various work units. This divisiveness is further exacerbated by staff’s perception that they are not encouraged to offer suggestions for improvements in cost containment and fairness of workload distribution. Even if suggestions are made, lack of response or action convinces staff from contributing further. This lack of feedback deteriorates staff morale.

It is recommended:

22. That regular staff meetings take place to keep staff informed of current events in the division/section as well as building team adhesiveness. Opportunities for training geared to specific needs of an employee group (i.e. new by-law requirements, change in a process) may be considered for certain short sessions so that all staff receive the same message.

23. That agendas and minutes of staff meetings be maintained and made available to all appropriate staff. Issues raised for further investigation should be tracked through an “Outstanding Business” list to encourage timely follow up and reporting back in subsequent meetings.
Uniform Message - Even communication amongst middle management itself has suffered. With the interchanging of the Co-ordinators between two areas of jurisdiction, staff commented on inconsistencies in directions given by the Co-ordinators. Interpretations of processes to be followed varied and created confusion among some of the staff. From this confusion and with little formal written processes to which staff can refer, the efficiency of resources and the effectiveness of enforcement deteriorate.

It is recommended:
24. That the Manager work with the Co-ordinators to convey uniform messages regarding execution of duties to ensure consistent application among all inspectors, no matter to which Co-ordinator they report.

Customer Service & Liaison Officer - Communication with Councillors, especially follow up to Action Requests (AR’s) initiated by them, is lacking. Councillors interviewed for this review expressed a high expectation that all enforcement issues referred to the Section would be dealt with as promptly and efficiently as possible. However, without established communication processes to provide Councillors with updated information, it is not known if any action has been taken which, in turn, necessitates repeated contact with inspectors and/or management by the Councillor or his Administrative Assistant in order to get information. This tends to be a frustrating process and creates an unfavourable impression of the staff and the operations. Several Councillors also indicated that they would like to see more reporting specific to their wards (i.e. types of complaints, resolution, etc.). Complainants also desire feedback as to actions taken/to be taken/timeframes and, once again, the lack of formal communication procedures contributes to a poor image of the operation.

The creation of a Customer Service and Liaison Officer position with specific duties to update and follow up with each Councillor and those members of the public involved in a particular complaint or issue would provide a formal method of communication and improve perception of customer service of this division. Other duties such as educational addresses to community groups should also be considered for this position. (See following Community Involvement and Education of Stakeholders section for further detail.) This position would work closely with the Manager to ensure co-ordination of efforts but also free up middle management to carry out their supervisory duties.

It is recommended:
25. That the position of a Customer Service and Liaison Officer be added to the staff complement of the Licensing and Standards Section.
Community Involvement and Education of Stakeholders - Standards and Licensing staff (especially the Manager and the two Co-ordinators) are active in or have a high level of interaction with many community and City committees and agencies. Among them are included: Mayor’s Graffiti Initiative, Special Events Advisory Committee, various neighbourhood and neighbourhood watch committees, Town and Gown Association of Ontario, Persons with Disabilities Committee and AMCTO. Staff also attend public meetings in response to Councillors’ requests.

In particular, one of the Co-ordinators and, at times, inspectors depending on the scope of a particular initiative, are involved in the Multi Agency Task Force. This group also includes representation from the Hamilton Police Service (HPS), Alcohol & Gaming Commission of Ontario (AGCO), Ministry of the Environment (MOE), Ministry of Transportation (MTO), RCMP and other City departments such as Health and Fire. The Task Force meets to discuss and strategize around the numerous complaints submitted by Councillors, MPP’s and other complainants. Members participate in various enforcement exercises which are undertaken on properties or businesses that have a long history of ongoing violations (i.e. noise, business licensing) or have caused problems in a neighbourhood.

Other interactions involve Hamilton Association of Business Improvement Areas (HABIA), a group of local BIA’s. During the course of this review, HABIA provided a list of several issues which concerned them, especially in the area of property standards. Many BIA’s are very active in ensuring that the aesthetic nature of their areas are maintained and usually their concerns are centred around the need to understand processes regarding enforcement, questions about the filing of the complaints and reasonable expectation for having their complaints investigated.

The involvement of staff with so many organizations and City groups is time consuming and conflicting schedules stretch resources too thin. Many times, meetings are after regular work hours. Other times, management staff is drawn away from the office and direct supervision is not available.

While it is important to maintain community relationships and provide guidance and information to the various groups, there also needs to be a balance with the required duties of the Co-ordinators and other staff involved. The creation of a Customer Service and Liaison Officer would alleviate some of the pressures placed on the time of the Co-ordinators. The development and distribution of educational materials and brochures on by-law topics of concern to certain target groups would also aid in a better understanding of enforcement processes. Dissatisfaction, as sometimes expressed by complainants, taxpayers or community groups, may stem from not understanding the processes and thus, expectations may be inappropriate. Further, building knowledge in the community (what is and is not enforced by the Section) might eliminate false expectations, improve customer service aspects and improve the overall image of the division and the City. Occasional addresses to City groups potentially affected by specific by-laws can take place but require a planned and prioritized approach.
It is recommended:

26. That involvement with community groups and City committees be reviewed and evaluated to ensure coverage of required day-to-day activities while still recognizing the need for the outside interaction. A planned and prioritized approach, along with the potential additional resource of the Customer Service and Liaison Officer, should be factored into the consideration.

27. That appropriate tools (brochures, educational materials) be developed for distribution to community groups and the public (as needed) in order to educate the stakeholders as to the processes and expectations for enforcement of by-laws.

Training

Consistent and comprehensive training of enforcement staff would definitely have a positive affect on performance. During the course of interviews, it was evident that not all staff were aware of the complete range of enforcement actions which are available for their use. While some inspectors appeared confident in their abilities (indicated that this was of their own initiative as formal training does not occur), several of the other inspectors stated that they performed processes as they thought they should be performed but were not certain they were capturing all the tasks that might be required.

Promoting understanding through focused training based on needs assessment would go a long way in establishing employee accountability and ownership of key processes. In the spring of 2004, a Learning and Development Needs Assessment was carried out on a volunteer basis, resulting in listings of various skills and training which respondents indicated were needed.

Training requested by specific employee groups during interviews included media training for the Manager and Co-ordinators, financial statement review training geared to the lottery licensing staff and topic related training for the inspectors (i.e. Residential Care Facility (RCF)).

It is recommended:

28. That staff skills and knowledge requirements as identified in the needs assessment be addressed with a plan for training required to ensure the capability of staff to carry out their duties.

AMANDA, Technology and Data Collection

Access Rights - Application Management and Data Automation (AMANDA) is used to track permits, complaints, licences and enforcement procedures in the Building and Licensing Division of the Planning and Economic Development Department. The system also provides information on the status of a licence or an inspection as well as staff notes.
Several Councillors interviewed for this operational review indicated that much of their interaction with the Licensing and Standards Section relates to inquiries regarding the status of investigations of complaints that they have referred for inspections. Several Councillors felt that access to the AMANDA system would reduce the need for frequent contact.

Internal Audit’s review of systems access to AMANDA revealed that all but three Councillors and/or their Administrative Assistants have access to AMANDA information already. Granting access and basic training had been offered over the past few years. However, this access, whether it be used or not, has presented a problem for staff, in particular, the inspectors. There has been a hesitancy on the part of staff to disclose specific details of correspondence or inspections in the AMANDA system as the relative availability of some information exposes the risk of unfortunate or inappropriate disclosure by other parties (i.e. the name of a complainant). As few Councillors appear to use AMANDA even if they do have access to it, such access should be discontinued (see section on Customer Service and Liaison Officer under the Communications sub-heading for an alternative).

In addition, all staff access levels should be reassessed. Inspectors should have view only options to all applications but addition/deletion/changes capabilities for only those files to which they have been assigned. The co-ordinators should also have view only access to all files of inspectors in order to monitor performance effectively.

*It is recommended:*

29. That access rights to the AMANDA system be reviewed and assessed in terms of job requirements and emphasis on maintaining the integrity of the information stored in the system.

*Provision of Performance Information* - Currently, it is difficult to assess staff efforts in resolving issues and assessing risks resulting from unlicensed businesses/individuals or standards or by-law non-compliance. AMANDA (or some other form of technology) needs to be enhanced to support risk and performance management applications. The development of inspector status reports which would provide sufficient information to enable a supervisor’s evaluation of the effectiveness of resolution efforts and risk mitigation would be an excellent tool for assessing staff performance.

Monitoring staff activity against service standards and performance targets (as recommended under the section entitled “Workload Management and Staff Utilization”) with data derived from an enhanced AMANDA system would provide management with a means for carrying out their supervisory and performance monitoring duties.
For example, statistical information derived from the current AMANDA system as summarized in Schedule “D” could be utilized to develop completion standards. Individual inspector performance metrics calculated using the same parameters and compared against the group average would be useful for management performance monitoring.

**It is recommended:**

**30. That the capability of AMANDA to provide valuable performance information be explored.**

Technology Project Management - Much has already been stated in this report regarding AMANDA, the key software used in the Section to provide information on licences and inspections.

Staff have indicated that AMANDA is very important in carrying out their duties. However, they also noted that the system most likely has many capabilities that have not been explored and from which they would benefit. Spreadsheets and other documents are maintained outside the system in order to provide practical information and data to operational staff. At times, there is a duplication of input onto spreadsheets and the system as the capability of AMANDA to produce desired reports or information has not been determined.

The loss of the database administrator, who was familiar enough with the system to develop specific queries and analyses for management and for this operational review, has left the division without dedicated resources to carry out needs assessments of staff and explore the capabilities of AMANDA in meeting those needs.

There is no shortage of ideas with respect to possible uses of the technology that could result in enhanced operational efficiency and potentially have dramatic impacts on the activities of the division and service to the public. Examples include:

- Providing mobile access to AMANDA for the inspectors. This would eliminate duplicate entry of information regarding case resolution and also provide inspectors with timely key case information relevant to their inspection/investigation. This has been explained in detail under the Mobile Access section of the report.

- Examining the functionality of the AMANDA system with respect to bringing forward information automatically to the Co-ordinators and Manager once completion and performance targets have been established. This would ensure timely and tight control over the monitoring of inspector workload and performance as well as highlighting action requests that remain outstanding.

- Prioritizing the assignments to the inspectors based on established risk criteria within the Section and thus, aiding in the workload distribution.

- Providing ward specific statistics and trend analyses to staff and Councillors for planning and service purposes.
It is recommended:

31. That the division retain a technology project manager whose responsibilities not only include database administration but also require the planning and conduct of projects based on the technological support required for service delivery and the provision of reliable information to management. This position should work in concert with Information Technology Services (ITS) to pursue and project manage opportunities to enhance operational efficiency through the use of available technology tools.

Mobile Access - Currently, inspectors manually record field data in their inspector logs and, upon returning to the office, input the information into the AMANDA system using their desktop personal computer. In addition to the above, inspectors also come into the office to arrange for and/or produce notices and orders for future delivery.

The automation of the field-based portion of AMANDA and the provision of mobile access for the inspectors would allow inspectors to spend a larger portion of their day in the field doing inspections (i.e. increasing the utilization of staff resources) and enforcing proactively rather than only reacting to complaints (i.e. providing better customer service). Among the other benefits of using wireless connections from the inspection sites are:

- Inspection notes would be placed directly on the system rather than doing the task twice. This would also ensure that all pertinent details are recorded on the system.
- The input of inspection results (i.e. compliance letters) via real-time may provide a quicker response to requests.
- The provision of real-time updates to AMANDA databases could streamline the enforcement processes.
- The ability to immediately log other enforceable situations (i.e. new establishments, other contraventions, etc.) would promote proactive enforcement.
- The provision of on-line information (i.e. prior history of repeat offences at the same address or noting of potentially dangerous or unsafe conditions at prior attendances such as dogs, weapons) may address safety concerns and assist inspectors in improving their decision-making capabilities and assessing future actions.
- Inspections could be assigned/re-scheduled at the last minute and notification of immediate or higher priority tasks could be sent automatically to inspectors in the field.
- More inspections could possibly be conducted per day as inspectors move daily tasks from the office to the field.
Consideration of possible on-site printing of orders/letters would save on time and resources needed in the current practice of sending out such correspondence in the mail (mainly registered) or having the inspector return to deliver the document. In turn, this in field capability may lead to faster resolution of violations and compliance.

As in all such considerations of new technology, there is a need to gauge the benefits versus the costs associated with it. A pilot in regard to providing mobile access to building inspectors has already been carried out in the summer of 2006 with results to adequately support the initiative. A report has been provided to Council recently which outlines the project initiative. As building inspectors utilize the AMANDA database system for their work, it may be an opportune time to “piggy back” onto implementation in this Section too.

**It is recommended:**

32. **That the implementation of mobile access for Standards & Licensing inspectors in the field be considered. The possibility of the inclusion of these inspectors in the implementation of mobile access for the building inspectors’ initiative should be investigated.**

**Performance Measures**

**Workload Management and Staff Utilization** - With approximately 10,000 action requests annually, it is an immediate and prominent issue that inspection resources be used efficiently and effectively to meet the needs of residents and Council members on a timely basis.

In an attempt to identify what objectives had been set for staff resource utilization, no formal objectives other than Councillor requests to be handled within 24 hours were provided. Currently, each inspector can review their own AMANDA generated “TO DO” list and establish his/her own priorities although little evidence was found that this is done.

A survey of municipalities indicated a variety of objectives, most concentrating on completion standards. For example, Ottawa employs a set of priorities including standards for response and commencement of action. All of the different by-laws and related by-law circumstances are categorized under three sets of priorities and service standards:

- Priority 1 – contact of complainant and begin action on the complaint within one day
- Priority 2 – response and action within 48 hours
- Priority 3 – response to complainant within 48 hours but action required within 7 days

The City of Calgary uses completion standards such as 90% completion by 10 days, 95% completion by 30 days and 100% completion by 60 days.

As far as establishing standards to help with identifying workload, management stated that they do not attempt to establish such standards as person hours required to process different categories of by-law action requests. They stated that they try to consider workload on an inspector-by-inspector basis by reviewing the lengths of their “TO DO” Lists.
Inconsistent use of the steps within AMANDA could result in erroneous workload conclusions. A review of individual inspectors’ actions and recording in AMANDA revealed differences such as keeping an action request in the preliminary step of determining if there is a violation while continuing to re-visit the location indefinitely. Review of the “TO DO” list would result in the erroneous conclusion that such an inspector had an unusually long list of action requests to initiate and thus may affect the amount of future work assigned.

Without using some standards for work completion, this current practice does not take into consideration differences in time required to resolve particular infractions (i.e. zoning issues prevalent in the downtown core take longer to resolve than long grass and weeds in the suburban areas) and may result in uneven work distribution among the inspectors. The resulting accumulation of assignments in certain inspectors’ “TO DO” lists has necessitated reallocation of work to a “clean up” crew, members which appear to be penalized as they record completion of their work assignments more accurately and in a more timely manner. A consistently applied AMANDA system could be configured to provide tracking and feedback necessary to ensure that issues are dealt with in a timely manner. Such information should provide the Manager and Co-ordinators with the tools necessary to reallocate staff as work demands change and to deal with bottlenecks in the system.

The failure to set standards for workload and for completion times for the different categories of action requests leaves management in a position where they cannot give a complete and reliable accounting for key aspects of inspector performance. It is difficult to ensure that resources are utilized in the most efficient and effective manner and to set a basis for properly monitoring staff performance. It is understood that data from the AMANDA system, generated from consistently applied and recorded actions, would be beneficial in such an exercise.

It is recommended:

33. That management set service criteria to include completion standards and performance targets to improve upon staff utilization, monitoring and reporting for inspection activities. As part of the development of the standards, Council’s direction regarding the areas or degree of desired proactive enforcement should be sought for the exercise. Any resource challenges to meet such expectations should be reported to Council.

34. That the feasibility of assigning a specific pre-determined, priority ranking based on the nature of the complaint during the initial input stage in AMANDA be investigated. Each priority category would be based on the expected time period in which an inspector should attend. This ranking should be duly reflected in the inspectors’ “TO DO” lists.

35. That the capabilities of AMANDA in providing tracking and feedback data for the efficient allocation of staff resources be explored in consultation with the Co-ordinators and the Manager.
36. **That consistent case flow and file management processes within AMANDA be instituted and communicated to all enforcement staff.**

**Increased Enforcement**

*Laying Charges and Court Proceedings* - Even though voluntary compliance is the desired result of enforcement, laying charges may be the only way of ultimately obtaining compliance. An inspector may commence a proceeding under Part I of the Provincial Offences Act (POA) by issuing a ticket or under Part III of the Act with a summons. Differences under these two parts relate mainly to the amount of the fine (Part I has a maximum fine of $500). While Part I proceedings are usually less time consuming, convictions under Part III offer several remedies such as business closure and prohibition orders or incarceration which are not available under Part I. When an inspector lays a charge, a copy of the ticket is given to one of the Licence Officers and another part must be personally filed with the court within seven (7) days by the inspector. The Licence Officers maintain a series of spreadsheets which detail the charges resolved by year (see below and page 31 for a summary of recent years) and a running list of active charges (not resolved).

If the individual receiving the ticket chooses to contest the ticket, a notice of trial is sent to the Licence Officers by the court. The responsible inspector is expected to provide notes, a will say statement, etc. to the prosecutors. When the court assigns a date, the spreadsheet is updated accordingly with the court assigned number. Once the trial has been held, a notice of disposition is received and again, the spreadsheet is updated.

If the ticket is paid through the court, the Licence Officers are only notified through a monthly list of court payments prepared by the POA office. The list includes payments for all offences including parking, by-law infractions, etc. The spreadsheet is updated to reflect the payments. If the person is sentenced in absentia, the Licence Officers are not notified and therefore are not aware of the status of the ticket. The Law Clerks in the City’s Legal Services division are asked to provide outcome details annually for tickets that are outstanding on the spreadsheet.

An analysis of the spreadsheets available as at October, 2006 was undertaken in order to obtain statistical data regarding charged laid and their outcomes. The tables below summarize the results of the exercise for the years 2004, 2005 and year-to-date 2006.

**Table 6 – Resolved Outcomes of Charges Laid – 2004***

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<tr>
<th>By-law Type</th>
<th>Convictions</th>
<th>Withdrawn</th>
<th>Other</th>
<th>Total</th>
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<tbody>
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<td>12</td>
<td>88</td>
</tr>
<tr>
<td>03-020 Noise</td>
<td>46</td>
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<td>55</td>
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<tr>
<td>03-117 Property Standards</td>
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<td>0</td>
<td>6</td>
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<tr>
<td>6593 Tires</td>
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### Table 7 – Resolved Outcomes of Charges Laid - 2005

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<th>By-law Type</th>
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<th>Other</th>
<th>Total</th>
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<tbody>
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<td>10</td>
<td>3</td>
<td>35</td>
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<tr>
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<td>03-117 Property Standards</td>
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### Table 8 – Resolved Outcomes of Charges Laid – 2006 (to October)

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<th>Withdrawn</th>
<th>Other</th>
<th>Total</th>
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</table>

*See following narrative regarding accuracy of the above data.*

Note the following:

- Percentage of charges resolved by convictions –2004, 80%; 2005, 70%; 2006, 67%
- Percentage of charges resolved by withdrawal –2004, 10% 2005, 21%; 2006, 20%

Reasons for withdrawal include such items as the absence of the inspector, wrong section of the by-law indicated or insufficient/incomplete evidence or already convicted under another charge. As revealed by the charts, most charges are laid in areas where the inspectors take a quasi-proactive approach – namely, adult entertainment and noise.
A further review of information provided by staff indicated that as of October, 2006, there were 144 tickets still active (i.e. waiting for trial or waiting for final resolution). Of the 144 tickets, 45 had been issued in 2004 and 9 had been issued in 2003. A sample of 5 of these long outstanding tickets was selected in order to assess the accuracy of the data. Of the sample, two (2) tickets had been paid, one (1) ticket had been quashed due to an error on the ticket and the remaining two (2) tickets resulted in the accused being sentenced in absentia but the fines remained outstanding. It was also subsequently determined that one (1) of the accused sentenced in absentia actually had a licence renewed subsequent to the conviction while the fine remained unpaid. Section 12(1)(b) of the City of Hamilton Licensing By-law 01-156 (the by-law in effect at the time) states “The Issuer of Licences shall refuse to issue the licence where….fines or convictions under the Provincial Offences Act are due and unpaid…”. As there is no process in place to inform the Licence Officers of persons sentenced in absentia, they were not aware that the fine was outstanding at the time of the renewal.

It is recommended:

37. That the Licence Officers work with the Law Clerks from Legal Services and the POA Office employees to develop an effective system of communicating the results of charges laid under the POA (in particular, convictions in absentia) in order to ensure timely notification.

38. That the capability of AMANDA for retaining all ticketing, court and fine data be explored. This would eliminate the need to keep spreadsheets outside the system as well as provide a single source of such information regarding a property or individual in cases of licence renewals or repeat offences.

39. That, once the data is considered reliable, a review of the numbers of convictions and withdrawals versus charges laid be undertaken. Guidelines governing the process for determining whether to pursue legal action against a non-complaint person or business should be developed taking into consideration potential costs, benefits and trends for withdrawals.

Staff interviewed indicated that, on several occasions, they felt that the successful conviction of a licensee was enough evidence for a Show Cause hearing to take place at the Licensing Committee in order to consider the suspension or revocation of the licence. However, without specific guidelines for pursuing such action, little further effort was made.

It is recommended:

40. That guidelines governing the consideration of licence suspension or revocation at Show Cause hearings following convictions under the POA be developed and formally adopted by the Licensing Committee. The decision should be communicated to all appropriate licence applicants and appropriate staff.
Staffing and Management
Organizational Capacity

Span of Control - In the review of the organization chart (see INTRODUCTION section), it was noted that the position of Manager, Standards and Licensing, has eight (8) direct reports excluding a further two under Animal Control. Normally, this would not be considered excessive. However, due to the wide range of functions (animal control, municipal law enforcement, standards & by-law enforcement and trade, mobile, establishment and lottery licensing) and the extent of the variability in the nature and enforcement of the different areas, the span of control and the scope of managerial leadership appear too widespread. With the Co-ordinators getting personally involved in many inspections and no co-ordinator role in the lottery licensing group, the Manager has had to get involved in the day-to-day operations and thus, may be spread too thin. This may be one of the reasons that respondents to the survey generally felt that the poor leadership contributed to cost ineffective service delivery and low employee performance. Without the time to carry out strategic planning and provide strong management direction, it is understood why staff responded in this manner.

The creation of a third co-ordinator position for all the licensing functions would help narrow the span of control of the Manager and provide the time for the managerial guidance wanting in that area. The return of co-ordinators to their supervisory duties over the inspection staff would provide the management direction sought by staff in that area.

It is recommended:

41. That the division increase staff complement by one (1) co-ordinator position to supervise and guide staff in all licensing areas.

Specialists versus Generalists - Currently, each inspector is assigned a district and is responsible for all by-law enforcement and the action requests that have their origins in his/her “ward”. However, by-laws encompass a wide variety of activities. Each by-law requires a specific skill set, has different legislative requirements and each has different tolerance levels and expectations of enforcement. Different tactics are used to address different situations and there are different levels of discretion to achieve successful enforcement.

In addition, new by-laws (i.e. idling, signs) continue to be added to enforcement. Although some inspectors take on enforcement of specific by-laws (i.e. adult entertainment), they are still expected to cover all aspects of enforcement with the exception of the taxi mechanic/inspector whose duties lie only within that speciality. With the responsibility for so many diverse by-laws, it is hard to imagine that every inspector would be knowledgeable and possess all the skills in every area.
A survey of other municipalities indicated a fairly even split regarding use of specialists versus generalists. Some municipalities employ a system of generalists, similar to the City, whereas others tend towards staff inspectors which specialize in one or two specific areas and cover the entire City in those specialties, with an occasional rotation of staff, when appropriate.

With an inspector workforce of 19, it may be more efficient to develop teams (1-3 inspectors) which possess the necessary knowledge and skill sets (or are so trained) to handle a grouping of similar by-laws with coverage for the entire City. In this manner, there would be coverage for all areas of the City in times of absent or vacationing inspectors. The formulation of teams would be highly dependent on the statistics regarding the number of action requests received by by-law type and by geographic area. Subject trained inspectors would also be available for specific targeted enforcement exercises or blitzes in their area of specialization.

With the creation of “speciality” teams, it would also be much simpler to isolate costs for enforcement of various licensing categories for ABC purposes (see “Fees Justification” section, page 14).

It is recommended:

42. That management investigate the feasibility of implementing a specialist team approach among the inspectors for enforcement purposes. The development of teams should be based on the frequency and the type of action requests received over a sample period. Specifically focused training will be provided, where necessary.

Inspector Scheduling - Currently, most inspectors work standard day shifts with a group of two rotating in and out of afternoon shifts using condensed work weeks (i.e. Sunday to Wednesday or Wednesday to Saturday on shifts from 4:00 p.m. to 2:00 a.m.). This type of structured afternoon scheduling required Union approval of a special agreement which has now expired. Further negotiations are ongoing.

Afternoon shifts are scheduled to primarily respond to noise complaints which are dispatched by the Hamilton Police Service. As noted above, there is an overlap of afternoon shifts on Wednesdays. Four inspectors work that night instead of the usual two. This does not appear to be the most efficient use of staff as Wednesday nights are traditionally not the busiest regarding noise complaints. Inspectors sign onto the dispatch frequency at 10:00 p.m. According to the Co-ordinators, inspectors are expected to do property standards work while it is light out in the summer months and licensing, RCF’s and general paperwork in the winter between the hours of shift start and signing onto the Police dispatch for noise duty. However, these expectations do not appear to have been so communicated as differences of opinion have been expressed by inspectors. Some feel that the afternoon shift is for noise enforcement duties only.
Similar differences in work ethic exist among inspectors on day shift. Some have indicated that they respond to only the Action Request on their “TO DO” list. Others have stated that other violations or non compliances observed while addressing the original Action Request will also be dealt with or noted for subsequent follow up.

Communication of management expectations and monitoring of subsequent staff actions would help to add consistency in the carrying out of inspection duties and improve the productivity of the inspector workforce.

It is recommended:

43. That staff are made aware of management expectations regarding duties to be carried out during afternoon shifts as well as related proactive enforcement in regular inspections. Staff actions should be monitored accordingly.

Another issue regarding scheduling relates to overtime, standby and call out duty. If the inspector on duty feels that the number of calls on the police radio at the end of the shift is significant, he/she can decide to finish the calls while out and therefore overtime is paid at time plus one-half. It appears that overtime is a decision of the individual inspector as it is not approved in advance.

The inspectors on afternoon shift are on standby when they go home after the shift. They will get paid a minimum of three hours at their regular rate during the week and six hours on the weekend. The standby is used to provide response to noise (and heat in the winter) complaints after the end of the second shift. If the inspectors on standby actually get called out, they are further paid at their standard rates. Queries conducted on the payroll database indicated standby and call out payments to Standards and Licensing inspectors amounting to approximately $50,000 for the first eight months of 2005. Most of this amount did not involve call out of the inspector.

Several municipalities were contacted regarding the scheduling of their inspectors and the use of standby. Most municipalities surveyed made little use of standby as they had dedicated night resources or chose to have regular response staff available for selected times only (i.e. weekends only; summer only). Others had full coverage (24/7) with the use of three, eight-hour shifts or staggered shifts. Two municipalities did not use night shifts at all.

Although having staff coverage 24/7 is the optimal level of service, it needs to be weighed against the costs and absolute need to deal with issues between 2:00 and 8:00 a.m. The use of standby needs to be assessed, taking into account methods and coverages employed by other municipalities.

It is recommended:

44. That a review of scheduling options and use of standby be undertaken. The review should take into consideration practices of other municipalities as well as weighing the practicality of providing 24/7 coverage against the related costs.
In addition to scheduling issues as noted earlier and the costs of standby, the effectiveness of inspector response by this Section to noise complaints also needs to be factored into service expectations. Issues of noise enforcement have become complicated and inspectors may not be the most appropriate use of staff resources. In most cases, noise complaints are triggered by large, out of control situations at which the inspector might fear for his/her personal safety. He/she is not equipped to handle confrontation of this nature. In most of these heightened situations, police are requested to attend and end up taking the lead in responding to such noise complaints.

*It is recommended:*

45. That the effectiveness of using inspectors in the Standards and Licensing Section to respond to noise complaints be reviewed in consultation with the Hamilton Police Service.

46. That job descriptions be reviewed to ensure that they accurately reflect the responsibilities, duties and qualifications of the position they define. Changes and adjustments should be made, as required, and staff performance should be evaluated against the corresponding job descriptions and duties.

47. That management complete performance evaluations on all staff at least on an annual basis to provide adequate feedback regarding performance.

48. That the sources of staff’s discontent be investigated and appropriate methods of dealing with the issues be implemented (i.e. team building exercises, staff meetings, identifiable skills assessment).
### SCHEDULE "A" - ESTABLISHMENT LICENCES

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## SCHEDULE "A" - ESTABLISHMENT LICENCES

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* Add $40.00 Fire Inspections for Chip Wagons only

*Fire Inspections required for Chip Wagons only
## SCHEDULE "A" - ESTABLISHMENT LICENCES

### OPERATIONAL REVIEW OF STANDARDS & LICENSING

#### Appendix “A” to Report 07-006

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December, 2006
## SCHEDULE "B" - MOBILE LICENCES

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### Other Fees:
- Processing/Administration Fee (non-refundable) 50
- Photo Identification Card 10
- Appeal Fee to Licensing Committee 50
- Licence Re-instatement Fee (late fee) 50
- Licence Certificate Replacement 10
- Licence Plate Replacement 50
### SCHEDULE "C" - TRADE LICENCES

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<th>Fire Inspection</th>
<th>Total</th>
<th>Fee</th>
<th>Health Inspection</th>
<th>Fire Inspection</th>
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<th>Building</th>
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<th>Traffic</th>
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<td><strong>Trade Licence Contractor:</strong></td>
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<tr>
<td>Building Repair</td>
<td>167.00</td>
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<td>Plumber</td>
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<td>Drainage</td>
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<td><strong>Trade Licence Masters:</strong></td>
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<td>Heating, Ventilation &amp; Air Conditioning</td>
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<td>Drainage</td>
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<tr>
<td>Exam/Processing fee</td>
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#### Other Fees:
- Processing/Administration Fee (non-refundable) | 50.00
- Photo Identification Card                  | 10.00
- Appeal Fee to Licensing Committee          | 50.00
- Licence Re-instatement Fee (late fee)      | 50.00
- Licence Certificate Replacement            | 10.00

December, 2006
## SCHEDULE “D” – STATISTICAL INFORMATION

### 2005

<table>
<thead>
<tr>
<th>Complaints logged</th>
<th>10,312</th>
</tr>
</thead>
<tbody>
<tr>
<td>Which were:</td>
<td></td>
</tr>
<tr>
<td>Unresolved</td>
<td>214 (2%)</td>
</tr>
<tr>
<td>Resolved</td>
<td>10,098 (98%)</td>
</tr>
</tbody>
</table>

Of the Total Resolved:  
- No further enforcement required: 8,280 (82%)
- Commence enforcement: 1,818 (18%)

Resolved Complaints:

<table>
<thead>
<tr>
<th># of Days to Resolve*</th>
<th>&lt;31 Days</th>
<th>31-60 Days</th>
<th>61-90 Days</th>
<th>&gt; 90 Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total 10,098</td>
<td>7,374 (73%)</td>
<td>1,238 (12%)</td>
<td>536 (5%)</td>
<td>950 (10%)</td>
</tr>
</tbody>
</table>

Average time for Supervisor to Assign Action Request to Inspector: 1.4 days
Average time for 1st response from Inspector after assignment by Supervisor: 12.6 days
Average time for 2nd response from Inspector after assignment by Supervisor: 14.0 days

### 2006

<table>
<thead>
<tr>
<th>Complaints logged</th>
<th>5,674</th>
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<tbody>
<tr>
<td>Which were:</td>
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<tr>
<td>Unresolved</td>
<td>211 (4%)</td>
</tr>
<tr>
<td>Resolved</td>
<td>5,463 (96%)</td>
</tr>
</tbody>
</table>

Of the Total Resolved:  
- No further enforcement required: 4,290 (79%)
- Commence enforcement: 1,173 (21%)

Resolved Complaints:

<table>
<thead>
<tr>
<th># of Days to Resolve*</th>
<th>&lt;31 Days</th>
<th>31-60 Days</th>
<th>61-90 Days</th>
<th>&gt; 90 Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total 5,463</td>
<td>4,198 (77%)</td>
<td>737 (14%)</td>
<td>281 (5%)</td>
<td>247 (4%)</td>
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</tbody>
</table>

Average time for Supervisor to Assign Action Request to Inspector: 1.8 days
Average time for 1st response from Inspector after assignment by Supervisor: 6.0 days
Average time for 2nd response from Inspector after assignment by Supervisor: 7.8 days

* This may not be the length of time for full resolution as enforcement may involve laying of charges and court proceedings which are noted in AMANDA under separate folders. AMANDA is not populated with court results details.

Data derived from AMANDA – October, 2006
SUBJECT: Operational Review of the Standards and Licensing Section
(PED07071) (City Wide)

COMMENDATION:

(a) That the proposed Implementation Plan contained in Appendix A to Report PED07071 be received for information.

(b) That Recommendation No. 3 outlined in Appendix A to Report PED07071, which requires one-time funding of $30,000 to develop a centralized filing system, be referred to the 2007 Budget process for Council’s consideration.

(c) That Recommendation No. 10 outlined in Appendix A to Report PED07071, which requires one-time funding of $40,000 and 0.5 FTE to undertake a pilot of proactive licensing enforcement, be referred to the 2007 Budget process for Council’s consideration and a more permanent solution be referred to the 2008 Budget process after a review of the pilot.

(d) That Recommendation No. 17 outlined in Appendix A to Report PED07071, which requires $15,000 and 0.33 FTE to hire a co-op student, be referred to the 2007 Budget process for Council’s consideration.

(e) That Recommendation No. 25 outlined in Appendix A to Report PED07071, which requires $65,000 and 1.0 FTE to hire a Customer Service and Liaison Officer, be referred to the 2007 Budget process for Council’s consideration.

(f) That Recommendation No. 41 outlined in Appendix A to Report PED07071, which requires $95,000 and 1.0 FTE to hire a Co-ordinator of Licensing, be referred to the 2007 Budget process for consideration.
(g) That Recommendation No. 45 outlined in Appendix A to Report PED07071, which requires $25,000 one-time funding to undertake the effectiveness of noise complaints, be referred to the 2007 Budget process for Council's consideration.

(h) That Recommendation Nos. 10 and 32 outlined in Appendix A to Report PED07071 be referred to the 2008 Budget process for Council's consideration after the appropriate reviews of pro-active enforcement and mobile access for Standards and Licensing Inspectors have been completed.

(i) That staff report back in six (6) months with a status report and an overall detailed work program for the Economic Development and Planning Committee's information.

Lee Ann Coveyduck  
General Manager  
Planning and Economic Development Department

EXECUTIVE SUMMARY:

This report identifies the Implementation Plan and timeframe associated with the 48 recommendations of the Auditor concerning the Operational Review of the Standards and Licensing Section as outlined in Appendix A to Report PED07071. In all cases, the management response agrees with the recommendations of the Auditor and look forward to commencing the Implementation Plans aimed at improving staff service delivery.

BACKGROUND:

In 2004, the Planning and Economic Development Department requested Audit Services to add an operational review / value for money audit of the Standards and Licensing Section to its work program. This review was requested in order to review the operations of the Section to look for efficiencies and opportunities to improve the service delivery. In mid 2005, City Council also requested the review which provided direction to the City Auditor to expedite the process. The review began in September of 2005.

This report provides management’s responses, as detailed in Appendix A to Report PED07071, to all of the recommendations of the Auditor. The Auditor’s full report is contained in Report CM07007.

In all cases, staff concurs with the Auditor’s 48 recommendations and an Implementation Plan and timeframe has been set out. Some of the recommendations have already been implemented, and some require funding and additional staff resources. In order to alleviate the impact on the levy in one year, it is recommended that the most critical items requiring funding be referred to the 2007 Budget process for
consideration (refer to recommendations b, c, d, e, f and g) and the remaining items requiring funding be referred to the 2008 Budget process for consideration (refer to recommendation h).

**ANALYSIS/RATIONALE:**

The responses to the Auditor's 48 recommendations are contained in Appendix A to Report PED07071, and in all cases, staff agrees with the recommendations. The Implementation Plan set out in Appendix A to Report PED07071 addresses a number of issues in the following main subject areas:

- Standardization of Practices;
- Communication;
- Training;
- AMANDA, Technology and Data Collection;
- Monitoring and Performance Measures;
- Increased Enforcement; and,
- Staffing and Management.

**ALTERNATIVES FOR CONSIDERATION:**

The timeframes for implementation of the recommendations can be altered and a longer phase-in for one or more of the recommendations with financial implications could be considered, but this would impact the speed to which the improvement recommended by the Auditor could be made.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Recommendation (b) would have a one-time Budget impact of $30,000 and would need to be referred to the 2007 Budget for consideration as an enhancement.

Recommendation (c) would have a one-time Budget impact of $40,000 and an FTE impact of 0.5 and would need to be referred to the 2007 Budget for consideration as an enhancement, with a more permanent solution being referred to the 2008 Budget process after a review of the pilot.

Recommendation (d) would have a Budget impact of $15,000 and an FTE impact of 0.33 and would need to be referred to the 2007 Budget for consideration as an enhancement.

Recommendation (e) would have a Budget impact of $65,000 and an FTE impact of 1.0 and would need to be referred to the 2007 Budget for consideration as an enhancement.

Recommendation (f) would have a Budget impact of $95,000 and an FTE impact of 1.0 and would need to be referred to the 2007 Budget for consideration as an enhancement.

Recommendation (g) would have a one-time Budget impact of $25,000 and would need to be referred to the 2007 Budget for consideration as an enhancement.
Recommendation (h) would be referred to the 2008 Budget for consideration once the reviews associated with the recommendations are completed and the total impact known.

**POLICIES AFFECTING PROPOSAL:**
N/A

**RELEVANT CONSULTATION:**
Audit Services Division  
City Clerk’s Office  
Budgets and Finance Division

**STRATEGIC COMMITMENT:**
By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

**Community Well-Being is enhanced. ☑ Yes □ No**

The effectiveness of the Section’s service has a direct impact on the quality of life within the City by delivering these services in a manner that ensures public safety, consumer integrity and protection and responsible business and personal activities.

**Environmental Well-Being is enhanced. ☑ Yes □ No**

Human health and safety are protected.

**Economic Well-Being is enhanced. ☑ Yes □ No**

Investment in Hamilton is enhanced and supported through the effective issuance of business licences and maintaining property standards.

**Does the option you are recommending create value across all three bottom lines?**
☑ Yes □ No

**Do the options you are recommending make Hamilton a City of choice for high performance public servants?**
☑ Yes □ No

The recommendations will create a respectful, desirable and supportive workplace that will also enhance customer service.
<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Responsibility</th>
<th>Management Response/ Implementation Plan</th>
<th>Additional Comments/Implications</th>
<th>Proposed Implementation Date (Subject to Budget &amp; Detailed Work Program)</th>
</tr>
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<tbody>
<tr>
<td>1. That an internal Policies and Procedures Manual for the Lottery Licensing Section be developed and distributed. The Manual should fully describe processes, provide decision trees and clearly delineate staff responsibilities with respect to Licensing activities.</td>
<td>Manager of Standards and Licensing</td>
<td>Agree – Work has already commenced on this recommendation. However, the Alcohol and Gaming Commission (AGCO) is in the process of developing a Policy Manual and terms and conditions of issuing licences and City staff is providing input into their process. The results from the AGCO process are required in order for the City to complete our internal policies.</td>
<td>We need to be consistent with the policies currently under development by the AGCO.</td>
<td>Six (6) months after the AGCO has completed their Policy Manual.</td>
</tr>
<tr>
<td>2. That all licensees, including renewals, undergo a complete eligibility review every two (2) years.</td>
<td>Manager of Standards and Licensing</td>
<td>Agree - This has already been started.</td>
<td></td>
<td>Immediately</td>
</tr>
<tr>
<td>3. That resources be provided to develop and implement standards for a centralized filing system for licensee correspondence, documents and other pertinent information.</td>
<td>Manager of Standards and Licensing</td>
<td>Agree – A temporary resource will need to be retained to develop the system, however ongoing maintenance will be accommodated through existing resources.</td>
<td>One-time money in the amount of $30,000 will be required to develop the system. This item should be referred to the 2007 Budget process.</td>
<td>Ten (10) months after Budget approval.</td>
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<tr>
<td>4. That appropriate education seminars be developed and conducted for various groups of license applicants/holders. Some training should be made mandatory (in order to obtain a licence) to ensure such organizations are cognizant of their obligations.</td>
<td>Co-ordinator of Licensing (see Recommendation No. 41)</td>
<td>Agree – This will be done in cooperation and partnership with the AGCO where feasible.</td>
<td></td>
<td>Six (6) months after AGCO has completed their policy review.</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Responsibility</td>
<td>Management Response/Implementation Plan</td>
<td>Additional Comments/Implications</td>
<td>Proposed Implementation Date (Subject to Budget &amp; Detailed Work Program)</td>
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<tr>
<td>5. That appropriate training of staff occurs to ensure the eligibility and compliance processes thoroughly assess all requirements of Provincial regulations and the applicable by-law.</td>
<td>Co-ordinator of Licensing (see Recommendation No. 41)</td>
<td><strong>Agree</strong> – Staff will request the AGCO to hold a training session in Hamilton to train staff on the new Provincial regulations. Any additional training needed will be accommodated by Recommendation No. 4 above.</td>
<td>Staff will contact AGCO immediately after the policy and regulations are released.</td>
<td></td>
</tr>
<tr>
<td>6. That the full capabilities of the AMANDA application in meeting the needs of the Lottery Licensing Section be explored. Appropriate changes should be implemented to ensure the efficient operations of the Section.</td>
<td>Applications Analyst</td>
<td><strong>Agree</strong> – This has already started but will continue with more intensity once the Applications Analyst develops a work program.</td>
<td>The Applications Analyst will develop a work program to deal with system issues noted in this report with priorities and timelines.</td>
<td>Work plan to be developed – April 2007.</td>
</tr>
<tr>
<td>7. That the AMANDA System be configured to track receipt of financial information required as per the data entered on the issuance of the original licence. A provision of automatic delinquency letter generation based on a set schedule should also be considered.</td>
<td>Applications Analyst</td>
<td><strong>Agree</strong> – This is be included and prioritized as part of the work plan being developed as noted in Recommendation No. 6.</td>
<td></td>
<td>Work plan to be developed – April 2007.</td>
</tr>
<tr>
<td>8. That staff develop risk criteria for non-compliance issues related to Lottery Licensing and use these criteria to select events for inspection. The current Inspectors in the Standards and Licensing Section should receive training specific to Lottery License Enforcement before being assigned to inspections determined as necessary using the risk criteria.</td>
<td>Manager of Standards and Licensing</td>
<td><strong>Agree</strong> – Staff have already started working on the criteria and the training will follow once the criteria is developed.</td>
<td></td>
<td>Criteria – September 2007 Training – November 2007</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Responsibility</td>
<td>Management Response/ Implementation Plan</td>
<td>Additional Comments/Implications</td>
<td>Proposed Implementation Date (Subject to Budget &amp; Detailed Work Program)</td>
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<td>9. That management review the staffing based on the current Lottery Licensing conditions with the possible reassignment of staff to the implementation of some of the recommendations made earlier such as eligibility reviews or the development of a Procedures Manual or implementation of a centralized filing system.</td>
<td>Manager of Standards and Licensing</td>
<td><strong>Agree</strong> – Staff to work with the City Clerk’s Office to reassign duties currently taking place to assist the Clerk’s Division.</td>
<td>This will have an impact on the Clerk’s Office as 5.5 hours per day will no longer be available to assist with non-lottery license work.</td>
<td>Meet with the City Clerk by April 2007 and discuss transition plan.</td>
</tr>
<tr>
<td>10. That the implementation of proactive license enforcement include timely inspection of new applicants whose period for compliance has exceeded a pre-determined reasonable length of time to ensure the business/individual is not operating.</td>
<td>Manager of Standards and Licensing</td>
<td><strong>Agree</strong> – One-time funding of $40,000 for six (6) months in 2007 to commence pro-active enforcement on a pilot basis and a review will take place in 2007 to determine if 1.0 FTE is appropriate to include as part of Council’s consideration of the 2008 Budget.</td>
<td>One-time funding in the amount of $40,000 is required.</td>
<td>If one-time funding is approved for six (6) months in 2007, then proactive could start in July of 2007.</td>
</tr>
<tr>
<td>11. That enforcement of expired establishment licences be advanced to ensure prompt compliance. Issuance of orders as early as five (5) days after expiry should be considered.</td>
<td>Manager of Standards and Licensing</td>
<td><strong>Agree</strong> – This can be done immediately once staff is advised.</td>
<td></td>
<td>February 2007</td>
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<tr>
<td>12. That literature (pamphlets, brochures) regarding meeting compliance requirements with the City’s Licensing By-law be developed (or updated, as in the case of Trade Licensing). A variety of distribution and promotional channels should be considered as a proactive approach to facilitate compliance.</td>
<td>Co-ordinator of Licensing (see Recommendation No. 41)</td>
<td><strong>Agree</strong> – One brochure or pamphlet per month will be produced.</td>
<td></td>
<td>Starting in July 2007</td>
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<tr>
<td>Recommendation</td>
<td>Responsibility</td>
<td>Management Response/Implementation Plan</td>
<td>Additional Comments/Implications</td>
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<td>13. That an Activity Based Costing exercise be completed immediately in order to comply with Sub-section 150(9) and Section 158 of the Municipal Act.</td>
<td>Manager of Standards and Licensing</td>
<td><strong>Agree</strong> – An RFP has already been completed and a consultant retained to complete this project.</td>
<td></td>
<td>June 2007</td>
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<tr>
<td>14. That more diligence be required when entering information from the License Applications into the AMANDA System, especially in fields which can be used for performance metrics, activity based costing or statistical information.</td>
<td>Manager of Standards and Licensing</td>
<td><strong>Agree</strong> – The Applications Analyst will assist the Manager in setting up appropriate fields and training staff. As well, the Applications Analyst will include and prioritize this item as part of his work program to be developed.</td>
<td>Applications Analyst will incorporate and prioritize as part of the work plan he will be developing – work plan to be completed by April 2007.</td>
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<tr>
<td>15. That the Licensing Section explore alternate means of records management or, at the very least, improve upon the micro-fiche process to ensure completeness of information.</td>
<td>Manager of Standards and Licensing</td>
<td><strong>Agree</strong> - Microfiche issue can be corrected immediately while the alternate means of records management will be considered as part of the Electronic Document Records Management System (EDRMS) that is currently under development.</td>
<td>Microfiching to be done immediately. Records Management – 2008</td>
<td></td>
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<td>16. That appropriate performance metrics for Licensing processes be developed and a reporting process be implemented.</td>
<td>Co-ordinator of Licensing (see Recommendation No. 41)</td>
<td><strong>Agree</strong> – To be considered as part of the OMBI metrics. Applications Analyst to assist in system software needs.</td>
<td></td>
<td>End of 2007</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Responsibility</td>
<td>Management Response/Implementation Plan</td>
<td>Additional Comments/Implications</td>
<td>Proposed Implementation Date (Subject to Budget &amp; Detailed Work Program)</td>
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<td>17. That a process for determining the level of compliance by comparing the business licensing database to various internal and external databases be developed. The process should also include appropriate follow-up procedures to ensure licensing compliance. Additional Budget allocations to execute the comprehensive data collection and enforcement efforts targeting unlicensed businesses / individuals needs to be provided. Such a review should be conducted every 2-3 years. Equally important is the reporting to Council of the results of such efforts including the enhanced revenues, the return on the money spent and the progress towards increasing equity among businesses.</td>
<td>Manager of Standards and Licensing</td>
<td><strong>Agree</strong> – A co-op student could be hired annually to carry out the development of data collection targeting the unlicensed businesses. The Applications Analyst would assist with any system needs.</td>
<td>This requires consideration of 0.33 of an FTE and $15,000 as part of the 2007 Budget process.</td>
<td>Could commence in July subject to Budget approval.</td>
</tr>
<tr>
<td>18. That the mandate and terms of reference of the Licensing Committee be reviewed and updated, as necessary.</td>
<td>City Clerk's Office in consultation with Legal Services</td>
<td><strong>Agree</strong> – The current mandate is legislated by the City of Hamilton Act, Municipal Act, Licensing Code By-law and Statutory Powers Procedures Act. Details of legislation and scope of authority will be presented at an upcoming meeting of the Licensing Committee to ensure the Committee understands its role.</td>
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<td>February 2007</td>
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<td>Recommendation</td>
<td>Responsibility</td>
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<td>19. That a process of follow up of conditions imposed on licensees by the Licensing Committee and/or Council be formalized. The Legislative Assistant for the Licensing Committee should keep track of such items as outstanding business on the Committee agenda. This would then require staff to report back regarding compliance with the imposed conditions.</td>
<td>City Clerk’s Office and Co-ordinator of Licensing (see Recommendation No. 41)</td>
<td>Agree – The process of tracking outstanding business items is currently in place for the Licensing Committee and if the Committee wishes to have follow up on any licenses or conditions, this can be directed by the Committee and added to the list. In addition, the Co-ordinator of Licensing will ensure that the Amanda tracking system is updated immediately following the decision of Council to impose conditions.</td>
<td>Completed</td>
<td></td>
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<td>20. That conditions imposed on the licensee by the Committee or Council be time limited. At the very least, conditions should be re-evaluated in regard to their continuance / discontinuance before the next potential annual renewal of the licence.</td>
<td>Manager of Standards and Licensing</td>
<td>Agree - The properties with conditions can be flagged on the AMANDA System with a requirement that the conditions go back to the Licensing Committee for consideration before the next licence is issued.</td>
<td>Immediately</td>
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<td>21. That a formal, comprehensive set of procedures be developed and maintained in a central depository (i.e. Section’s “N” drive), which is accessible to all applicable staff. Management should take responsibility for keeping the information up-to-date as changes and additions/deletions are made to staff’s duties. Management would also ensure these procedures are communicated to staff for appropriate and consistent application.</td>
<td>Manager of Standards and Licensing</td>
<td>Agree - The Policies and Procedures Manual has already been started and a template has been set up. Staff input would be sought and one new policy and/or procedure each month would be developed until all are completed, and then these would be communicated at the monthly staff meetings.</td>
<td>Commence in April 2007 with the list of policies required, the priorities and the staff person who would take on each specific policy. Complete in 2008.</td>
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<td>22. That regular staff meetings take place to keep staff informed of current events in the Division/Section. Opportunities for training geared to specific needs of an employee group (i.e. new by-law requirements, change in a process) may be considered for certain short sessions so that all staff receive the same message.</td>
<td>Manager of Standards and Licensing</td>
<td><strong>Agree and already implemented.</strong> Monthly staff meetings take place with agendas, minutes etc. In addition, a Labour Management Team has been set up (Standards and Licensing Divisional Employee Relations Committee) and meets regularly.</td>
<td></td>
<td>Completed and ongoing.</td>
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<td>23. That agendas and minutes of staff meetings be maintained and made available to all appropriate staff. Issues raised for further investigation should be tracked through an “Outstanding Business” list to encourage timely follow up and reporting back at subsequent meetings.</td>
<td>Manager of Standards and Licensing</td>
<td><strong>Agree and already implemented at noted in Recommendation No. 22 above.</strong></td>
<td></td>
<td>Completed and ongoing.</td>
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<td>24. That the Manager work with the Co-ordinators to convey uniform messages regarding execution of duties to ensure consistent application among all Inspectors, no matter to which Co-ordinator they report.</td>
<td>Manager of Standards and Licensing</td>
<td><strong>Agree – Partly implemented already through the monthly staff meetings. This will be enhanced through the completion of Recommendation No. 21 – the Policies and Procedures Manual.</strong></td>
<td></td>
<td>Partly completed – the balance will be completed in 2008.</td>
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<td>25. That the position of a Customer Service and Liaison Officer be added to the staff complement of the Standards and Licensing Section.</td>
<td>General Manager of Planning and Economic Development</td>
<td><strong>Agree – This item should be referred to the 2007 Budget process.</strong></td>
<td>Implementation of this recommendation will have a Budget impact of $65,000 and require 1.0 FTE.</td>
<td>Four (4) months after the 2007 Budget process.</td>
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<td>26. That involvement with community groups and City committees be reviewed and evaluated to ensure coverage of required day-to-day activities while still recognizing the need for the outside interaction. A planned and prioritized approach, along with the potential additional resource of the Customer Service and Liaison Officer, should be factored into the consideration.</td>
<td>Customer Service and Liaison Officer (see Recommendation No. 25)</td>
<td>Agree – This item requires approval of Recommendation No. 25 to implement.</td>
<td>Fall of 2007</td>
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<td>27. That appropriate tools (brochures, educational materials) be developed for distribution to community groups and the public (as needed) in order to educate the stakeholders as to the processes and expectations for enforcement of by-laws.</td>
<td>Customer Service and Liaison Officer (see Recommendation No. 25)</td>
<td>Agreed – This item requires approval of Recommendation No. 25.</td>
<td>Fall of 2007</td>
<td></td>
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<td>28. That staff skills and knowledge requirements, as identified in the Needs Assessment, be addressed with a plan for training required to ensure the capability of staff to carry out their duties.</td>
<td>All Co-ordinators of Standards and Licensing</td>
<td>Agreed – The Training Needs Assessment has already been completed. Each employee in consultation with their Co-ordinator will be required to discuss training needs for the year in conjunction with setting their performance expectations for the year as part of the Performance Management System. In addition, group training is now being provided during the monthly staff meetings and will take place on an ongoing basis.</td>
<td>Partially completed and ongoing.</td>
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<td>29. That access rights to the AMANDA System be reviewed and assessed in terms of job requirements and emphasis on maintaining the integrity of the information stored in the system.</td>
<td>Applications Analyst</td>
<td>Agreed – Access to the Councillors will be discontinued once proper notice has been given and the Applications Analyst will revise the system to ensure only those assigned to the file can amend the information on the system.</td>
<td></td>
<td>May 2007</td>
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<td>30. That the capability of AMANDA to provide valuable performance information be explored.</td>
<td>Applications Analyst</td>
<td>Agreed – The Applications Analyst will include this item for prioritizing as part of the work program being developed.</td>
<td></td>
<td>Work program to be developed by April 2007.</td>
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<td>31. That the Division retain a technology project manager whose responsibilities not only include database administration but also require the planning and conduct of projects based on the technological support required for service delivery and the provision of reliable information to management. This position should work in concert with Information Technology Services (ITS) to pursue and project manage opportunities to enhance operational efficiency through the use of available technology tools.</td>
<td>General Manager of Planning and Economic Development</td>
<td>Agreed – Completed, the Applications Analyst will start on February 12, 2007.</td>
<td></td>
<td>Completed</td>
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<td>32. That the implementation of mobile access for Standards and Licensing Inspectors in the field be considered. The possibility of the inclusion of these Inspectors in the implementation of mobile access for the Building Inspectors’ initiative should be investigated.</td>
<td>Manager of Standards and Licensing</td>
<td><strong>Agreed</strong> – The Building Inspectors are just in the process of using this technology. Due to Budget implications, which could be between $150,000 – $200,000, it is recommended that this be reviewed in 2007 to look at possible funding options and then referred to the 2008 Budget process for consideration.</td>
<td>Budget implications – approximately $150,000 - $200,000.</td>
<td>2008 Budget process</td>
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<td>33. That management set service criteria to include completion standards and performance targets to improve upon staff utilization, monitoring and reporting for inspection activities. As part of the development of the standards, Council’s direction regarding the areas or degree of desired proactive enforcement should be sought for the exercise. Any resource challenges to meet such expectations should be reported to Council.</td>
<td>Manager of Standards and Licensing</td>
<td><strong>Agreed</strong> – A process will be set up to determine Council’s priorities and whether the City should be pro-active or reactive in the enforcement of various by-laws. Once that review is completed, staff will determine if any additional resources are required to implement Council’s preferred approach. If additional resources are required, it could be forwarded to the 2008 Budget process for Council’s consideration.</td>
<td>2008 Budget if additional resources are required.</td>
<td>Review to be completed by the end of 2007.</td>
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<td>34. That the feasibility of assigning a specific pre-determined, priority ranking based on the nature of the complaint during the initial input stage in AMANDA be investigated. Each priority category would be based on the expected time period in which an Inspector should attend. This ranking should be duly reflected in the Inspectors' &quot;TO DO&quot; lists.</td>
<td>Manager of Standards and Licensing</td>
<td><strong>Agreed</strong> – Once Council confirms priorities in Recommendation No. 33, then the feasibility of assigning a specific priority ranking in AMANDA can be investigated.</td>
<td></td>
<td>February 2008</td>
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<td>35. That the capabilities of AMANDA in providing tracking and feedback data for the efficient allocation of staff resources be explored in consultation with the Co-ordinators and the Manager.</td>
<td>Applications Analyst</td>
<td><strong>Agreed</strong> – The Applications Analyst will include this item as part of the development of his work program.</td>
<td></td>
<td>Work program to be completed in April 2007.</td>
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<td>36. That consistent case flow and file management processes within AMANDA be instituted and communicated to all enforcement staff.</td>
<td>Manager of Standards and Licensing</td>
<td><strong>Agreed</strong> – In consultation with the Application Analyst, this will be set up in AMANDA. Some work has already been started on this item. The Applications Analyst will include this in his work program for prioritizing.</td>
<td></td>
<td>Work program to be completed in April 2007.</td>
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<td>37. That the Licence Officers work with the Law Clerks from Legal Services and the POA Office employees to develop an effective system of communicating the results of charges laid under the POA (in particular, convictions in absentia) in order to ensure timely notification.</td>
<td>Co-ordinator of Licensing (Subject to Recommendation No. 41)</td>
<td><strong>Agreed</strong> – The Co-ordinator will work with Legal Services to develop an effective communications system.</td>
<td></td>
<td>Fall of 2007</td>
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<td>38. That the capability of AMANDA for retaining all ticketing, court and fine data be explored. This would eliminate the need to keep spreadsheets outside the system as well as provide a single source of such information regarding a property or individual in cases of license renewals or repeat offences.</td>
<td>Applications Analyst</td>
<td>Agreed – The Applications Analyst will include this item for prioritizing as part of his work program.</td>
<td></td>
<td>Work program to be completed by April 2007.</td>
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<td>39. That, once the data is considered reliable, a review of the numbers of convictions and withdrawals versus charges laid be undertaken. Guidelines governing the process for determining whether to pursue legal action against a non-complaint person or business should be developed taking into consideration potential costs, benefits and trends for withdrawals.</td>
<td>Manager of Standards and Licensing</td>
<td>Agreed – Guidelines will be developed with input from Legal Services.</td>
<td></td>
<td>December 2007</td>
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<td>40. That guidelines governing the consideration of license suspension or revocation at Show Cause Hearings following convictions under the POA be developed and formally adopted by the Licensing Committee. The decision should be communicated to all appropriate license applicants and appropriate staff.</td>
<td>Manager of Standards and Licensing</td>
<td>Agreed – Guidelines will be developed with input from Legal Services.</td>
<td></td>
<td>December 2007</td>
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<td>41. That the Division increase staff complement by 1.0 Co-ordinator position to supervise and guide staff in all Licensing areas.</td>
<td>General Manager of Planning and Economic Development</td>
<td>Agreed – This position is critical and would be assigned to the Licensing area. The new position should be referred to the 2007 Budget process for consideration.</td>
<td>1.0 FTE with a Budget implication of $95,000.</td>
<td>For consideration as part of the 2007 Budget process.</td>
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<td>42. That management investigate the feasibility of implementing a specialist team approach among the Inspectors for enforcement purposes. The development of teams should be based on the frequency and the type of action requests received over a sample period. Specifically focused training will be provided, where necessary.</td>
<td>Manager of Standards and Licensing</td>
<td>Agreed – The concept of specialist versus generalist and geographics is definitely worth exploring given the large number and variety of by-laws that need to be enforced. Input would be sought from the staff during the review.</td>
<td></td>
<td>December 2007</td>
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<td>43. That a review of scheduling options and use of standby be undertaken. The review should take into consideration practices of other municipalities as well as weighing the practicality of providing 24/7 coverage against the related costs.</td>
<td>Manager of Standards and Licensing</td>
<td>Agreed - This review will be done in conjunction with the review noted in Recommendation No. 45 as most of the standby is related to noise.</td>
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<td>Fall of 2007</td>
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<td>44. That staff are made aware of management expectations regarding duties to be carried out during afternoon shifts as well as related proactive enforcement in regular inspections. Staff actions should be monitored accordingly.</td>
<td>Manager of Standards and Licensing</td>
<td>Agreed – A Policies and Procedures Manual will definitely help in this regard as noted in Recommendation No. 21 as well as improved communications which have already begun as part of the monthly meetings noted in Recommendation No. 22.</td>
<td></td>
<td>Communications – completed and ongoing. Policy Manual – monthly with completion in 2008.</td>
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<td>45. That the effectiveness of using Inspectors in the Standards and Licensing Section to respond to noise complaints be reviewed in consultation with the Hamilton Police Service.</td>
<td>Manager of Standards and Licensing</td>
<td>Agreed – A consultant will be retained to undertake this review so it can be completed by the Fall of 2007.</td>
<td>One-time money in the amount of $25,000 will be required for this review and this item should be referred to the 2007 Budget process for consideration.</td>
<td>As part of the 2007 Budget process and, if approved, the review would be completed in the Fall of 2007.</td>
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<td>46. That job descriptions be reviewed to ensure that they accurately reflect the responsibilities, duties and qualifications of the position they define. Changes and adjustments should be made, as required, and staff performance should be evaluated against the corresponding job descriptions and duties.</td>
<td>General Manager of Planning and Economic Development</td>
<td><strong>Agreed</strong> – The job descriptions will be reviewed in conjunction with the Human Resources Department prior to posting any vacant positions and after the review identified in Recommendation No. 42 is completed.</td>
<td>Vacant positions - April 2007. Remaining positions three (3) months after review identified in Recommendation No. 42 is completed.</td>
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<td>47. That management complete performance evaluations on all staff at least on an annual basis to provide adequate feedback regarding performance.</td>
<td>Manager of Standards and Licensing</td>
<td><strong>Agreed</strong> – The management staff have a requirement in their Performance Plan that requires them to undertake reviews at least once a year. Additional training will be provided to ensure management's role is clear. A whole Performance Management Program will be implemented that will include setting objectives and expectations for the year, training and development needs, as well as the performance review itself.</td>
<td>Immediately and ongoing.</td>
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<td>48. That the sources of staff's discontent be investigated and appropriate methods of dealing with the issues be implemented (i.e. team building exercises, staff meetings, identifiable skills assessment).</td>
<td>General Manager of Planning and Economic Development</td>
<td><strong>Agreed</strong> – Some changes to staffing in the Section have already taken place, staff meetings have been implemented and a skills assessment has been completed. In addition, implementation of all of the recommendations in this report and competition of the Employee Survey process, wherein staff will be developing action plans to deal with issues, all of which are intended to create a desirable place to work.</td>
<td>Partially completed and ongoing.</td>
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