

Please note: These minutes are yet to be confirmed as a true record of proceedings

CITY OF BUSSELTON

**MINUTES FOR THE POLICY AND LEGISLATION COMMITTEE MEETING HELD ON
10 SEPTEMBER 2019**

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MINUTES

MINUTES OF POLICY AND LEGISLATION COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 10 SEPTEMBER 2019 AT 2.00PM.

1. **DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

The Deputy Presiding Member opened the meeting at 2.00pm

2. **ATTENDANCE**

Deputy Presiding Member:

Cr Ross Paine

Members:

Cr John McCallum

Cr Robert Reekie

Cr Kelly Hick

Cr Lyndon Miles

Officers:

Mr Tony Nottle, Director, Finance and Corporate Services

Mrs Emma Heys, Governance Coordinator

Apologies:

Cr Grant Henley Mayor

3. **PUBLIC QUESTION TIME**

4. **DISCLOSURE OF INTERESTS**

5. **CONFIRMATION AND RECEIPT OF MINUTES**

5.1 **Minutes of the Policy and Legislation Committee Meeting held 13 August 2019**

COMMITTEE DECISION



PL1909/257 Moved Councillor R Reekie, seconded Councillor K Hick

That the Minutes of the Policy and Legislation Committee Meeting held 13 August 2019 be confirmed as a true and correct record.

CARRIED 5/0

6. REPORTS

6.1 REVIEW OF COUNCIL POLICY - CONVENING OF THE COUNCIL FOLLOWING AN ORDINARY ELECTION

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Council Policies
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Executive Assistant to Council - Lisa Haste
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
PRIMARY NATURE OF DECISION	Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Proposed Policy - Swearing In of Elected Members  Attachment B Current Policy - Convening of the Council Following an Ordinary Election 

COMMITTEE RECOMMENDATION

PL1909/258 Moved Councillor K Hick, seconded Councillor J McCallum

That the Council adopts the Council Policy ‘Swearing In of Elected Members’ as per Attachment A, to replace the current Council Policy entitled ‘Convening of the Council Following an Ordinary Election’ (Attachment B) inclusive of Committee requested amendments and additional officer amendments, as detailed within:

COUNCIL POLICY		
		
Council Policy Name:	Swearing In of Elected Members	
Responsible Directorate:	Finance and Corporate Services	Version: Draft

1. PURPOSE

- 1.1. This Policy outlines the guidelines for the official swearing in ceremony to enable newly elected members to make a declaration in accordance with the provisions of the *Local Government Act 1995*.

2. SCOPE

- 2.1. This Policy applies to the elected member declaration and the ~~first~~ Special Council ~~Meeting~~ of new and returning elected members following a local government election.

3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy entitled "Swearing in of Elected Members"

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 6 - Leadership of the City's Strategic Community Plan 2017 and specifically the following Community Objective 6.1: Governance systems, process and practices are responsible, ethical and transparent

5. POLICY STATEMENT

- 5.1. It is recognised that those successfully elected through a local government election cannot participate in the transaction of business until they have made the elected member declaration, which is undertaken at a swearing in ceremony.
- 5.2. The swearing in ceremony ~~is to~~ should be held in the Council Chambers on the first Monday following an ordinary election.
- 5.3. The swearing in ceremony ~~is to~~ should be conducted in accordance with Section 2.29 of the *Local Government Act 1995*.
- 5.4. The swearing in ceremony is to be the first item of business at the Special Council Meeting with the following items to be considered in this order:
- a. the election of the Mayor and Deputy Mayor;
 - b. the appointment of membership of Council's ~~Standing~~ Committees; and
 - c. the appointment of membership of elected member delegates to various other groups, including working parties and informal groups.
- 5.5. The Special Meeting of Council is to be conducted in accordance with the provisions of Section 5.8 and Schedule 2.3, Division 1 of the *Local Government Act 1995*.

- 5.6. At the conclusion of the Special Meeting of Council, an informal function will be held for elected members and their immediate partners and/or families, with invitations extended to the Chief Executive Officer, Directors and other relevant employees.
- 5.7. Where an extraordinary election for the Council is conducted or an extraordinary Mayoral or Deputy Mayoral vacancy occurs, due regard should be given to the significance of the required ceremonies and a special meeting or ceremony be arranged where practicable.

6. RELATED DOCUMENTATION / LEGISLATION

6.1 *Local Government Act 1995*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	8 April 2015	Resolution #	C1504/081
Previous Adoption	DATE	10 March 2010	Resolution #	C1003/075

CARRIED 5/0

Reasons: The Committee requested the inclusion of the words 'Special Council Meeting' in the scope of the policy to ensure it is clear that the policy is inclusive of not only the elected member declaration, but also the Special Council Meeting that follows; and replacing 'is to be' with 'should be' in paragraphs 5.2 and 5.3 to allow for flexibility should the need arise.

The officer amendment included the removal of the word 'Standing' from paragraph 5.4 in reference to Council's Committees as there is no reference to 'Standing Committee's' in the *Local Government Act 1995*.

EXECUTIVE SUMMARY

This report presents for adoption a revised 'Convening of the Council Following an Ordinary Election' Council Policy (Attachment B), proposed to be renamed 'Swearing In of Elected Members' (Attachment A). The revised Policy better outlines the requirements of an Elected Member declaration and the first meeting following an Ordinary Local Government Election

BACKGROUND

Council policy 'Convening of the Council Following an Ordinary Election' was initially adopted by Council in March 2010 (C1003/075) and reviewed and updated in April 2015 (C1504/081). This current policy provides information in regards to the ceremony to follow an election and explicitly recognises the special significance of the business to be conducted at the Council's first meeting.

The City has developed and implemented a Policy Framework, which sets out the intent of Council policies, as opposed to operational documents such as Operational Practices. Upon reviewing the current policy, it was felt that the title did not accurately convey the intent of the policy; the scope described a number of different processes, and overall, the policy wasn't as clear and succinct as it could be.

OFFICER COMMENT

Local government elections are held on the third Saturday in October every two years. Each Councillor whose term will cease at the election, retires from their position as Councillor on election night at 6pm in accordance with Section 2.28 of the *Local Government Act 1995* (days on which terms begin and end).

It is recognised that those successfully elected or re-elected through a local government election cannot participate in the transaction of business until they have made the Elected Member declaration. The Policy stipulates that the Elected Member declaration is to be made at a swearing in ceremony on the first Monday following the ordinary election.

The swearing in ceremony is to be the first order of business once the Special Meeting of Council has been declared open. Following this item will be the election of the Mayor and Deputy Mayor; appointment of members to Council's Standing Committees; and appoint membership of Elected Member delegates to various other groups, working parties and other informal groups.

Election to Council is a momentous occasion and as such, the Policy provides for the holding of an informal function for newly Elected Members and their immediate family members to mark the event, with invitations extended to the Chief Executive Officers, Directors and other relevant staff.

Statutory Environment

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995* it is the role of the Council to determine the local government's policies. The Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

A number of sections of the *Local Government Act 1995* are relevant to the proposed policy, including:

- Section 2.29 which provides for the declaration of elected members before acting in the office;
- Section 5.8 of the *Local Government Act 1995* provides for the establishment of committees; and
- Schedule 2.3, Division 1 of the *Local Government Act 1995* provides for when and how mayors, presidents, deputy mayors and deputy presidents are elected by the Council.

Relevant Plans and Policies

In August 2017 the CEO commissioned a high level independent review of the City's governance systems – the Governance Systems Review (GSR). The GSR made a number of recommendations with respect to the City's policy and procedure framework. In response the City developed a policy framework which sets out the intent of Council policies, as opposed to operational documents such as Operational Practices.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to this matter

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place.

No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Decide to retain the Policy in its current form.
2. Decide to make additional amendments.

CONCLUSION

In accordance with City's Policy Framework, a review of Council policy 'Convening of the Council Following an Ordinary Election' has identified that it does not clearly convey the requirements for an Elected Member declaration or set out the order of business for the first Council meeting following an election.

The policy as proposed, more clearly articulates those requirements for the swearing in ceremony and Special Meeting of Council.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be implemented immediately on adoption and will be ready to use following the 2019 election.

7. GENERAL DISCUSSION ITEMS

7.1 Policy Review Schedule

COMMITTEE RECOMMENDATION

PL1909/259 Moved Councillor J McCallum, seconded Councillor R Reekie

That the Committee

1. Note the 2019/2020 Policy Review Schedule, inclusive of the proposed 2020 Policy and Legislation Committee meeting dates; and
2. Acknowledge the review of 47 Council policies already undertaken.

CARRIED 5/0

As part of implementing the review and development process of Council policies, as outlined in the Policy Framework and to assist with forward planning for the Policy and Legislation Committee, the Policy Review Schedule has now been updated and is attached for the Committee's information (Attachment A).

The Policy Review Schedule now details the required date to commence a review of policy, as well as agenda settlement dates, agenda publish dates and the proposed Policy and Legislation Committee dates for 2020.

For the Committee's information, policies for review have been grouped based on those that might need to be reviewed together while trying not to overload any one Directorate or Business Unit in the process.

The full review process of a policy is schedule to take approximately 11 weeks from commencement to consideration by the Committee.

In addition and included at Attachment B is a list of the 47 Council policies already reviewed. Of these policies already reviewed, 15 have been rescinded.

The committee discussed the prioritisation of the policies and also suggested that the grouping of like policies together for efficiency, while considering the workload of particular areas of the organisation.

8. NEXT MEETING DATE

Tuesday, 8 October 2019

9. CLOSURE

The meeting closed at 2.32pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 9 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON TUESDAY, 8 OCTOBER 2019.

DATE: _____ PRESIDING MEMBER: _____