

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 27 NOVEMBER 2018**

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## MINUTES

MINUTES OF POLICY AND LEGISLATION COMMITTEE HELD IN COMMITTEE ROOM, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 27 NOVEMBER 2018 AT 2.00PM.

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

The Presiding Member opened the meeting at 2.02pm

### 2. ATTENDANCE

#### Presiding Member:

Cr Grant Henley Mayor

#### Members:

Cr Ross Paine  
Cr Rob Bennett  
Cr Kelly Hick  
Cr Coralie Tarbotton (Deputy Member)

#### Officers:

Mr Paul Needham, Director, Planning and Development Services (entered the meeting at 2.03pm and left the meeting at 3.04pm)

Ms Sarah Pierson, Manager, Governance and Corporate Services

Ms Vicki James, Community Development Coordinator (left the meeting at 2.18pm)

Mrs Emma Heys, Governance Coordinator

Miss Kate Dudley, Administration Officer, Governance

#### Apologies:

Cr Lyndon Miles

### 3. PUBLIC QUESTION TIME

Nil

### 4. DISCLOSURE OF INTERESTS

Nil

### 5. CONFIRMATION AND RECEIPT OF MINUTES

#### 5.1 Minutes of the Policy and Legislation Committee Meeting held 23 October 2018

#### COMMITTEE DECISION

**PL1811/220** Moved Councillor R Bennett, seconded Councillor R Paine

That the Minutes of the Policy and Legislation Committee Meeting held 23 October 2018 be confirmed as a true and correct record.

**CARRIED 5/0**

## 6. REPORTS

### 6.1 NAMING OF PLACES POLICY REVIEW

<b>SUBJECT INDEX:</b>	Policy Review
<b>STRATEGIC OBJECTIVE:</b>	Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.
<b>BUSINESS UNIT:</b>	Community Development
<b>ACTIVITY UNIT:</b>	Community Development
<b>REPORTING OFFICER:</b>	Community Development Coordinator - Vicki James
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Proposed Naming of City Roads and Assets Policy 
	Attachment B Current Naming of Parks, Gardens, Memorials, Sports Grounds Council Policy 237 
	Attachment C Current Street Names Policy 141 

### PRÉCIS

The purpose of this report is to present a revised Naming of City Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings Policy, with the current policy (Attachment B) having been amended as part of the City's overall review of its Council policies, having regard to the recommendations of the Governance System Review (GSR) carried out by Mr John Woodhouse in 2017.

The new policy includes some minor updates to the current policy, as well as the inclusion of aspects of the Street Names Policy (Attachment C). It is considered that the Street Names Policy can be rescinded upon adoption of the proposed new policy; to be renamed Naming of City Roads and Assets (Attachment A) (the Policy).

### BACKGROUND

In 2007, a report was presented to Council to adopt a policy that established clearly defined guidelines and selection criteria for the naming of City owned and managed facilities. The Council resolved (C0702/038) that Policy 237 "Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Building" be adopted.

The adopted policy specifically dealt with any proposal for a facility or part thereof to be named after a person. On the 25 July 2012 a recommendation was made to Council to review this policy to include reference to the consideration of geographical and purpose driven names. The Council resolved (C1207/197) to adopt the updated policy.

On the 14 June 2017 a recommendation was made to Council to review the policy and specifically to delete a clause requiring a proposal be advertised for public comment for a 30 day period following its receipt. The Council resolved (C1706/126) to adopt the updated policy.

The Policy has now been amended with some minor updates as well as the inclusion of key aspects of the Street Names Policy, allowing that policy to be rescinded, and contributing to a more streamlined policy framework.

## **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 governments policies. The Council does this on recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

## **RELEVANT PLANS AND POLICIES**

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the GSR. Included in the scope of the review was the City's policy and procedure framework with the following recommendations made:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
  - a. *Should deal with higher level objectives and strategies;*
  - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
  - c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
3. *Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures, and a Council policy template developed.

The Policy aligns with this framework and adopted template.

The Policies and Standards for Geographical Naming in Western Australia is a relevant policy. The Geographic Names Committee, an appointed advisory committee, utilises the Landgate Policies and Standards for Geographical Naming in Western Australia, (version 01:2017) in regards to geographical naming issues.

## **FINANCIAL IMPLICATIONS**

Adoption of the Policy has no financial implications.

## **LONG-TERM FINANCIAL PLAN IMPLICATIONS**

Adoption of the Policy has no long term financial plan implications

## **STRATEGIC COMMUNITY OBJECTIVES**

The Policy aligns with and supports the Council's Key Goal Area 6 - 'Leadership' and more specifically, Community Objective 6.1 Governance systems, process and practices are responsible, ethical and transparent.

**RISK ASSESSMENT**

There are no risks identified of a medium or greater level associated with the Officers recommendation, with the Policy reiterating and maintaining Council's current direction for the naming of parks, gardens, reserves, memorials, sports grounds and buildings and naming of roads.

**CONSULTATION**

No external consultation is required in relation to this policy review.

**OFFICER COMMENT**

The Policy has been reviewed and the following minor changes have been incorporated:

1. Minor amendments to wording and reformatting of paragraphs throughout for the purposes of clarity;
2. The inclusion of aspects of the current Street Names Policy, which provides guidelines and criteria for the naming of City Roads; and
3. More detailed reference to the Geographic Names Committee (GNC) guidelines, including the provision that the naming guidelines as set out in Policies and Standards for Geographic Naming in Western Australia will be adhered to.

The proposed amendments aligns the Policy with the high level objectives and strategy of the GSR.

**CONCLUSION**

Officers consider that the current policy in relation to the naming of key infrastructure assets has been operating efficiently and effectively since adoption, with the recommended changes and inclusions contained in the Policy aimed at improving guidance and streamlining the policy framework.

With respect to the Street Names Policy, officers feel that by combining key aspects of this into the Policy, the Street Names Policy can be rescinded.

**OPTIONS**

The Council could choose not to endorse the Policy, or make additional changes to the Policy.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The Policy would be effective immediately upon endorsement by Council.

**OFFICER RECOMMENDATION**

That the Council

1. Endorse the revised Council Policy – Naming of City Roads and Assets as shown in Attachment A to replace the Council Policy Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings (Attachment B).
2. Rescind the Street Names Policy (Attachment C) upon adoption of the Naming of City Roads and Assets Policy.

**COMMITTEE RECOMMENDATION****PL1811/221** Moved Councillor K Hick, seconded Councillor R Paine

That the Council



1. Endorse the revised Council Policy – Naming of City Roads and Assets as shown in Attachment A to replace the Council Policy Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings (Attachment B) with the inclusions of:
  - “Subject to 5.11b” added to the beginning of paragraph 5.10
  - removing the word “significant” from the definition under section 3 - City Asset
  - the word Indigenous being amended to Aboriginal in paragraph 5.4
  - removing word ‘must’ in 5.13 and adding must to the beginning of 5.13a and 5.13c
  - writing GNC in full in paragraph 5.14
2. Rescind the Street Names Policy (Attachment C) upon adoption of the Naming of City Roads and Assets Policy.

**CARRIED 5/0**

Reason: The committee felt that the amendments would make the proposed policy more consistent and clear.

2.18pm At this time the Community Development Coordinator left the meeting.

## 6.2 REVISED COUNCIL POLICY: RANGER AND EMERGENCY SERVICES APPROACH TO REGULATORY FUNCTIONS

<b>SUBJECT INDEX:</b>	Policy, Procedures and Manuals
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Environmental Services
<b>ACTIVITY UNIT:</b>	Ranger and Emergency Services
<b>REPORTING OFFICER:</b>	Ranger & Emergency Services Coordinator - Ian McDowell
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Proposed Policy - Ranger and Emergency Services Approach to Regulatory Functions  Attachment B Current Policy - Ranger & Emergency Services Approach to Regulatory Functions 

### PRÉCIS

This report presents a revised Ranger and Emergency Services Approach to Regulatory Functions Policy (Attachment A) (the Policy) for Council approval, with the current policy (Attachment B) having been amended with regard to the recommendations of the Governance System Review (GSR) carried out by Mr John Woodhouse in 2017.

The Policy, which has been moved into the new policy template and refined, is considered to be of continuing relevance and importance and is therefore recommended for Council approval.

### BACKGROUND

The current policy was adopted by the Council in June 2013 and reviewed again in October 2017 (C1710/243) in line with the scheduled policy review.

Following a recent review of the Staff Management Practice (SMP) in dealing with the operational application of the policy, it was deemed appropriate by staff to again review the policy and to move it to the current policy template.

### STATUTORY ENVIRONMENT

In accordance with section 27(2)(b) of the *Local Government Act 1995* (the Act), 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, the Policy and Legislation Committee, in accordance with section 5.8 of the Act.

### RELEVANT PLANS AND POLICIES

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the GSR. Included in the scope of the review was the City's policy and procedure framework with the following recommendations made:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
  - a. *Should deal with higher level objectives and strategies;*
  - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
  - c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*

2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
3. *Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures, and a Council policy template developed. The Policy adheres to this framework and template.

The Policy supplements and supports the Compliance Policy adopted by the Council in September 2018 (C1809/182).

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the Officer Recommendation.

### **LONG-TERM FINANCIAL PLAN IMPLICATIONS**

There are no long-term financial plan implications associated with the Officer Recommendation.

### **STRATEGIC COMMUNITY OBJECTIVES**

The Policy links to Key Goal Area 6 of the City's Strategic Community Plan 2017 and specifically the Community Objective 6.1: Governance systems, process and practices are responsible, ethical and transparent and 1.1 A friendly safe and inclusive community with a strong community with a strong community spirit.

### **RISK ASSESSMENT**

There are no risks identified of a medium or greater level associated with the Officer Recommendation.

### **CONSULTATION**

No specific consultation was undertaken in relation to the Policy.

### **OFFICER COMMENT**

Following a review of the SMP in relation to the Ranger and Emergency Services Approach to Regulatory Functions, it was deemed appropriate by staff to carry out a review of the Council policy relating to the same matter.

The current policy contains a level of information considered more operational in nature and as such, has been revised. Specifically, the objectives and statements of intent relative to each individual piece of legislation have been removed from the Policy but retained in the SMP.

The Policy provides higher level objectives and strategies relating to the City's overall approach to its regulatory functions, regardless of the legislation that is being enforced.



**CONCLUSION**

The Policy updates the current Ranger and Emergency Services Approach to Regulatory Functions and in doing so, continues to provide for a transparent, consistent, accountable and respectful approach to the exercising of regulatory function by Ranger and Emergency Services. It is recommended that the Policy is approved by Council.

**OPTIONS**

The Council may choose not to adopt the Policy and instead choose to amend or reject the Policy.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The Policy would be effective immediately upon approval by Council.










**COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

**PL1811/222** Moved Councillor C Tarbotton, seconded Councillor R Paine

That the Council adopts the revised Ranger and Emergency Services Approach to Regulatory Functions Policy as per Attachment A, to replace the current policy (Attachment B).

**CARRIED 5/0**

### 6.3 NEW DELEGATIONS OF AUTHORITY AND AMENDMENTS TO EXISTING DELEGATIONS OF AUTHORITY

<b>SUBJECT INDEX:</b>	Authorised Delegation of Power/Authority
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Governance Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Governance Coordinator - Emma Heys Ranger & Emergency Services Coordinator - Ian McDowell
<b>AUTHORISING OFFICER:</b>	Director Finance and Corporate Services - Tony Nottle
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Attachment A BF3 Institute a prosecution, or to issue an infringement 
	Attachment B BF4 Variation of prohibited and restricted burning times 
	Attachment C LG3Q Authority to destroy an impounded sick or injured animal 
	Attachment D BF1 The performance of any of the functions of the local government 
	Attachment E BF1 Firebreak Order, Variation to (C1106/199) - Current Version 
	Attachment F BF2 Appointment of Bush Fire Control Officers 
	Attachment G BF2 Appointment of Bush Fire Control Officers (C1505/116) - Current Version 
	Attachment H LG3F Power to remove and impound; Abandoned vehicle wrecks 
	Attachment I LG3F Power to Remove and impound goods or abandoned vehicle wrecks (C1808/150) - Current Version 

#### PRÉCIS

As part of an internal review of the City's delegations register, a number of new delegations and some minor amendments to existing delegations have been identified, all associated with functions carried out by the Ranger and Emergency Services area.

#### BACKGROUND

Under the *Local Government Act 1995*, and other Acts that provide for the powers and duties under which local government operate, Council has the ability to delegate some of those powers and discharge of duties to its Chief Executive Officer or other relevant officers.

The *Local Government Act 1995* requires these delegations to be reviewed by the delegator at least once every financial year, whilst other Acts, such as the *Bush Fires Act 1954* have no statutory requirement for review, but are typically reviewed on an annual basis.

A review has been undertaken of the various Acts enforced by Ranger and Emergency Services and the delegations register as it relates to these powers, with the aim of ensuring best practice governance structures and the maintenance of operational efficiencies.

As a result, a number of new delegations and some minor amendments to existing delegations are recommended. Commentary on the requests and the rationale for each is provided in the Officers comment section of this report.

## STATUTORY ENVIRONMENT

Section 5.42 of the *Local Government Act 1995* provides the Council with the ability to delegate powers and duties to its CEO. Some powers and duties cannot be delegated in accordance with Section 5.43 of the Act, such as matters that require an Absolute Majority decision of the Council.

Section 48 of the *Bush Fires Act 1954* provides local government with the ability to delegate powers and duties to its CEO and other relevant officers. Some powers and duties cannot be further sub-delegated in accordance with Section 48 of the *Bush Fires Act 1954*.

Various sections and subsections of the *Bush Fires Act 1954* provide for powers to be directly delegated from Council to Officers, specifically powers under s.59 and s.59A of the Bush Fires Act 1954 can only be delegated directly from Council (no opportunity to sub delegate from CEO to Officers); and in some instances, powers cannot be delegated and the authority to discharge remains with the local government, specifically the power to appoint a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer, which requires a resolution of Council.

## RELEVANT PLANS AND POLICIES

There are no plans or other policies directly relevant to this matter.

## FINANCIAL IMPLICATIONS

There are no financial implications associated with the Officer recommendation.

## LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no long term financial plan implications associated with the Officer recommendation.

## STRATEGIC COMMUNITY OBJECTIVES

This delegation review aligns with and supports the **Council's Key Goal Area 6** – 'Leadership' and more specifically **Community Objective 6.1** – 'Governance systems, process and practices are responsible, ethical and transparent'.

## RISK ASSESSMENT

Following an assessment of the potential implications, there are no risks assessed as being medium or greater associated with the Officer recommendation.

## CONSULTATION

There was no consultation undertaken or considered necessary in relation to the Officer recommendation.

## OFFICER COMMENT

Many of the proposed new delegations and amendments to existing delegations are the result of gaps being identified in the current allocation of powers, as compared to best practice governance structures. The proposed changes are intended to provide officers with increased clarity and security in relation to decision making. The proposed new and amended delegations also aim to achieve and maintain organisational efficiencies.

The table below provides an overview of the new and amended delegations, as well as expanding on the rationale above where applicable. Proposed new delegations are BF3, BF4 and LG3Q and minor amendments are proposed to delegations BF1, BF2, and LG3F.

Relevant Act	Summary of proposal
<p><u>Bushfire Act</u></p> <p>Institute a prosecution, or to issue an infringement</p>	<p><b>Proposed new delegation (BF3)</b> <b>Council to CEO and listed Officers</b></p> <p>To enable Rangers and Senior Rangers to issue infringements for an offence against this Act.</p> <p>To enable the CEO, Bush Fire Control Officer, Director Planning &amp; Development and Manager Environmental Services to commence a prosecution for an offence and institute legal proceedings for an offence against this Act.</p> <p>This delegation can only be made from Council to CEO and listed Officers, not Council to CEO and CEO sub-delegation to Officers</p>
<p><u>Bushfire Act</u></p> <p>Variation of prohibited and restricted burning times</p>	<p><b>Proposed new delegation (BF4)</b> <b>Council to Mayor and CBFO</b></p> <p>To enable the Mayor and Chief Bush Fire Officer to vary prohibited and restricted burning times. The Act only allows for the local government to specifically delegate this power to the Mayor and Chief Bush Fire Officer in joint.</p> <p><u>Additional Rationale:</u> To remove the need for a report to be presented to Council which can have an impact on timeliness of implementing restrictions and / or create the need for late / urgent items.</p>
<p><u>Local Government Act</u></p> <p>Authority to destroy an impounded sick or injured animal</p>	<p><b>Proposed new delegation (LG3Q)</b> <b>Council to CEO</b></p> <p>To delegate the power to CEO to ensure an immediate determination on the destruction of a sick or injured animal can be made.</p> <p>Note there is an argument that the reference to local government in this section of the Act does not preclude the administration from making what are often humanely necessary and time critical decisions however the proposed delegation is recommended by WALGA in their model delegation register as best practice.</p>
<p><u>Bushfire Act</u></p> <p>The performance of any of the functions of the local government under the Act</p>	<p><b>Proposed amendments to existing delegation (BF1)</b> <b>Council to CEO</b></p> <p>The wording in this existing delegation is proposed to be amended in general to strengthen and clarify the delegation to be “all functions of the local government” under the Bush Fires Act 1954.</p> <p><u>Additional Rationale:</u> This is aligned to the way in which other delegations have been prepared and allows the CEO to delegate to officers in relation to all functions (except where expressly disallowed).</p>

<p><u>Bushfire Act</u></p> <p>Appointment of Bush Fire Control Officers</p>	<p><b>Proposed amendments to existing delegation (BF2) Council to CEO</b></p> <p>The wording in this existing delegation is proposed to be amended:</p> <ul style="list-style-type: none"> <li>• Inclusion of s.38 as the Power/Duty and Act Reference;</li> <li>• Additional wording in Condition (3), which outlines the conditions on which an appointment of a Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer can occur.</li> </ul> <p><u>Additional Rationale:</u> This strengthens and clarifies the delegation. Section 38 is the specific section of the Act which enables a Bush Fire Control Officer to be appointed by a local government (this was previously missing from the delegation), whereas s.48 is the power to delegate (already included and will stay).</p> <p>Condition 3 is also clarified by including the requirement that a resolution by Council, on recommendation from the Bush Fire Advisory Committee, is needed to appoint the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer.</p>
<p><u>Local Government Act</u></p> <p>Power to Remove and Impound; Abandoned Vehicle Wrecks</p>	<p><b>Proposed amendments to existing delegation (LG3F) Council to CEO</b></p> <p>The existing delegation essentially restricted the delegated powers to s.340A subsection (1) of the Act, thereby not allowing anyone to actually declare an abandoned vehicle as an “abandoned vehicle wreck” which is covered by s.340A subsection (5). The proposed delegation removes reference to subsection (1) and delegates all powers under s.340A.</p> <p>Addition of a condition that the disposal of the vehicle is to be undertaken in accordance with the Delegation LG3G Disposing of Uncollected Goods.</p> <p><u>Additional Rationale:</u> Because of the reference to subsection (1) of s.340A, Officers were unable to effectively take the first step of this delegation – declaring a vehicle abandoned.</p>

## CONCLUSION

The proposed new or amended delegations serve to reduce risk, address identified gaps when compared to best practice and provide clarity and assurance to officers with regards to the powers and discharge of duties delegated to them.

In addition the proposed amendments aim to provide a sufficient level of authority to the CEO and/or relevant officers to ensure existing organisational efficiencies continue.

## OPTIONS

Council may choose not to adopt the new or amended delegations or choose to place conditions on the delegations.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Any determinations on the delegations will be effective immediately following the Council’s decision.

**OFFICER RECOMMENDATION**

That the Council:

1. Adopts delegation BF3 – Institute a prosecution, or to issue an infringement as shown at Attachment A;
2. Adopts delegation BF4 – Variation of prohibited and restricted burning times as shown at Attachment B;
3. Adopts delegation LG3Q – Authority to destroy an impounded sick or injured animal as shown at Attached C;
4. Adopts the amended delegation BF1 – The performance of any of the functions of the local government under the *Bushfires Act 1954* as shown at Attachment D;
5. Adopts the amended delegation BF2 – Appointment of Bush Fire Control Officers as shown at Attachment F;
6. Adopts the amended delegation LG3F – Power to remove and impound; Abandoned vehicle wrecks as shown at Attachment H

**COMMITTEE RECOMMENDATION**

**PL1811/223** Moved Councillor R Paine, seconded Councillor K Hick

That the Council:

1. Adopts delegation BF3 – Institute a prosecution, or to issue an infringement as shown at Attachment A;
2. Adopts delegation BF4 – Variation of prohibited and restricted burning times as shown at Attachment B;
3. Adopts delegation LG3Q – Authority to destroy an impounded sick or injured animal as shown at Attached C;
4. Adopts the amended delegation BF1 – The performance of any of the functions of the local government under the *Bushfires Act 1954* as shown at Attachment D;
5. Adopts the amended delegation BF2 – Appointment of Bush Fire Control Officers as shown at Attachment F, subject to clarification being provided to the Committee in relation to condition 3;
6. Adopts the amended delegation LG3F – Power to remove and impound; Abandoned vehicle wrecks as shown at Attachment H

**CARRIED 5/0**

Reason: Officers noted clarification was required to BF2. The Committee agreed to delegation being presented directly to Council inclusive of any clarification.

BF2 was subsequently amended to remove and amendments to condition 3, with condition 3 remaining as per the current delegation.

6.4 AL FRESCO TRADING IN THE BUSSELTON CITY CENTRE - CONSIDERATION OF DRAFT POLICY FOLLOWING CONSULTATION (AS WELL AS INFORMATION ON OUTCOMES OF RELATED CONSULTATION)

<b>SUBJECT INDEX:</b>	Activity Centre Plan - Busselton
<b>STRATEGIC OBJECTIVE:</b>	Creative urban design that produces vibrant, mixed-use town centres and public spaces.
<b>BUSINESS UNIT:</b>	Planning and Development Services
<b>ACTIVITY UNIT:</b>	Strategic Planning & Development
<b>REPORTING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Proposed Al Fresco Trading in Busselton City Centre Policy 
	Attachment B Project Detailed Report Busselton CBD Activation 
	Attachment C Published Under Separate Cover Confidential Valuation Advice

## PRÉCIS

Following a period of consultation, this report presents a draft Council Policy for Al Fresco Trading in the Busselton City Centre (the Policy). It is recommended that the Policy be formally adopted without modification.

## BACKGROUND

At its ordinary meeting of 25 July 2018, the Council adopted, for consultation purposes, a draft 'Council Policy on Al Fresco Trading in the Busselton City Centre'. A copy of the Policy is included as Attachment A.

The Council also resolved that, in parallel with the consultation process, further assessment should be undertaken to identify what, if any, level an annual licence fee (for on street al fresco areas) would typically be set at, so that the Council could consider that information in considering the Policy after consultation.

## 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.

Key statutory environment is set out in the City's *Activities in Thoroughfares and Public Places and Trading Local Law 2015* ('Thoroughfares Local Law') and town planning scheme, as well as in the *Land Administration Act 1997*. Those documents have been considered in the preparation of the Policy and this report.

## RELEVANT PLANS AND POLICIES

Relevant plans and policies include the City's *Economic Development Strategy 2016-2026* ('ED Strategy'), and *Local Planning Policy 4C: Busselton Town Centre Urban Design Provisions* (LPP4C). The ED Strategy identifies 'Place Making and Activation' as a key focus area, and sets out a number of related strategies, including 'Partner with business owners and managers to focus positive activity into streets and public spaces'. LPP4C identifies Queen Street as a 'Primary Street', and sets out that development on such streets should be 'highly activated' and that 'al fresco uses also encouraged'.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications of the recommendations of this report. Depending on the direction that the Council chooses to take on these issues, there may be some financial implications, such as those associated with streetscape works that may be required to allow al fresco use of space currently allocated for car parking and/or with fees required to be paid by proprietors for use of road reserve (which is City land, although a very particular kind of City land) for al fresco trading.

Note that the Council has recently amended the guidelines of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme to include infrastructure associated with al fresco areas as eligible works. Under that programme, funding of up to \$20,000 per project is available, up to maximum of 50% of the project cost above \$5,000 (for instance, the maximum funding available for a \$10,000 project is \$2,500, and the maximum funding available for a \$35,000 project is \$15,000). \$50,000 is allocated to that project in the City's current budget, and on an ongoing, annual basis as per the Long-Term Financial Plan.

It should be noted that the City's current schedule of fees and charges does not involve an ongoing fee for al fresco trading, with such fees having been removed in the adoption of last financial year's fees and charges. Where the City is contemplating allowing landowners or proprietors to undertake streetscape works to convert car bays and/or place structures in existing car bays, there would be a capacity to require the costs of the work to be met by the proponent and/or charge ongoing licence fees.

On the basis of recent assessments of the market value of a licence for al fresco space, a value of around \$25-\$50/m<sup>2</sup>/annum is considered an indicative range for al fresco space on Queen Street. Given a parallel parking bay is around 15m<sup>2</sup> in area, that would equate to a licence fee of \$375-\$750 per annum for an al fresco area occupying the equivalent of one car parking bay. It should be noted that, as required by Council's 25 July resolution, further assessment has been undertaken to determine what level an annual licence fee may be set at, and it confirms that the indicative range above is supported by market assessment and is similar to the rates charged by other local governments in similar contexts.

It is worthwhile first understanding the nature of the tenure that would be provided. What is proposed is a licence form of tenure, and not a lease, and so it is a more limited form of tenure, and the rights that would ordinarily accrue to a leasehold tenant would not be present. Further, what is proposed is a licence for the use of the land, not for the use of a building. The licensee will be required to provide their own infrastructure, and will have only a relatively short licence period in which to recover that investment, should the City decide not to renew the licence.

More detailed advice on this matter has been provided as Attachment C (which is confidential because it contains commercially sensitive information).

## **LONG-TERM FINANCIAL PLAN IMPLICATIONS**

There are no long-term financial plan implications of the recommendations of this report.

## **STRATEGIC COMMUNITY OBJECTIVES**

The Policy links to Key Goal Area 2 of the City's Strategic Community Plan 2017 and specifically the Community Objective 2.1: Creative urban design that produces vibrant, mixed-use town centres and public spaces.



## RISK ASSESSMENT

An assessment of the risks associated with implementation of the officer recommendation has been undertaken using the City's risk assessment framework. Risks are only identified where the residual risk, once controls are identified, is 'medium' or greater. No such risks have been identified, although it should be noted that individual proposals for al fresco dining on City land would themselves need to be subject of appropriate risk assessment and management.

## CONSULTATION

Using the *Your Say* platform, the City ran an online survey seeking community views and information on a range of questions related to the Policy, as well as some other questions related to the planning and management of the Busselton City Centre. A summary of the outcomes of the consultation is provided as Attachment B.

A total of 295 people viewed the survey, of whom 125 provided responses. On questions directly related to the Policy, some of the key things to note from the responses are considered to be –

- To the question 'What would bring you into the Busselton City Centre more often on the weekend or evening (choose all that apply)?', the most common responses were - 'more al fresco options' (86 respondents), 'more café, bar and restaurant options' (85 respondents) and 'if there were events taking place in the City Centre' (70 respondents); and
- Between 67% and 80% were supportive of the key elements of the Policy, between 6% and 15% were not supportive, with the balance being unsure – in short, there was substantial net support for all of the key elements of the Policy.

## OFFICER COMMENT

The rationale for the Policy was set out in some detail in the report considered by the Council in July and, as such, there is not seen to be a need to do so in full again in this report. The key elements of the rationale then as now, however, are seen as being -

- It is generally not possible to provide additional and high usability al fresco space on Queen Street especially without occupying space currently used for on-street car parking bays;
- A successful Busselton City Centre into the future will require an increase in the number and proportion of cafes, restaurants and/or bars, including and especially on the 'main street' (i.e. Queen Street);
- Providing more al fresco space will help to facilitate that increase, in fact it is highly likely to be critical to that occurring;
- Even then, that increase will only occur gradually and incrementally, and to avoid unnecessarily removing on-street car parking bays ahead of demand, it is best to also facilitate al fresco conversion of car parking bays in an incremental/demand-driven fashion; and
- Given that not all café, restaurant or bar businesses will continue indefinitely, it makes sense to consider al fresco options that are reversible and non-permanent.

The consultation process is not considered to have raised any concerns with the Policy. It is therefore recommended that the Policy be formally adopted, without modification. That would then allow proposals for al fresco trading on City land to be submitted and assessed, pursuant to the Policy, and subsequently implemented.

## **CONCLUSION**

It is seen as important that the Council establish its direction on this issue, such that landowners, proprietors and officers can develop and consider proposals with some confidence. For the reasons set out in the report considered by the Council in July, it is considered that the Council should adopt a policy to support more alfresco space on Queen Street especially, but mainly in a reversible and in an incremental/demand-driven fashion.

## **OPTIONS**

The options available to the Council are fundamentally as follows –

- Not adopt the Policy, and assess alfresco proposals on a case-by-case basis; or
- Adopt the Policy, subject to modifications.

## **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The officer recommendation is for the formal adoption of the Policy without modification. Implementation would involve publication of the adopted policy. That would occur within two weeks of the Council making a resolution consistent with the officer recommendation.

## **OFFICER RECOMMENDATION**

That the Council adopts the Alfresco Trading in the Busselton City Centre Policy, as per Attachment A.

## **COMMITTEE RECOMMENDATION**

**PL1811/224** Moved Councillor C Tarbotton, seconded Councillor R Paine

That the Council adopts the Alfresco Trading in the Busselton City Centre Policy, as per Attachment A, subject to paragraph 5.6 being rewritten as “A licence will be subject to conditions requiring minimum trading periods for a minimum of six months of each year, with those minimum periods including at least two of the following (and existing alfresco trading permits will be transitioned to these arrangements) –



- (a) Saturday 3pm-6pm; or
- (b) Sunday 9am-2pm; or
- (c) 5pm-8.30pm, at least three nights per week.”

**CARRIED 5/0**

Reason: The committee was in agreement that paragraph 5.6 required a rewrite to ensure the policy was clear.

3.04pm At this time the Director of Planning and Development Services left the meeting.

## 6.5 RECISSION OF FLAG PROTOCOL POLICY

<b>SUBJECT INDEX:</b>	Policy Review
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Governance Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Governance Coordinator - Emma Heys
<b>AUTHORISING OFFICER:</b>	Manager Governance and Corporate Services - Sarah Pierson
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Council Policy 120 Flag Protocol  Attachment B Customer Service Procedure - Flag Protocols 

### PRÉCIS

The purpose of this report is to recommend rescission of Council Policy 120 Flag Protocol (Attachment A) (the Policy), which outlines the Council's authority for flags that can be flown at the City of Busselton Administration Offices.

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the Governance Systems Review (GSR). Included in the scope of the review was the City's policy and procedure framework with recommendations made in relation to the nature and intent of Council policies; namely that Council policies should deal with higher level strategies and objectives.

In accordance with the recommendations of the GSR, it is recommended that the Policy be rescinded.

### BACKGROUND

The Policy outlines the City's authority for flags that can be flown at the City of Busselton Administration Offices. It was adopted in June 2012 and updated again in December 2016 (C1612/148) to include reference to the Department of Prime Minister and Cabinet Publication: Australian Flags – Part 2 – The protocols for the appropriate use and the flying of the flag, Commonwealth of Australia 2006.

The GSR was undertaken over a 3 month period by Mr John Woodhouse LLB Juris and made the following recommendations, including, but not limited to, the City's policy and procedure framework:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
  - a. *Should deal with higher level objectives and strategies;*
  - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
  - c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

For the reasons outlined in the Officer Comment section of this report, it is considered appropriate for the Policy to be rescinded.

### **STATUTORY ENVIRONMENT**

In accordance with Section 2.7(2) 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 recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

The Department of Prime Minister and Cabinet Publication: Australian Flags – Part 2 – The protocols for the appropriate use and the flying of the flag, Commonwealth of Australia 2006 provides for the protocols and precedence of flying the Australian National Flag. This is a comprehensive guideline document.

The Department of the Premier and Cabinet provides guidelines for flag protocols and flag precedence for the flying of the Western Australia State Flag and other flags as prescribed by the *Flags Act 1953*.

### **RELEVANT PLANS AND POLICIES**

There are no plans or other policies directly relevant to this matter.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the Officer recommendation.

### **LONG-TERM FINANCIAL PLAN IMPLICATIONS**

There are no long term financial plan implications associated with the Officer recommendation.

### **STRATEGIC COMMUNITY OBJECTIVES**

The Officer recommendation will not impact adversely on the achievement of any of the community objectives contained within the Strategic Community Plan 2017 and will instead serve to meet the objectives of Key Goal Area 6, specifically community objective 6.1 – Governance systems, processes and practices are responsible, ethical and transparent, by streamlining the City's policy framework.

### **RISK ASSESSMENT**

There are no identified risks of a medium or greater level associated with the Officer recommendation.

### **CONSULTATION**

No external consultation is required in relation to this policy review.

**OFFICER COMMENT**

The Policy scope sets out the authority for flags that can be flown at the City of Busselton Administration Offices, with reference to the precedence of flying flags.

The Policy content further details the authority of the Chief Executive Officer to allow for other flags to be flown on other appropriate occasions, and for alternative flags to be flown in recognition of occasions, events, visits or the like for periods of time, but does not specify which occasions are appropriate or how they are to be determined, instead leaving it to the discretion of the CEO as an operational matter.

Upon review, the Policy is no longer considered necessary noting the recommendations of the GSR that Council policies should deal with high level objectives and strategies, while matters of an operational nature can be dealt with in Staff Management Practices. The Policy is not considered to set a strategic direction and is predominately operational in nature. Additionally the City has at an operational level a well-established procedural document in place in relation to flag protocols (Attachment B).

Through the review of other comparable Council's policies, only one was found to concern any type of flag protocol, relating to the treatment of applications to fly representative or special flags outside of the protocols already covered by the commonwealth and state guidelines. It is felt that this is a matter which can be appropriately dealt with by the CEO.

**CONCLUSION**

It is recommended that Council Policy 120 Flag Protocol be rescinded, as the City has an established operating procedure in place and there are federal and state guidelines which provide sufficient direction in relation to flag precedence and protocol.

**OPTIONS**

Council could instead require that the Policy is maintained and updated to the new template and / or further reviewed.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The Policy will be rescinded immediately upon adoption of the Officers Recommendation.



**COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

**PL1811/225** Moved Councillor R Paine, seconded Councillor K Hick

That the Council rescinds Council Policy 120 – Flag Protocol effective immediately.

**CARRIED 5/0**

## 6.6 REVIEW OF COUNCIL POLICY 234 - RISK MANAGEMENT

<b>SUBJECT INDEX:</b>	Risk Management
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Manager Governance and Corporate Services - Sarah Pierson
<b>AUTHORISING OFFICER:</b>	Director Finance and Corporate Services - Tony Nottle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Proposed Council Policy - Risk Management  Attachment B Current Council Policy - Organisation Wide Risk Management 

### PRÉCIS

This report presents a revised Risk Management policy (Attachment A) (the Policy) for Council approval, with the current policy having been amended as part of the City's overall review of its Council policies, having regard to the recommendations of the Governance System Review (GSR) carried out by Mr John Woodhouse in 2017.

The Policy, which has been moved into the new policy template and updated to reference the current Australian Standard, is considered to be of continuing relevance and importance and is therefore recommended for Council approval. It is recommended that the Policy be renamed also to simply Risk Management.

### BACKGROUND

A policy in relation to risk management was originally adopted in May 2006, in order to demonstrate the City's commitment to the development of a culture of risk based decision making aimed at the effective management of potential opportunities, and reduction of potential impacts of risk. Since then the current policy has been reviewed four times, most recently in 2016, with only minor changes made such as updating Shire to City.

### 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.

In accordance with regulation 17 of the *Local Government (Audit) Regulations 1996* (Regulation 17) the CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, as well as internal control and legislative compliance. The CEO is to report to the audit committee the results of that review at least once every three financial years. A report in this respect was last provided in October 2016.

### RELEVANT PLANS AND POLICIES

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the GSR. Included in the scope of the review was the City's policy and procedure framework with the following recommendations made:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
  - a. *Should deal with higher level objectives and strategies;*

- b. Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
  - c. Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
- 2. As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
- 3. Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures. The Policy adheres to this framework.

As per the requirements of the Policy, the City has developed a risk management framework which was endorsed by the Senior Management Group in December 2017. The framework outlines the City's formal risk management system and processes for the management of risks. Specifically it outlines:

- The definition of risk and risk management
- The City's risk reference tables
- The risk tolerance levels
- The risk management processes and procedures

#### **FINANCIAL IMPLICATIONS**

Adoption of the Policy has no additional financial implications.

#### **LONG-TERM FINANCIAL PLAN IMPLICATIONS**

Adoption of the Policy has no additional long term financial plan implications.

#### **STRATEGIC COMMUNITY OBJECTIVES**

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

#### **RISK ASSESSMENT**

There are no risks identified of a medium or greater level associated with the Officer recommendation, with the Policy reiterating and maintaining Council's strategic direction in relation to the management of risk.

#### **CONSULTATION**

No specific consultation was undertaken in relation to the review of the Policy.

**OFFICER COMMENT**

The purpose of the Policy is to recognise the importance of risk management and Council's commitment to a culture of positive and pro-active risk management through the development and maintenance of appropriate and effective risk systems, frameworks and processes.

While Regulation 17 requires that the CEO provide a report in relation to its risk management systems (inclusive of systems relating to internal control and legislative compliance), this Policy serves to strengthen that outlining a commitment to the development of a risk management framework based on the ISO 3100 Standard (current as of 2018) and for communicating and establishing risk management processes.

The Policy also outlines the role of the Audit Committee in relation to risk management.

Due to the Policy being transferred into the new policy template a tracked changes version is not provided. The current policy is provided at Attachment B for reference. The key changes relate to removing operational aspects such as responsibilities of the Senior Management Group, the Risk Management Committee, management and employees, and updating reference to the applicable Standard.

**CONCLUSION**

The Policy updates the current Organisation Wide Risk Management Policy and in doing so maintains Council's strategic direction in relation to the development of a culture of risk based decision making directed towards the effective management of potential opportunities and reduction of potential impacts of risk.

**OPTIONS**

Council could decide not to adopt the Policy and instead choose to take a different position / approach in relation to risk management. Council could also require further amendments to the Policy.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The Policy will be effective as of its adoption by Council.

**OFFICER RECOMMENDATION**

That the Council adopts the revised Risk Management Policy as per Attachment A, to replace the current policy (Attachment B).

**COMMITTEE RECOMMENDATION**

**PL1811/226** Moved Councillor C Tarbotton, seconded Councillor R Paine


That the Council adopts the revised Risk Management Policy as per Attachment A, to replace the current policy (Attachment B), subject to amendments to 5.4c reviewing and reporting as per the regulations and 5.4d reporting to the audit committee.

**CARRIED 5/0**

Reason: The committee felt that to maintain consistency and readability of the Policy 5.4c and 5.4d be reworded



## 6.7 REVIEW OF CORPORATE ATTIRE ENTITLEMENTS

<b>SUBJECT INDEX:</b>	Governance
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Manager Governance and Corporate Services - Sarah Pierson
<b>AUTHORISING OFFICER:</b>	Director Finance and Corporate Services - Tony Nottle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Proposed Tracked Changes 

### **PRÉCIS**

This report presents and seeks Council's adoption of revised entitlements in relation to Elected Member corporate attire, with the proposed entitlements to be incorporated into the Council Policy - Fees Allowances and Expenses for Elected Members (the Policy), replacing clauses 5.25, 5.26, 5.27 and 5.28 of the Policy.

### **BACKGROUND**

The Policy was updated in October 2018 to provide for improved clarity in relation to childcare reimbursements, travel reimbursements and reimbursements while Elected Members are away from home on sanctioned activities.

Officers additionally recommended some changes to corporate attire entitlements however Council resolved not to adopt those changes and to instead refer the relevant paragraphs of the Policy (5.25, 5.26, 5.27 and 5.28 of Attachment A) back to the Policy and Legislation Committee for further discussion.

At its meeting on 23 October 2018 the committee further discussed corporate attire expenses and it was agreed that Officers would table for consideration the outcomes of that discussion at the next Policy and Legislation Committee meeting.

### **STATUTORY ENVIRONMENT**

In accordance with Section 2.7(2)(b) of the Local Government Act 1995 (the Act) 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.

Section 5.98(2)(b) of the Act and Regulation 32 of the *Local Government (Administration) Regulations 1996* provides that a Council member may be reimbursed for an expense of a kind prescribed where it has been approved by the local government and where it is incurred in performing a function in his or her capacity as a council member with the express authority of the local government.

### **RELEVANT PLANS AND POLICIES**

There are no plans or other policies relevant to this matter.

### **FINANCIAL IMPLICATIONS**

Adoption of the Officer recommendation is expected to result in some minor cost savings and hence have a favourable (albeit small) impact on the City's annual budget.

## **LONG-TERM FINANCIAL PLAN IMPLICATIONS**

Adoption of the Officer recommendation will have a minor, favourable impact on the long term financial plan.

## **STRATEGIC COMMUNITY OBJECTIVES**

The proposed amendments to the Policy further support achievement of Key Goal Area 6 – Leadership of the City’s Strategic Community Plan 2017 and specifically Community Objective 6.1: Governance systems, process and practices are responsible, ethical and transparent.

## **RISK ASSESSMENT**

There are no risks identified of a medium or greater level associated with the Officer recommendation, with the Policy providing improved clarity in relation to a number of reimbursements.

## **CONSULTATION**

Officers reviewed the policies of the City of Stirling, City of Joondalup, City of Bunbury, Shire of Capel and Shire of Augusta-Margaret River in relation to Elected Member entitlements and, with the exception of the City of Joondalup, found no entitlement to the provision or reimbursement of corporate / business attire or expenses.

The City of Joondalup provides Elected Members with an optional Elected Member uniform (one jacket, two trousers/skirts and three shirts/blouses) and a Driz-a-bone jacket or similar. Additionally Elected Members are entitled to an annual reimbursement limit of **\$1,170 (as at July 2018)** for reimbursement of costs (outside of child care and travel costs) incurred as a result of performing their duties as an Elected Member. Specified expenses include:

- business attire including footwear
- dry-cleaning
- stationery
- paid tickets to social functions, meetings or events where the Elected Member has been invited by a written invitation and the organiser is a civic / cultural organisation or a stakeholder of the City of Joondalup.

## **OFFICER COMMENT**

The Policy provides Elected Members with a range of branded corporate attire (with City logo) on being elected and an additional amount of \$750pa for the purchase of business attire for each year of the election term.

Branded corporate attire consists of:

- a. corporate suit (male – Trousers and Jacket);
- b. corporate suit (female – Skirt, Dress, Pants and Jacket);
- c. corporate shirts/blouses etc.;
- d. casual/Light weight Fleecy Jacket;
- e. polo top;
- f. City tie/scarf.

Business attire is outlined as:

- a. business attire (which may consist of a suit, jacket and shirts/blouses);
- b. one pair of shoes (up to \$150);
- c. dry cleaning and maintenance of corporate and business attire.

After discussion with the committee it is recommended that the Policy be amended to provide each Elected Member upon election or re-election with business attire as outlined below; with all items to be purchased from a City approved provider:

- a. 1 x business suit (male – 2 x Trousers and 1 x Jacket; female – 2 x skirt, dress or pants and 1 x jacket)
- b. 3 x corporate shirt / blouse
- c. 1 x corporate casual / fleecy jacket (branded)
- d. 1 x corporate polo shirt (branded)
- e. 1 x corporate tie / scarf (branded)
- f. 1 x pair of business shoes up to a value of \$150

Additionally it is proposed that the cost of reasonable dry cleaning and maintenance costs be reimbursed. Provided at Attachment A is a copy of the Policy with the proposed amendments shown in track changes.

The proposed amendments to the Policy aim to provide Elected Members with access to suitable attire to perform their functions, while ensuring a financially responsible approach. It is recommended that the proposed amendments are effective as of 1 July 2019 to align with the budget cycle and to provide Elected Members with a period of transition.

## **CONCLUSION**

Following discussion at the October Policy and Legislation Committee meeting, amendments are proposed in relation to Elected Member corporate attire expenses, with clauses 5.25, 5.26, 5.27 and 5.28 of the Policy being replaced as proposed in the Officer recommendation.

## **OPTIONS**

Council could decide not to adopt the proposed amendments and leave the Policy unchanged or they could seek to make additional or different amendments.

## **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

If adopted the Policy would be amended effective 1 July 2019.

**OFFICER RECOMMENDATION**

That the Council adopt the following to replace clauses 5.25, 5.26, 5.27 and 5.28 of the Council Policy Fees Allowances and Expenses for Elected Members, effective 1 July 2019:

- 5.25 Upon election or re-election, Elected Members will be entitled to the following business attire:
- a. Business suit (male – 2 x Trousers and 1 x Jacket)
  - b. Business suit (female – 2 x Skirt/Dress/Pant and 1 x Jacket)
  - c. Business shirt / blouse – x 3
  - d. Corporate (City branded) casual / light weight fleecy jacket – x 1
  - e. Corporate (City branded) polo top – x 1
  - f. Corporate (City branded) tie / scarf – x 1
  - g. Business shoes – x 1 pair (up to a value of \$150)
- 5.26 Elected Members will be reimbursed reasonable costs associated with the dry cleaning and maintenance of issued business attire.
- 5.27 With the exception of business shoes, all items of business attire must be purchased from the City's approved provider.
- 5.28 All items of business attire which are branded with the City of Busselton's logo should be returned to the City on expiry of office.

**COMMITTEE RECOMMENDATION**

**PL1811/227** Moved Councillor G Henley, seconded Councillor R Paine

That the Council adopt the following to replace clauses 5.25, 5.26, 5.27 and 5.28 of the Council Policy Fees Allowances and Expenses for Elected Members, effective 1 July 2019:

- 5.25 Upon election or re-election, Elected Members will be entitled to the following business attire:
- a. Business suit (male – 2 x Trousers and 1 x Jacket)
  - b. Business suit (female – 2 x Skirt/Dress/Pant and 1 x Jacket)
  - c. Business shirt / blouse – x 3
  - d. Corporate (City branded) casual / light weight fleecy jacket – x 1
  - e. Corporate (City branded) polo top – x 1
  - f. Corporate (City branded) tie / scarf – x 1
  - g. Business shoes – x 1 pair (up to a value of \$150)
- 5.26 Elected Members will be reimbursed reasonable costs associated with the dry cleaning and maintenance of business attire.

- 5.27 With the exception of business shoes, all items of business attire must be purchased from the City's approved provider.
- 5.28 All items of business attire which are branded with the City of Busselton's logo should be returned to the City on expiry of office.

**CARRIED 5/0**

Reason: The committee was in agreeance that the word issued should be removed from 5.26 to allow all business attire to be dry cleaned, subject to the cost being reasonable .

## 6.8 PROPOSED COMMITTEE MEETING DATES 2019

<b>SUBJECT INDEX:</b>	Meeting Dates
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Governance Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Administration Officer - Governance - Kate Dudley
<b>AUTHORISING OFFICER:</b>	Director Finance and Corporate Services - Tony Nottle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Nil

### PRÉCIS

This report is presented to enable the Policy and Legislation Committee to determine their meeting dates for the 2019 calendar year.

### BACKGROUND

The Council of the City of Busselton establishes a standing committee known as the Policy and Legislation Committee (the Committee), under the powers given in Section 5.8 of the *Local Government Act 1995* (the Act).

The Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(b) of the Act, to determine the local government's policies, and its legislative function in accordance with Division 2 of Part 3 of the Act.

The Terms of Reference (TOR) for the Committee determines that the Committee must meet at least four times per year and report to Council once a quarter as a minimum. In October 2015 the Committee resolved to meet monthly and a monthly meeting schedule was established. In February 2018 the Committee indicated a preference to meet on the third Tuesday of the month at 2.00pm.

### STATUTORY ENVIRONMENT

The *Local Government (Administration) Regulation 12* requires a committee that is to be open to members of the public or is proposed to be open to members of the public, to give local public notice of the dates, time and place at which the committee meetings are to be held in the next 12 months. Committee meeting dates are made available on the City's website.

### RELEVANT PLANS AND POLICIES

There are no relevant plans and policies associated with this matter.

### FINANCIAL IMPLICATIONS

There are no financial implications associated with the Officer recommendation.

### LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no Long Term Financial Plan implications associated with the Officer recommendation.

## **STRATEGIC COMMUNITY OBJECTIVES**

This matter principally aligns with Key Goal Area 6 – ‘Open and Collaborative Leadership’ and more specifically Community Objective 6.1 - ‘Governance systems, process and practices are responsible, ethical and transparent’.

## **RISK ASSESSMENT**

There are no identified risks of a medium or greater level associated with the Officer recommendation.

## **CONSULTATION**

Following the Committee’s adoption of a meeting cycle for the 2019 calendar year, and in accordance with the Regulation 12 of the *Local Government (Administration) Regulations*, the meeting dates for the next 12 months will be advertised for public information.

## **OFFICER COMMENT**

In October 2015 the Committee resolved that the Committee would meet monthly. In February 2018 the Committee decided that they would meet on the third Tuesday of the month at 2.00pm. After reviewing the proposed Finance Committee 2019 meeting schedule and the adopted Council meeting dates for 2019, it is recommended that the Policy and Legislation Committee meet on the second Tuesday of the month at 2.00pm. This will enable reports from the two committees to alternate (in the main) on the Council agenda. If the Policy and Legislation Committee meeting dates are scheduled for the third Tuesday of the month, both sets of reports will go to the same Council meeting.

Due to the Councillors break in January and July it is proposed that the Policy and Legislation Committee meet on the fourth Tuesday of those months.

The proposed meeting dates are:

Tuesday, 22 January  
Tuesday, 12 February  
Tuesday, 12 March  
Tuesday, 9 April  
Tuesday, 14 May  
Tuesday, 11 June  
Tuesday, 23 July  
Tuesday, 13 August  
Tuesday, 10 September  
Tuesday, 8 October  
Tuesday, 12 November

## **CONCLUSION**

It is considered appropriate to schedule the Policy and Legislation Committee meetings once a month on the second Tuesday of the month at 2.00pm and the proposed 2019 dates are reflective of this.

## **OPTIONS**

The meeting date and time is determined by the Committee. The Committee may recommend a different day or time for the meetings to be held.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The Policy and Legislation Committee meeting schedule for the 2019 calendar year will be advertised prior to the end of 2018.

**COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

**PL1811/228** Moved Councillor R Paine, seconded Councillor C Tarbotton

That the Committee adopts the following Policy and Legislation Committee meeting dates for 2019, to be held at 2.00pm in the Wonerup Committee Room:

Tuesday, 22 January  
Tuesday, 12 February  
Tuesday, 12 March  
Tuesday, 9 April  
Tuesday, 14 May  
Tuesday, 11 June  
Tuesday, 23 July  
Tuesday, 13 August  
Tuesday, 10 September  
Tuesday, 8 October  
Tuesday, 12 November

**CARRIED 5/0**



**7. GENERAL DISCUSSION ITEMS**

Nil

**8. NEXT MEETING DATE**

Tuesday, 22 January 2018

**9. CLOSURE**

The meeting closed at 3.33pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 33 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON TUESDAY, 25 DECEMBER 2018.

DATE: \_\_\_\_\_

PRESIDING MEMBER: \_\_\_\_\_