



Policy Review and Development Committee

Minutes

28 February 2019

Committee Terms of Reference

- 1** *To review all existing Bunbury City Council policies within a two year period, in line with the local government election cycle and facilitate the development of new policies for consideration by Council on an ongoing basis.*
- 2** *To make recommendations to Council on matters of policy, policy and local law review and policy and local law development.*
- 3** *To explore opportunities that promote policy development in all areas that are within Council's jurisdiction.*
- 4** *To allow any draft policy developed and fully considered by another Advisory Committee of Council to be referred directly to Council for consideration.*
- 5** *To provide Bunbury City Councillors with assistance and support to develop new Council policies.*

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Minutes

28 February 2019

Members of the public to note that recommendations made by this committee are not final and will be subject to adoption (or otherwise) at a future meeting of the Bunbury City Council.

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1. Declaration of Opening

The Presiding Member declared the meeting open at 9.00am.

2. Disclaimer

Not applicable to this committee.

3. Announcements from the Presiding Member

Nil

4. Attendances

Committee Members:

Member Name	Representing
Cr Jaysen Miguel (Presiding Member)	City of Bunbury
Cr Todd Brown	City of Bunbury
Cr Karen Steele	Proxy for Mayor Brennan

Ex-officio Members (non-voting):

Member Name	Representing
Mr Mal Osborne	Chief Executive Officer

Support Staff:

Name	Title
Mr Greg Golinski	Manager Governance
Ms Jane Parsons	Senior Procurement Officer
Ms Isabell Evans	Manager People and Place
Mrs Sarah Upton	Manager Community Law, Safety and Environmental Health

4.1 Apologies

Mr Mark Seaward, BGCCI
Cr James Hayward

4.2 Approved Leave of Absence

Mayor Brennan is on approved leave of absence.

5. Declaration of Interest

Nil

6. Public Question Time

Not applicable

7. Confirmation of Minutes

Committee Decision:

Moved: Cr Brown

Seconded: Cr Miguel

The minutes of the Policy Review and Development Committee Meeting held on 22 November 2018 are confirmed as a true and accurate record.

CARRIED

8. Petitions, Presentations and Deputations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

Nil

9. Method of Dealing with Agenda Business

Items were dealt with in the order they appeared on the agenda.

10. Reports

10.1 Proposed Dogs Local Law

Applicant/Proponent:	Internal
Responsible Officer:	Sarah Upton, Manager Community Law, Safety and Environmental Health Greg Golinski, Manager Governance
Responsible Manager:	Sarah Upton, Manager Community Law, Safety and Environmental Health Greg Golinski, Manager Governance
Executive:	Gary Barbour, Director Planning and Development Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 1: Proposed Dogs Local Law 2019

Summary

The purpose of this Report is for the Policy Review and Development to consider submissions received in relation to the previously advertised draft Dogs Local Law (the local law).

The **purpose** of the proposed local law is to repeal the existing Dogs Local Law 2002 and to extend to Council the controls over dogs which exist under the *Dog Act 1976*.

The **effect** of the proposed local law is to provide Council with controls and regulatory measures in relation to the impounding of dogs, requirements and limitations on the keeping of dogs, and the management of dogs in public places.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council:

1. Notes that no submissions were received during the statutory advertising period regarding the draft City of Bunbury Dogs Local Law.
2. Adopts the City of Bunbury Dogs Local Law as presented at Appendix 1.
3. Requests the Chief Executive Officer undertake all relevant statutory advertising in this regard.

Voting Requirements: Absolute Majority required by Council

Strategic Relevance

Theme 4: Our City
Goal: Civic leadership, partnerships and sound governance in delivering with and for the community
Objective 4.3: Trusted leadership and robust decision-making

Regional Impact Statement

The proposed Dogs Local Law only has jurisdiction within the district of the City of Bunbury.

Background

At its meeting held on 21 August 2018, Council agreed to give public notice of its intention to make a new Dogs Local Law (refer Council Decision 252/18). The proposed local law was advertised in state-wide and local news publications between 28 August and 22 October 2018.

Following some feedback from the Department of Local Government, Sport and Cultural Industries (DLGSCI), the proposed local law was readvertised by Council in December 2018 (refer decision 366/18) with some modifications, primarily the inclusion of unmodified penalties, which gives effect to the table of modified penalties.

The local law was readvertised between 18 December 2018 and 8 February 2019, with no submissions received.

Council Policy Compliance

N/A

Legislative Compliance

Section 3.12 of the *Local Government Act 1995* outlines the process for the creation of a new local law and is applicable.

Officer Comments

With no comments received regarding the proposed local law, it is recommended that Council agree to adopt the law as presented.

Analysis of Financial and Budget Implications

There is provision within the 2018/19 budget for all advertising and gazettal costs associated with the adoption of this local law.

Councillor/Officer Consultation

This report is presented to the Policy Review and Development Committee for consideration.

Timeline: Council Decision Implementation

Pending Council endorsement of the Executive Recommendation, the local law will be gazetted and will take effect from 14 days after gazettal date. It is expected that the local law will take effect from mid-April 2019.

Outcome of Meeting 28 February 2019

The executive recommendation as printed was moved Cr Brown and second Cr Steele, and was carried unanimously as follows:

That the Policy Review and Development Committee recommend that Council:

- 1. Notes that no submissions were received during the statutory advertising period regarding the draft City of Bunbury Dogs Local Law.***
- 2. Adopts the City of Bunbury Dogs Local Law as presented at Appendix 1.***
- 3. Requests the Chief Executive Officer undertake all relevant statutory advertising in this regard.***

10.2 Review of Council Policy: Purchasing

File Ref:	Purchasing Policy Review
Applicant/Proponent:	Internal
Responsible Officer:	David Russell, Manager Works Administration
Responsible Manager:	David Russell, Manager Works Administration
Executive:	Gavin Harris, Director Works and Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 2: Amended Purchasing Policy

Summary

The Purchasing Council Policy is due for periodic review as is standard practice. The Policy was last reviewed on 13 December 2016.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy – Purchasing as presented.

Voting Requirement: Simple Majority

Strategic Relevance

Theme 4: Our City
Goal: Civic leadership, partnerships and sound governance in delivering with and for the community.
Objective 4.4: A skilled organisation, which exercise responsible asset stewardship, sound financial management, and exemplary customer service.

Regional Impact Statement

This Policy benefits the Bunbury/Wellington Group of Councils through the Buy Local Policy component where local business is better supported and provided an increased opportunity to respond to quotations through the Vendor Panel system.

Background

The Purchasing Council Policy is periodically reviewed every two years as part of a good governance processes. At the last review in 2016 there was amalgamation of the separate Buy Local Price Preference Policy and the existing Purchasing Policy along with new legislative requirements for a Panel Purchasing Policy. These were consolidated in one Policy which enabled officers to have a “one stop” procurement shop for compliance information.

Council Policy Compliance

This report facilitates the review of an existing Council policy.

Legislative Compliance

The Policy has been updated in line with the *Local Government (Functions and General) Regulations 1996, Part 4 – Provision of Goods and Services*.

Officer Comments

The following is the main basis of change in the proposed amended Policy:

- a. Minor Regulation change around tender exemption for Aboriginal Businesses (has been removed);
- b. The introduction of the new Vendor Panel software procurement system that the City is now utilising; and
- c. The new WALGA template for purchasing that has been updated to reflect current industry trends and audits.

Due to the number of track changes in the document (in excess of 40), changes have been accepted where they relate to an updated WALGA Purchasing Policy recommendation where the intent and practicality of the Policy application remains the same.

Training will be undertaken with all employees that purchase goods or services once the Policy has been re-adopted.

Below are the notable recommendations that differ in intent to the existing Policy as it currently stands and have remained as track changes within the document;

Purchasing Thresholds (Page 5)

- a) The words “*Vendor Panel*” have been referenced throughout to recognise that the City has a new procurement software portal that Officer’s need to utilise.
- b) Reference to “*or demonstrate the attempt to obtain*” has been included as a new addition. Many times officers may issue a quote to in excess of three suppliers only to find that sometimes only one or two businesses respond. This has been included to allow officers to proceed with less than three quotes but they must still demonstrate that they applied due diligence in attempting to get quotations.

Approval Limits (Page 6)

- a) Raise the approval limit of the CEO from \$250k to \$500k (the same as the WALGA limit). All procurement goes through a process of risk assessment and evaluation regardless of whether it is an open market procurement or WALGA preferred supplier procurement. There have been no instances of any additional risk with open market procurement so it would make sense if this was made consistent. In addition, the City regularly receives advice that WALGA referred suppliers have either been terminated or have become insolvent whereas none of the “City” contracted suppliers have fallen into the insolvent category.

The benefit of raising the limit means that projects can be expatiated by up to two weeks if they would have otherwise needed to go to Council. There would still be the requirement for the CEO to report on approval spend to Council on a periodic basis.

Discretionary Purchases (CEO, Directors and Managers)

Currently the CEO is the only permissible employee to approve this on amounts of between \$2k and up to \$150k excluding GST. The recommended change extends this to Directors and Managers at a reduced value to allow practical continuation of projects in an efficient manner.

It is not practical or good use of time for the CEO to be dealing with low value purchases of an operational nature (i.e. approval to sign off a \$2100 spend via a memorandum). While it is recommended to approve Directors up to \$100k and Managers up to \$5k there has been an additional requirement in regards to accountability to ensure adequate reasoning is captured within the record management system.

In the consultation phase of this Policy review it came back strongly from staff of the desire to raise the “one” quote requirement threshold from \$2k to \$5k due to the sometimes urgent and/or practical application of complying with the existing Policy. Rather than raise the amount to \$5k for all officers it has been suggested that Managers have a \$5k application of discretion where it is suitably applied. It should be noted that it is for once off (non- recurring) purchases.

In a practical sense, let us use the example of a truck that has broken down and is in a mechanical workshop in pieces with a mechanic able to repair at a price of \$4k and have parts over night to be fixed the next day. If value for money can be established then it would be beneficial to proceed with the repair. Under the current Policy we would be required to obtain three written quotations and potentially get the truck towed and or put back together to allow other mechanics to quote. This takes time for employees and money in down time of plant. This would be one example where this discretion could be applied and is a non-recurrent spend.

Purchasing from Aboriginal Businesses

WALGA provided advice that there has been a small change to the Functions and General Legislation in regards to tender exempt purchases from those businesses listed on the Aboriginal Business Directory. The Directory no longer exists so therefore the wording has been changed to reflect this and indicate that the only exemption that remains is that of when purchasing through the WALGA Preferred Supplier Program.

Purchasing Policy Non-Compliance

This is a new addition from WALGA in the Purchase Policy template. The proposed addition outlines the rationale and process for increased accountability for local government employees undertaking purchasing of goods and services if they do not comply with the requirements.

Analysis of Financial and Budget Implications

The Policy will not have any impact on the budget.

Community Consultation

Not applicable in regards to this Policy

Councillor/Officer Consultation

Consultation and feedback was sought from all Directors, Managers, Works and Services Team Leaders and Supervisors, Purchasing Officer, Internal Audit and Business Improvement Officer.

Applicant Consultation

The WALGA Purchasing Policy template was utilised and any updated information included to ensure compliance.

Timeline: Council Decision Implementation

This item will be going to the Policy Committee for consideration on 28 February 2019. Any recommendations from the Committee will be presented to Council at the 12/19 March round of meetings.

Outcome of Meeting 28 February 2019

The executive recommendation as printed was moved Cr Brown and second Cr Steele, and was carried unanimously as follows:

That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy – Purchasing as presented.

10.3 Review of Council Policy: Commercial Leases

Applicant/Proponent:	Internal
Responsible Officer:	Kristen Mildwaters, Lands Officer
Responsible Manager:	Felicity Anderson, Manager Economic Development and Lands
Executive:	Gary Barbour, Director Planning and Development Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 3A: Reviewed Council Policy Commercial Leases Appendix 3B: Reviewed Corporate Guideline Commercial Leases

Summary

This report facilitates the review of the Commercial Leases Council Policy.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy – Commercial Leases as presented.

Voting Requirement: Simple Majority

Strategic Relevance

Theme 4: Our City
Goal: Civic leadership, partnerships and sound governance in delivering with and for the community.
Objective 4.4: A skilled organisation, which exercise responsible asset stewardship, sound financial management, and exemplary customer service.

Regional Impact Statement

This Policy impacts properties within the City of Bunbury only.

Background

The Commercial Leases Council Policy was last reviewed by Council in March 2017, and is now due for its biennial review.

Council Policy Compliance

This report facilitates the review of an existing Council policy.

Legislative Compliance

N/A

Officer Comments

Officers have reviewed the existing policy and corporate guideline and recommend some minor changes as presented at appendices 3A and 3B respectively.

Officers would like to have a further conversation with the Committee at a future meeting regarding the possibility of authorising the CEO to vary lease/licence rates. The most practical approach to doing so would be to address the matter through the City's schedule of fees and charges.

Analysis of Financial and Budget Implications

The proposed amendments to the Policy will not have any impact on the budget.

Community Consultation

Not applicable in regards to this Policy

Councillor/Officer Consultation

This report is presented to the Policy Committee for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

This item will be going to the Policy Committee for consideration on 28 February 2019. Any recommendations from the Committee will be presented to Council at the 12/19 March round of meetings.

Outcome of Meeting 28 February 2019

General discussion took place in relation to this item, and it was requested that a sentence on page 2 of the corporate guideline be amended as follows:

*A commercial tenant ~~has~~ **may have** the right to at least five (5) years tenancy in accordance with the Commercial Tenancy (Retail Shops) Agreements Act 1985.*

The executive recommendation with the above amendment was moved Cr Steele and second Cr Brown, and was carried unanimously as follows:

That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy – Commercial Leases as presented and amended.

10.4 Review of Council Policy: Bushfire Inspection and Mitigation

Applicant/Proponent:	Internal
Responsible Officer:	Peter Hayes, Team Leader Community Law, Safety and Emergency Management
Responsible Manager:	Sarah Upton, Manager Health, Community Law, Safety and Emergency Management
Executive:	Gary Barbour, Director Planning and Development Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 4A: Reviewed Council Policy Bushfire Inspection Appendix 4B: Reviewed Corporate Guideline Bushfire Inspection

Summary

This report facilitates the review of existing Council Policy Bushfire Inspection and Mitigation.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy – Bushfire Inspection and Mitigation as presented.

Voting Requirement: Simple Majority

Strategic Relevance

Theme 1: Our community and culture
Goal: A safe, healthy and cohesive community, with a rich cultural life, and supportive social environment.
Objective 1.1: A community where people are safe and feel safe.

Regional Impact Statement

This Policy impacts property within the City of Bunbury.

Background

The Bushfire Inspection and Mitigation Council Policy was last reviewed by Council in December 2016, and is now due for its biennial review.

Council Policy Compliance

This report facilitates the review of an existing Council policy.

Legislative Compliance

Local Government Act (1995),
Local Government (Audit) Regulations (1996),

Emergency Management Act (2005),
Emergency Management Regulations (2006)

Officer Comments

Officers have reviewed the existing policy and corporate guideline and recommend some minor changes as presented at appendices 4A and 4B respectively to bring the documents into line with current best practice.

Analysis of Financial and Budget Implications

The proposed amendments to the Policy will not have any impact on the budget.

Community Consultation

Nil

Councillor/Officer Consultation

Emergency management consultant and former staff member Chris Widmer has been consulted regarding the proposed amendments.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

This item will be going to the Policy Committee for consideration on 28 February 2019. Any recommendations from the Committee will be presented to Council at the 12/19 March round of meetings.

Outcome of Meeting 28 February 2019

The executive recommendation as printed was moved Cr Brown and second Cr Steele, and was carried unanimously as follows:

That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy – Bushfire Inspection and Mitigation as presented.

10.5 Review of Council Policy: Council Delegate Reports

Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Mal Osborne, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 5: Council Policy Delegates Reports

Summary

This report facilitates the review of existing Council Policy Delegates Reports.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of existing Council Policy – Delegates Reports, with no changes recommended.

Voting Requirement: Simple Majority

Strategic Relevance

Theme 4: Our City
Goal: Civic leadership, partnerships and sound governance in delivering with and for the community.
Objective 4.3: Trusted leadership and robust decision-making.

Regional Impact Statement

Nil

Background

The Council Delegate Reports Policy was last reviewed by Council in September 2016, and is now due for its biennial review.

Council Policy Compliance

This report facilitates the review of an existing Council policy.

Legislative Compliance

N/A

Officer Comments

The Council Delegate Reports policy simply stipulates circumstances where Council delegates to external committees/organisations are to provide reports back to Council on the deliberations of the external committee/organisation. This ensures that Council as a whole is kept abreast of any issues that may have the potential to affect the City in future.

Officers have reviewed the existing policy and corporate guideline and do not consider that any changes are required.

Analysis of Financial and Budget Implications

Nil.

Community Consultation

N/A

Councillor/Officer Consultation

This report is presented to the Policy Committee for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

This item will be going to the Policy Committee for consideration on 28 February 2019. Any recommendations from the Committee will be presented to Council at the 12/19 March round of meetings.

Outcome of Meeting 28 February 2019

General discussion took place in relation to this item and it was suggested that the 2nd paragraph of “Policy Details” be amended as follows:

Where the committee minutes are not presented to Council, all Delegates to committees of other organisations are to provide written reports to Council on ~~all~~ those deliberations of the committee to which the delegate is appointed that are relevant to the Council.

The executive recommendation was amended to reflect the above amendment and was moved Cr Steele and second Cr Brown, and was carried unanimously as follows:

That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy – Council Delegate Reports as presented and amended.

10.6 Review of Council Policy: Street Addressing

Applicant/Proponent:	Internal
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Mal Osborne, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 6A: Council Policy Street Addressing Appendix 6B: Corporate Guideline Street Addressing

Summary

The purpose of this report is for Council to review Council's current policy relating to the standards and procedures for the assignment and amendment of street numbering within the City of Bunbury.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of existing Council Policy – Street Addressing, with no changes recommended.

Voting Requirement: Simple Majority

Strategic Relevance

Theme 4: Our City
Goal: Civic leadership, partnerships and sound governance in delivering with and for the community.
Objective 4.3: Trusted leadership and robust decision-making.

Regional Impact Statement

Nil

Background

The Street Addressing Policy was developed to establish a clear documented policy position rather than an otherwise unidentified process which residents can relate to when seeking advice or opposing proposed re-allocation of street numbers.

The Policy was first adopted by Council at its meeting held 25 September 2012, and last reviewed in September 2016.

Council Policy Compliance

This report facilitates the review of an existing Council policy.

Legislative Compliance

N/A

Officer Comments

Officers have undertaken a review of the Council Policy Street Addressing and propose no changes to the existing policy and guidelines.

Analysis of Financial and Budget Implications

Nil

Community Consultation

N/A

Councillor/Officer Consultation

This report is presented to the Policy Committee for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

This item will be going to the Policy Committee for consideration on 28 February 2019. Any recommendations from the Committee will be presented to Council at the 12/19 March round of meetings.

Outcome of Meeting 28 February 2019

The executive recommendation as printed was moved Cr Steele and second Cr Brown, and was carried unanimously as follows:

That the Policy Review and Development Committee recommend that Council note the review of existing Council Policy – Street Addressing, with no changes recommended.

10.7 Review of Council Policy: City of Bunbury Billboards and Banners

Applicant/Proponent:	Internal
Responsible Officer:	Isabell Evans, Manager People and Place
Responsible Manager:	Isabell Evans, Manager People and Place
Executive:	Stephanie Addison-Brown, Director Corporate and Community Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 7A: New Council Policy Billboards and Banners Appendix 7B: Existing Council Policy Community Use of Banner Masts Appendix 7C: Existing Council Policy Hiring of City Billboards

Summary

The purpose of this report is for the Policy Review and Development Committee to consider a new Council Policy pertaining to the hiring of City of Bunbury billboard and banner spaces (appendix 7A). It is proposed that the new policy would replace two existing policies that each deal with banner masts and billboards (appendices 7B and 7C respectively).

Executive Recommendation

That the Policy Review and Development Committee recommend that Council:

1. Adopt new Council Policy Hiring of City of Bunbury Billboards and Banners as presented;
2. Revoke existing Council Policy Community Use of Banner Masts Located in Victoria Street;
3. Revoke existing Council Policy Hiring of City of Bunbury Billboards.

Voting Requirement: Simple Majority Vote

Strategic Relevance

Theme 1: Our community and culture
Goal: A safe, healthy and cohesive community, with a rich cultural life, and supportive social environment
Objective 1.4: Arts, culture, heritage and events that enrich our understanding and enjoyment of life, celebrate our identity and bring the community together

Regional Impact Statement

Events taking place within the Bunbury Geographe region are able to be promoted through the hiring of City of Bunbury billboards and banners.

Background

The City of Bunbury currently provides opportunities for event organisers to promote their events via the hiring of City-owned billboard and banner space, with six (6) billboards located throughout the Local Government Area and two (2) banner poles located in Victoria Street. These spaces are utilised year-round to promote events taking place primarily in Bunbury but also throughout the Bunbury Geographe region.

In the 2017/18 financial year fourteen (14) banner and four (4) billboard permits were issued, however already in 2018/19 thirteen (13) banner and eight (8) billboard permits have already been processed, including but not limited to the following externally-run events:

- CinefestOZ
- Great South West Bed Race
- White Ribbon Day
- Donnybrook Food and Wine Festival
- Blooming Arts Exhibition
- Women’s Fun Run
- Bunbury Fringe
- South West Multicultural Festival
- LMG Bunbury City Classic

Council Policy Compliance

This report proposes the revocation of Council Policy Community Use of Banner Masts Located in Victoria Street and Council Policy Hiring of City of Bunbury Billboards with the adoption of one document encompassing both hiring opportunities.

Legislative Compliance

Local Government Act 1995
Codes of Practice, Worksafe WA

Officer Comments

This report does not propose any changes to the conditions pertaining to hiring City of Bunbury billboard or banner advertising space; rather the combining of two similar policies into one.

When not booked, billboards may be used by City of Bunbury facilities. The Picton Road billboard is currently being utilised to promote the Bunbury Wildlife Park.

As a result of the CBD Activation Advisory Group meeting detailed below, two generic events promotion banners will be created and installed at the Victoria Street banner locations when these are not booked.

The restriction of promotion only to events taking place in Bunbury was considered however as the commercial centre of the region, it has been deemed appropriate for Bunbury to support the promotion of events taking place throughout Bunbury Geographe which also ultimately adds to the region’s reputation as a vibrant place to live, work and visit.

Analysis of Financial and Budget Implications

Not applicable. Costs incurred with the creation of new generic event promotion banners will be funded through existing budgets.

Community Consultation

Not applicable.

Councillor/Officer Consultation

The matter of permitting the promotion of events taking place not in Bunbury but elsewhere in the Bunbury Geographe region was discussed at the CBD Activation Advisory Group meeting held Wednesday 6 February 2019, wherein the potential of the promotion drawing the community away from the Bunbury Central Business District was raised.

It was decided that the promotion of events throughout the Bunbury Geographe region will be maintained with the installation of a generic events promotional banner to be installed at the Victoria Street banner locations when these are not booked by event organisers.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

This item will be going to the Policy Committee for consideration on 28 February 2019. Any recommendations from the Committee will be presented to Council at the 12/19 March round of meetings.

Outcome of Meeting 28 February 2019

The Chief Executive Officer made comment that the amended policy at Appendix 7A had been further changed following the distribution of agenda papers for this meeting, in that rather than naming which billboards/banners the City has available for hire, that the policy be more generic and simply state that the City has a number of billboards/banners available for hire. This will result in the policy not needing to be amended every time a new billboard or banner is made available or if any are decommissioned.

The executive recommendation with the above changes was moved Cr Steele and second Cr Brown, and was carried unanimously as follows:

That the Policy Review and Development Committee recommend that Council:

- 1. Adopt new Council Policy Hiring of City of Bunbury Billboards and Banners as presented;***
- 2. Revoke existing Council Policy Community Use of Banner Masts Located in Victoria Street;***
- 3. Revoke existing Council Policy Hiring of City of Bunbury Billboards.***

10.8 Proposed New Council Policy: CBD Street Activity

Applicant/Proponent:	Internal
Responsible Officer:	Isabell Evans, Manager People and Place
Responsible Manager:	Isabell Evans, Manager People and Place
Executive:	Stephanie Addison-Brown, Director Corporate and Community Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 8: New Council Policy CBD Street Activity

Summary

The purpose of this report is for the Policy Review and Development Committee to consider a new Council Policy pertaining to activities taking place in the Bunbury Central Business District.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council:

1. Adopt new Council Policy CBD Street Activity as presented for a trial period of twelve (12) months;
2. Request the Chief Executive Officer return to Council following the expiration of the trial period recommending the endorsement of an amended Council Policy CBD Street Activity based upon feedback received during the trial.

Voting Requirement: Simple Majority Vote

Strategic Relevance

Theme 1: Our community and culture
Goal: A safe, healthy and cohesive community, with a rich cultural life, and supportive social environment
Objective 1.4: Arts, culture, heritage and events that enrich our understanding and enjoyment of life, celebrate our identity and bring the community together

Regional Impact Statement

The proposed new Council Policy ensures that on-street donations made by visitors to the Bunbury Central Business District remain in the Bunbury Geographe region. The Policy also provides opportunities for emerging entertainers to practice their (low-risk) activities in a public forum without the need to take out their own public liability insurance policy.

Background

Officers have reviewed the City's fundraising, information distribution and busking guidelines and processes pertaining to the public spaces of the Bunbury Central Business District (CBD) in order to reduce unnecessary red tape and foster a vibrant and welcoming atmosphere.

Fundraising refers to organisations creating awareness of their cause and collecting donations for their charities. Recent examples of organisations conducting fundraising activities in the Bunbury CBD include the Cancer Council, Amnesty International and Blind Sports Australia.

Information distribution refers to organisations that are providing information only, are non-commercial and which do not accept donations. Recent examples of organisations conducting this type of activity include the Bunbury City Church, Bunbury Revival Fellowship, JSW Training and Australian Red Cross.

Busking refers to entertainers performing in a public space seeking money. The City recently held its second annual Bunbury Summer Jam wherein over 20 musicians were paid a small fee to busk throughout the CBD over four Saturdays in December 2018 and January 2019 (whilst having the ability to solicit further funds from the passing public).

All activities require a permit with the exception of busking at the City's permit-free Share the Spot locations designated by permanent signage at the below sites:

1. Paisley Square;
2. Bicentennial Square;
3. Corner of Victoria Street and Prinsep Street;
4. Corner of Victoria Street and Stephen Street;
5. Corner of Victoria Street and Eliot Street;
6. Corner of Victoria Street and Carey Street.

The Share the Spot initiative came into effect in March 2016 with the current processes regarding fundraising and information distribution commencing 1 July 2016.

There are no limits as to the number of times an applicant may apply, and last financial year the Events Team processed 36 permits for street appeals and 22 permits for information distribution activities, with each application approved in weekly blocks. On average there is generally an organisation booked each day in the CBD from 9am-4pm holding fundraising and/or information distribution activities. Currently, all street activity organisers require their own public liability insurance.

Council Policy Compliance

This report proposes the introduction of a new Council Policy.

Legislative Compliance

It is noted that the City is currently in the process of reviewing its Public Property Local Law which mentions street entertainment.

Officer Comments

It is proposed that the new CBD Street Activity Council Policy operate under a one year review period wherein feedback will be taken from activity organisers, businesses and the general public over the year and incorporated into a revised Policy presented to Council in 2020. Staff intend to commence the trial in Autumn so that any teething issues can be resolved in the traditionally quiet Autumn and Winter months in time for the busier Spring and Summer period.

Following Council's endorsement all CBD businesses will be provided with a letter explaining the one year trial, including complaints and feedback mechanisms.

Busking is deemed to be an activity that activates the CBD and provides vibrancy and therefore it is proposed that the City take out a public liability insurance policy for buskers participating in low-risk activities (musicians) which will enable young and emerging performers to participate without needing to take out their own policy.

In relation to fundraising and information distribution, the cities of Albany, Busselton and Perth operate under the following processes:

1. For the **City of Albany**, information distribution and fundraising is allowed, however local groups are given first preference. There are no limits on the number of bookings, and there are only 3 areas to choose from. City of Albany doesn't receive many applications for ether activities, as this may also be due to their distance from Perth, which is where a lot of the charity's travel from
2. The **City of Busselton** allows one fundraising appeal per week in the Busselton and Dunsborough CBD areas. Any charitable organisation is allowed a maximum of 2 street appeals during any calendar year in Busselton and Dunsborough
3. The **City of Perth** do not allow fundraising that takes another person's details, especially payment details. Information distribution is permitted, however there is a two hour time limit per location, and then the organisation must move along.

In relation to busking, the Cities of Albany, Busselton and Perth operate under the following processes:

1. For the **City of Albany**, busking is permitted throughout the CBD without the need for a permit with the City providing street entertainment public liability insurance. Buskers are permitted to perform for 1.5 hours per location, and busking involving high-risk activities such as fire and knives is not permitted
2. For the **City of Busselton**, buskers must apply for a twelve (12) month permit which entitles them to busk between 9am and 9pm at the City's busk stops. Buskers are permitted to perform for two (2) hours per busk stop and busking involving dangerous objects is prohibited
3. The **City of Perth** are currently conducting their own busking trial wherein permit fees are reduced (Albany, Busselton nor Bunbury currently charge fees) and busking pitches will be demarcated in priority areas.

Analysis of Financial and Budget Implications

Public liability insurance for buskers will require approximately \$1,000 annually which will be funded through existing baseline budgets.

A one-off cost will be incurred for the removal of existing Share the Spot signs which will be funded through existing baseline budgets.

Community Consultation

In relation to fundraising and information distribution staff contacted the below businesses which are located close to some of the approved areas for fundraising and information distribution activities, who offered the following feedback:

Hi Juaini,

Thanks for your email. Unfortunately we do regularly get complaints from shoppers regarding the pushy and overbearing behaviour of many of the charity organisations that operate within the Paisley Square. We also constantly have to tell them to keep off the Centre property, as they regularly approach customers exiting the centre or at the ATM. Customer feedback is that it is intimidating and frustrating to be harassed by people wanting money when they are trying to go about their business and many don't come in when they know the charities are hanging around.

We have also had many complaints in particular regarding the Seeing Eye Dogs Australia group, and I personally experienced one of them cat calling me as I walked past a month or so ago – a complaint was made to the council at the time and the rangers attended however they continued to operate within the area and are in fact there this week again.

Ideally we would prefer no organisation that makes profit/commission off their interactions as these are the most pushy and aggressive and deter customers from the area. Organisations that are informational only (such as local government or health organisations) don't seem to be problematic, so we would be happy for them to continue provided we don't receive complaints regarding their behaviour.

We appreciate your contacting us as this has been an ongoing issue for some time.

*Kind regards,
Leyna Parli
Centre Management Assistant*

I'm Shani the manager of Sussan on the corner of Victoria and Princep st. As per discussion you had with my team Member Rebecca, here is some info for you regarding the people that stand on our corner selling "charity".

It's done nothing but harm to our business because these sales people stand on the corner of our business which makes people try to quickly bypass them and completely miss our store. They even stand right in front of the door sometimes. Customers that do come in are very frustrated and feel harassed. These people that stand out the front are also extremely loud and everyone in the store can hear what they are saying and they comment on how "annoying" these people are and they feel apprehensive about having to dodge them when they leave the store.

I've also heard a couple of the sales people get aggressive towards people when they try to avoid them or tell them they aren't interested. They also get up in peoples personal space and stop them from passing them by standing in their way which is very intimidating especially for elderly people.

I believe this puts people off from coming into town. Especially as there were so many of them week after week for a while there. Those corners on Victoria st get a reputation for harassing sales people.

I've even emailed the council prior to this about a year ago because it was becoming such a problem but not much was done about it. Would be great to see something finally done.

*Thanks so much for your time,
Shani*

Hi

I'm a part time employee of Sussans on Victoria street.

We often get the people banging on about certain charities right in front of our doorway. They are very pushy and abrupt most times. We often hear foul language from them just because someone said "no thanks". They yell to each other from across the street and block people from coming into our shop. Customers have complained many times about how rude they can be.

We 100% support local charities/organisations but these people deter shoppers.

Thanks for letting me voice my opinion.

Rebecca Dalton, Sussans.

Hi Juaini,

I have been asked to give you our opinion of the way the charity workers operate outside our store.

While we appreciate they are doing a job and they are mostly polite, unfortunately they are very, very annoying. We have to hear their loud sales pitch over and over all day and sometimes all week. Also the customers do not appreciate having to figure out how to avoid their pushy sales pitch so I do believe it does interrupt pedestrian traffic flow.

(It is uncomfortable having to hear, usually young, people giving out their personal information to complete strangers as well)

Fran Dickson

Manager

Wombat Lodge

104 Victoria St

Bunbury

Staff also contacted the charities that apply for the most street appeal permits as follows:

1. National Breast Cancer Foundation
2. Ways Fundraising Pty Ltd
3. Canteen Australia
4. Blind Sports Australia
5. Seeing Eye Dogs Australia
6. Amnesty International, Bunbury branch.

The charities were provided two (2) weeks to offer feedback regarding the newly proposed areas. Unfortunately, none of the charities replied with any comments regarding the changes, apart from the Bunbury branch of Amnesty International who provided the below feedback.

The 3 organisations I am familiar with have limited time to collect money and so organise as many collectors at the same time on the streets. We have up to 6 at a time. The RSL may have more. You are proposing 2 spots, severely restricting our fundraising and communication with the public. One of the spots, Victoria & Stephen, has the same people from Paisley. Effectively, you will reduce us to one site.

These collections presently, affect the CBD about 10 times a year.

Paisley has 5 pathways, only 3 available because 2 are on Centrepoint land and we are not allowed there.

Until this year, we normally collect at: (In order of importance).

South Entrance to Centrepoint away from the crosswalk.

Stirlings Entrance in Paisley Street.

Paisley Square.

Cnr Victoria & Prinsep.

Cnr Victoria & Stephen.

Other areas according to events ie Rallies with permission.

We have collected at the South Entrance to Centrepoint for 24 years WITHOUT COMPLAINT.

We have collected at the Stirlings Entrance for at least 11 years. I believe 18. WITHOUT COMPLAINT, except in 2016.

In 2016, we were assured by the outgoing Events Officer, that Paisley & environs meant reasonably far away from the Paisley area ie Stirlings and would bend the rules sufficiently to allow us to continue collecting at Stirlings as we had for many years past. On the day, when we were challenged, the new Events Officer declared "Environs" means only at the Paisley Square.

In 2017, Councillors were able to negotiate the return to the previous system. Still NO COMPLAINTS. We were assured verbally that we would not have the same problem in 2018. We did! Much to my frustration.

It takes hours of work to organise dozens of Volunteers on the assumption there will not be problems.

I find it astonishing that the C o B receives complaints about people coming from other areas, mainly Perth, being aggressive and upsetting businesses and, your answer is a One-Rule Fits-All which penalises your local residents and ratepayers who do the right thing WITHOUT COMPLAINTS. If you have specific complaints about our collectors it needs to be addressed at the time as per the printed obligations, and not floated as "feedback from general members of the public".

It is becoming harder and harder for locally-based charities to collect money in the CBD. Your changes will make it even harder.

Some observations from me.

**There is a marked reduction in the amount of foot traffic in Victoria Street. Some of my collectors have said they would rather donate \$20 than stand on a hot or rainy corner for \$10 an hour.*

The shift of Bankwest to Centrepoint has reduced this traffic.

**Before the introduction of Extended Trading Hours, most people shopped on Thursday(Late night closing) & Saturday (6pm closing.)*

Now, people shop anytime but a lot still shop on the Thursday and on Saturday morning.

Our best Thursday, \$1853 in 2008. Best Saturday, \$1267 in 2012.

This year 2018: Thursday; \$600. Saturday; \$250. Because we were denied our request for our usual access to the main foot-traffic flows

**The introduction of 2 & 3 hours parking has resulted in less people movements around the town. They don't have to come back to their cars regularly. (At least they don't have to save coins for the metre.)*

**More people changing to Card Only. We are often asked if they can donate by card. Despite reducing total cash donations; Cards Only will be the time to stop trying to collect for charities. I believe we still get very generous cash donations.*

Some comments from me.

It is a sad day for Bunbury when Council employees are defending complaints that people can't get past collectors because they are blocked access by people surrounding collectors trying to make donations. I have seldom seen that.

**None of the spots you wish to delete have access problems.*

**I ask my collectors to stand where people can see them so they have time to decide what to do before they reach the collector.*

**Busking: I am not sure who you consulted but I consider most busking spots are in poor positions and have only ever seen one used, with little success.*

Finally, I believe that if you proceed with the proposal, you will be making collecting in the CBD not worth wasting our valuable VOLUNTEER time on.

I suggest you use a special Form or a separate part of the form to give flexibility to your decisions for local collectors.

Phil Smith, Amnesty International, Bunbury branch.

In relation to busking, for this year's Bunbury Summer Jam staff allowed buskers to select their own locations in order to understand what the most popular locations throughout the CBD are. This resulted in a wide variety of locations being included in the initiative with many businesses inviting nearby buskers back to their location, with some even being paid by the business directly.

Councillor/Officer Consultation

This matter has been referred to the Environmental Health, Community Law, Safety & Emergency Management team, whose comments have been incorporated into the proposed Council Policy. Rangers currently attend to complaints and it is proposed that this continues.

Rangers also advised that they attend to many complaints against charities engaging in fundraising activity. Each complaint was based around the charities being too aggressive towards

people and impeding the foot path. Upon a warning, this information is then provided to the Events Bookings Officer, who records the complaint, and contacts the manager of the charity advising of the warning. Unfortunately a complaints register did not exist until 31 July 2018, and therefore statistics prior to this date are not able to be included in this report.

Since the complaints register was established, below are the formal complaints received via email:

Name Of Organisation	Date	Location	Comments /Reasons
Seeing Eye Dogs	31/7/2018	Paisley Square	Harassing people to get their attention
Seeing Eye Dogs	2/8/2018	Paisley Square	Harassing people to get their attention
Blind Dogs Australia	3/8/2018	Victoria Street (outside NAB)	One person in particular yelling out to passers-by
Seeing Eye Dogs	27/9/2018	Paisley Square	Harassing people to get their attention

Rangers also report that the City regularly receives phone call and face to face complaints regarding the charities, however many of the complainants do not proceed to email the City formalising the complaint. Centrepont Shopping Centre management have now been advised to direct customer complaints regarding any charity organisations to the City via email records@bunbury.wa.gov.au.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

The proposed timeline is as follows:

28 February 2019 – Policy Review & Development Committee endorsement

19 March 2019 – Council endorsement

1 April 2019 – trial commences

30 September 2019 – half-way review

31 March 2020 – trial ceases

April 2020 – Council considers permanent Policy.

Outcome of Meeting 28 February 2019

The executive recommendation as printed was moved Cr Steele and second Cr Brown, and was carried unanimously as follows:

That the Policy Review and Development Committee recommend that Council:

- 1. Adopt new Council Policy CBD Street Activity as presented for a trial period of twelve (12) months;***
- 2. Request the Chief Executive Officer return to Council following the expiration of the trial period recommending the endorsement of an amended Council Policy CBD Street Activity based upon feedback received during the trial.***

The Code of Conduct currently included reference to the existing values, and Officers seek to amend to the Code to include the new values to deliver consistent communication to employees, both current and future. All new staff are required to acknowledge that they have received and read the Code, which is why it is important for the document to reflect the new values.

Council Policy Compliance

There is no policy compliance consideration impacting on this report, however the Code of Conduct does refer to underpinning Council Policies and Corporate Guidelines.

Legislative Compliance

Consideration of this matter is a requirement under the provision of section 5.103 of the *Local Government Act 1995*.

Part 9 of the *Local Government (Administration) Regulations 1996* details requirements to be included in a Code of Conduct.

Officer Comments

The City currently has a single Code of Conduct which is applicable to Council members, committee members and employees. There is the possibility that this will change with the ongoing review of the Local Government Act by the Department of Local Government, Sport and Cultural Industries, whereby there is growing support for Codes of Conduct to be separate for Elected Members and employees, with the standards panel enforcing the Code for elected members and the CEO determining and enforcing the Code for employees. The Amendment Bill addressing this priority reform is expected to be submitted to Parliament in the coming months.

However, subject to the passing of the Amendment Bill, the City's Code of Conduct in compliance with the *Local Government Act 1995*, and must be adopted by Council.

Changing culture within an organisation takes time and systematic effort to ensure success. Communicating a consistent message of agreed values and behaviours to staff is imperative to support the process. Amending the City's Code of Conduct to reflect the same values and behaviours that are being communicated to staff is an important part of this process.

Analysis of Financial and Budget Implications

There are no budget implications resulting from the recommendations in this item.

Community Consultation

Not applicable.

Councillor/Officer Consultation

The Chief Executive officer and Organisational Development and Human Resources Department have been consulted in the preparation of this report.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

This item will be going to the Policy Committee for consideration on 28 February 2019. Any recommendations from the Committee will be presented to Council at the 12/19 March round of meetings.

Outcome of Meeting 28 February 2019

The executive recommendation as printed was moved Cr Steele and second Cr Brown, and was carried unanimously as follows:

That the Policy Review and Development Committee recommend that Council, pursuant to section 5.103 of the Local Government Act 1995, adopt the amended Code of Conduct as presented at Appendix 9.

11. Applications for Leave of Absence

Not applicable to this committee.

12. Questions from Members

12.1 Response to Previous Questions from Members taken on Notice

Nil

12.2 Questions from Members

13. Urgent Business

Nil

14. Date of Next Meeting

Friday 3 May 2019 (1 week late due to Easter/ANZAC public holidays)

15. Close of Meeting

The Presiding Member closed the meeting at 9.52am.

These Minutes were confirmed as a true and accurate record by the Policy Review and Development Committee at its meeting held on _____.

Signed _____
Cr Jaysen Miguel, Chair