



Policy Review and Development Committee

Minutes

31 May 2018

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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Policy Review and Development Committee

Minutes

31 May 2018

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 10.30am.

2. Disclaimer

Not applicable to this committee.

3. Announcements from the Presiding Member

Nil

4. Attendances

Committee Members:

Member Name	Representing
Mayor Gary Brennan	City of Bunbury
Cr Jaysen Miguel (Presiding Member)	City of Bunbury
Cr James Hayward (via telephone)	City of Bunbury
Cr Todd Brown	City of Bunbury
Mark Seaward	BGCCI

Ex-officio Members (non-voting):

Member Name	Representing
Mr Mal Osborne	Chief Executive Officer

Support Staff:

Name	Title
Mr Greg Golinski	Manager Governance
Mrs Kristen Mildwaters	

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Nil

5. Declaration of Interest

Mayor Brennan declared an impartiality interest in item 10.6 as he is the Mayor.

Mayor Brennan declared an impartiality interest in item 10.5 as he is Patron of the Bunbury Surf Life Saving Club, Bunbury Swimming Club, and Bunbury City Band.

Cr Miguel declared an impartiality interest in item 10.5 as he is the President of the Colts Cricket Club.

6. Public Question Time

Not applicable

7. Confirmation of Minutes

Committee Decision: Moved: Mayor Brennan Seconded: Cr Brown

The minutes of the Policy Review and Development Committee Meeting held on 29 March 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 Standing Orders Amendment Local Law 2018

Applicant/Proponent:	City of Bunbury
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 1A: Draft Standing Orders Amendment Local Law Appendix 1B: Standing Orders Local Law 2012

Summary

The purpose of this report is for the Committee to consider initiating the process to amend its Standing Orders Local Law 2012. This is achieved through the drafting of an amendment local law (Appendix 1A).

Should the Committee (and then Council) support the Executive Recommendation, a statutory public consultation period of 42 days applies (minimum) will need to be adhered to, following which the draft amendment local law, along with any submissions received, will need to come back to the Committee and then Council for final approval.

Executive Recommendation

That the Committee recommend that Council agrees to give public notice of its intention to make the City of Bunbury Standing Orders Amendment Local Law 2018, in accordance with section 3.12 of the *Local Government Act 1995*.

Voting Requirements: Simple Majority Vote

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

Background

The City of Bunbury gave local and state-wide public notice pursuant to section 3.16(2) of the Local Government Act on February 2018 of its intention to review the Standing Orders Local Law 2012 (the Standing Orders). Procedurally, the process for amending a local law (via an amendment local law) is exactly the same as creating a new local law.

Council Policy and 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.

Section 3.16 of the *Local Government Act 1995* requires that local laws be reviewed every 8 years.

Officer Comments

Officers have reviewed the current Standing Orders, including undertaking comparisons against meeting procedure local laws from other jurisdictions. Whilst adopted in 2012, the City's Standing Orders are considered to still be of a contemporary standard, with few (if any) historical examples of when the Standing Orders were deficient in being able to manage particular matters at meetings of the Council.

There are however some minor aspects of the current Standing Orders that Officers consider could be better-clarified. These are based on observation of Council meetings under the current Standing Orders over the past 5 years, and are reflected in the attached draft Standing Orders Amendment Local Law (Appendix 1A). The proposed amendments are summarised as follows:

1. *Clause 4 of Amendment Local Law (Appendix 1A).*

Amend clause 8.9 of the Standing Orders to enable the mover of an amendment to a motion to exercise a right of reply, as is the case with the mover of a substantive motion.

2. *Clause 5 of Amendment Local Law (Appendix 1A).*

Introduce an additional procedural motion to enable an item to be deferred. The Standing Orders currently allow "debate to be adjourned", which by definition requires a motion to have been moved and seconded. There have been a number of occasions where an Elected Member has moved to defer an item prior to any motion being moved, which is not catered for in the Standing Orders. This amendment would enable this to occur, whilst still retaining the ability to adjourn debate if a motion is already on the table. The effect of these two procedural motions is identical.

3. *Clause 6 of Amendment Local law (Appendix 1A).*

Simply renumber those paragraphs mentioned to incorporate the addition of the procedural motion to "defer the item" as mentioned above.

4. *Clause 7 of Amendment Local law (Appendix 1A).*

Clarify the procedural motion to "proceed to the next item of business" by including reference to an amendment in subclause (b), to be consistent with subclause (a). The effect of this if so carried will be that Council proceeds to the next item of business and that no decision will be made on either the substantive motion or amendment.

5. *Clause 8 of Amendment Local law (Appendix 1A).*

Expand on the parameters of when "debate is adjourned" to require the recording of names of who has spoken for and against the motion in the minutes. This will ensure that no member can speak twice on an item once the matter is resumed at a later date.

6. *Clause 9 of Amendment Local law (Appendix 1A).*

Introduce some parameters for when the proposed new procedural motion to “defer the item” is moved/seconded. This is consistent with the parameters for when “debate is adjourned”.

The **purpose** of the draft local law is amend the City of Bunbury Standing orders Local Law 2012 in which provides rules and guidelines that apply to the conduct of all meetings of the Council and its committees and to meetings of electors.

The **effect** of the draft local law is to help ensure:

- (a) better decision-making by the Council and committees;
- (b) the orderly conduct of meetings dealing with Council business;
- (c) better understanding of the process of conducting meetings; and
- (d) more efficient and effective use of time at meetings.

Analysis of Financial and Budget Implications

Gazettal and advertising costs will be accommodated in the 2018/19 budget.

Councillor/Officer Consultation

This matter is presented to the Committee for consideration.

Outcome of Meeting 31 May 2018

The executive recommendation was moved by Mayor Brennan and seconded by Cr Brown and was carried unanimously as follows:

That the Committee recommend that Council agrees to give public notice of its intention to make the City of Bunbury Standing Orders Amendment Local Law 2018, in accordance with section 3.12 of the Local Government Act 1995.

10.2 Proposed City of Bunbury Penalty Unit Local Law 2018

Applicant/Proponent:	City of Bunbury
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 2: Proposed City of Bunbury Penalty Unit Local law 2018

Summary

The purpose of this report is for the Committee to consider initiating the process to create a new local law to simplify the management of penalties under the City's local laws. A copy of the proposed local law is at Appendix 2.

Should the Committee (and then Council) support the Executive Recommendation, a statutory public consultation period of 42 days applies (minimum) will need to be adhered to, following which the draft local law, along with any submissions received, will need to come back to the Committee and then Council for final approval.

Executive Recommendation

That the Committee recommend that Council agrees to give public notice of its intention to make the City of Bunbury Penalty Unit Local Law 2018, in accordance with section 3.12 of the *Local Government Act 1995*.

Voting Requirements: Simple Majority Vote

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

Background

The City is in the process of reviewing its suite of local laws. One of the suggested changes is to introduce a Penalty Units Local Law. While it has no direct external or public effect, its early introduction will allow any new or amended local law to make reference to it. The introduction of this local law will make it easier in the future to update infringement amounts without having to review individual local laws to increase penalties.

Council Policy and 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.

Section 3.16 of the *Local Government Act 1995* requires that local laws be reviewed every 8 years.

Officer Comments

The **purpose** of the proposed local law is to set the amount of a penalty unit where referred to in any of the City's local laws.

The **effect** of the draft local law is that where a local law refers to a penalty unit, the amount is as set in the Penalty Units Local Law.

The introduction of this local law makes provision for the use of penalty units instead of precise dollar amounts in the various Schedules of modified penalties (on the spot fines) in each local law, tied to a Penalty Units Local Law.

This is very similar to Regulations and Codes used in State legislation. If there is a need to broadly amend penalties across many local laws in future, it will be a case of simply amending the amount provided for as a penalty unit in the Penalty Units Local law, instead of amending each local law individually.

It is important to note that this does not preclude the City from detailing precisely what the dollar amounts might be for offences in administrative material, on signs, on its website or in handouts to the public. The intent is simply to make it easier to update infringement amounts in future.

Analysis of Financial and Budget Implications

Gazettal and advertising costs will be accommodated in the 2018/19 budget.

Councillor/Officer Consultation

This matter is presented to the Committee for consideration.

Outcome of Meeting 31 May 2018

The executive recommendation was moved by Cr Hayward and seconded by Cr Brown and was carried unanimously as follows:

That the Committee recommend that Council agrees to give public notice of its intention to make the City of Bunbury Penalty Unit Local Law 2018, in accordance with section 3.12 of the Local Government Act 1995.

10.3 Proposed New Council Policy: Execution of Documents

Applicant/Proponent:	Internal
Responsible Officer:	Leanne French, Senior Governance and Risk Officer
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 3: Proposed New Policy Execution of documents

Summary

The purpose of this report is for the Policy Review and Development Committee (PRDC) to consider a new policy that will ensure the execution of City documents in accordance with the provisions of the *Local Government Act 1995* is done in a consistent and transparent manner. A copy of the proposed policy is at Appendix 3.

Executive Recommendation

That the Policy Review and Development Committee recommended that Council adopt new Council Policy “Execution of Documents” as presented.

Background

For a document to be signed on behalf of Council, the common seal has to be affixed unless a person has been otherwise authorised by Council to do so. This is prescribed by section 9.49A of the *Local Government Act 1995*.

The purpose of the proposed Execution of Documents Policy is to create overarching authorisations to various City officers so that Council approval is not required every time a document is signed. This power is different from a delegation, which enables any officer to exercise an express power or duty. These authorisations merely set out the City officer who can sign the class of documents identified as part of fulfilling their duties.

Council Policy Compliance

This report proposes a new Council policy.

Legislative Compliance

Section 9.49A (4) of the *Local Government Act 1995* states that a local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

Officer Comments

The administrative burden of coordinating the affixing of the common seal is significant and inflexible, particularly when there is urgency to the execution of a document. Officers consider the reliance on the seal to execute documents as too great, and unnecessary in the modern organisational context.

Accordingly, the draft policy proposes to move away from relying on the seal except for situations prescribed by law or where there is customary or political significance in doing so.

Documents are identified in the current system as Category 1A, 1B, 2 or 3 documents, depending on their significance. It is considered that this system has merit as it allows for a quick reference guide for officers to determine who can sign the identified document.

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

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

Outcome of Meeting 31 May 2018

The executive recommendation was moved by Mayor Brennan and seconded by Cr Brown and was carried unanimously as follows:

That the Policy Review and Development Committee recommended that Council adopt new Council Policy “Execution of Documents” as presented.

10.4 Review of Delegations 2017/18

Applicant/Proponent:	Internal
Responsible Officer:	Leanne French, Senior Governance and Risk Officer
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Mal Osborne, Chief Executive Officer
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 4: Current Delegation Register

Summary

The purpose of this report is for the Policy Review and Development Committee to receive the annual review of delegations made under the *Local Government Act 1995*.

Executive Recommendation

That the Policy Review and Development Committee Recommend Council receives the review of delegations in accordance with section 5.46(2) of the *Local Government Act 1995*.

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

Background

Pursuant to the provisions of section 5.46(2) of the *Local Government Act 1995* (the Act), delegations are to be reviewed at least once every financial year by the delegator, being Council.

Council last reviewed its delegations on 13 December 2016 (Council Decision 444/16) and a subsequent review is required for 2017/18.

Council Policy Compliance

Not applicable.

Legislative Compliance

Sections 5.16, 5.17, 5.18, 5.42, 5.43, 5.44, 5.45 and 5.46 of the *Local Government Act 1995*, govern delegation of power.

Officer Comments

Delegation means the process, prescribed in legislation, for assigning authority to exercise an Express Power or Duty from the Delegate (Council) to another person (named by position title of office) or an entity.

A local government the size of the City of Bunbury cannot operate without utilising Council's power under the Act to delegate certain functions to either a committee of Council or the Chief Executive Officer. Delegations free up Council time to enable Elected Members to focus on representation, strategic planning, and community leadership, thereby enabling the Chief Executive Officer to efficiently implement Council resolutions and policy.

The use of delegated authority means a large volume of routine work can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

Where legislation provides, the Chief Executive Officer may on-delegate to an employee of the City the exercise of any of the Chief Executive Officer's powers, or the discharge of any of his duties under the provisions of the Act, other than the power of delegation. On-delegated powers and duties are identified in each individual instrument of delegation detailed within the Delegations Register (Appendix 4).

To meet the statutory requirements of reviewing delegations at least once every financial year, City officers have completed a recent review and do not propose any changes for the current delegations.

The WA Local Government Association has recently released their 'Decision Making in Practice Toolkit' in part, which includes a comprehensive template delegations register. Officers are currently undertaking an assessment in the context of Council's delegations, which will be incorporated into the next full review of delegations in the first half of 2018/19.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable.

Councillor/Officer Consultation

Consultation with affected Departments and a review of applicable legislation was undertaken in respect to reviewing the instruments of delegation.

Applicant Consultation

Not applicable.

Outcome of Meeting 31 May 2018

The Manager Governance outlined the statutory requirements of Council reviewing its delegations to the CEO/Committees every financial year, and how this report simply seeks to meet that statutory obligation with a more comprehensive review of the Council's delegations to be presented to the Committee in the first half of the next financial year.

The Manager Governance explained that WALGA has recently developed some more comprehensive guidelines regarding delegations and authorisations, which are currently being assessed against those delegations currently provided by Council to the CEO.

The executive recommendation was moved by Mr Seaward and seconded by Cr Brown and was carried unanimously as follows:

That the Policy Review and Development Committee Recommend Council receives the review of delegations in accordance with section 5.46(2) of the Local Government Act 1995.

10.5 Review of Council Policy: Leases and Licences

Applicant/Proponent:	Internal
Responsible Officer:	Kristen Mildwaters, Acting Manger Major Projects and Property
Responsible Manager:	Kristen Mildwaters, Acting Manger Major Projects and Property
Executive:	Felicity Anderson, Acting 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 5: Revised Leases and Licences Policy

Summary

Following Council Decision 129/18 in which Council endorsed in principle a methodology for the Leases and Licenses Policy to be prepared, officers now present an amended Sporting and Community Leases and Licenses Policy for consideration by the Policy Review and Development Committee (PRDC).

Executive Recommendation

That the Policy Review and Development Committee recommend that Council:

1. Adopt the new Council Policy Sporting and Community Leases and Licenses as presented, for implementation from 1 July 2018;
2. Revoke existing Council Policy Lease and License Fee Appeal Process;
3. Note that the two associated Corporate Guidelines: Leases and Licenses; and Leases and Licenses Appeal Process will also be revoked as they are no longer applicable.

Strategic Relevance

Theme:	Our City
Goal:	Civic leadership, partnerships and sound governance in delivering with and for the community
Objective 4.2	A highly engaged and involved community, working together on strategy development and implementation

Background

Following an extensive review into the current Leases and Licenses Policy and consultation with the City's lease hold sporting and community groups, four methodologies for charging rent to sporting and community groups were put to Council for consideration.

At the Ordinary Council Meeting held 1 May 2018, Council resolved as follows (refer decision 129/18):

That Council:

1. *Note the information provided as part of this review;*
2. *Endorse in principle, Option 3 as presented and request that a formal policy be drafted and provided to the next meeting of the Policy Review and Development Committee;*
3. *Ensure exemptions outlined in Option 1 are applied to Option 3.*

City officers have now drafted a formal policy consistent with the above resolution, and in particular Option 3.

Council Policy Compliance

This report proposes amendment to the existing Leases and Licenses Policy, as well as revocation of the associated Corporate Guideline Leases and Licenses. The report also proposed the revocation of the Council Policy Leases and Licenses Appeal Process as well as the associated Corporate Guideline.

Legislative Compliance

There is no legislative compliance relevant to this report.

Officer Comments

Officers have prepared a draft policy for the consideration of Council in accordance with Council Decision 129/18.

This Policy seeks to acknowledge the societal and economic value sporting and community groups provide to the City whilst recognising that through this policy, provides affordable leases and licenses through subsidy by the ratepayers of Bunbury.

As per the methodology principally endorsed by Council, this policy seeks to charge no rent and applies minimum rates to all sporting and community groups. There are number of exemptions included in this policy that have been provided based on feedback from the sporting and community groups.

Groups that do not currently pay rates due to existing lease or license terms or legislative exemptions will remain as such and not be charged rates. No concessions will be given to the Emergency Services Levy and waste services charges.

The document preparation fee for any variation, extension, assignment or surrender to a sporting or community group lease or license will be charged as per the City's adopted Fees and Charges.

Sporting and community groups with existing "peppercorn" leases/licenses will remain as such and not be charged a fee for the preparation of documents.

Storage facilities less than 300sqm which have a permitted use consistent with storage of equipment and goods only, as outlined in their lease or license, will not be charged rates. It is acknowledged that there is little to no ability to utilise the facility for any purpose other than storage, particularly where no services are provided and the facility offers no ability to generate an income stream for the group.

Maintenance of the premises will be undertaken in accordance with their leases/licenses and in all cases; groups are responsible for minor maintenance and cleaning of their facility. Where the building is a City owned building, the City will remain responsible for structural maintenance.

This policy does not include leasing of airport facilities, casual hire of City facilities, commercial leasing arrangements or government funded entities.

Analysis of Financial and Budget Implications

The implementation of this Policy will see a loss of \$84,997.66 in rental income and \$39,757.32 in rates revenue. The total loss to the City in overall general income is \$124,754.98 for 2018/19.

The Council will need to consider what impact any adopted policy will have to forecast income. The projected loss would require a 0.3% increase in general rates revenue to cover the deficit.

2018/19	Rental Income	Rates Income	Combined Rent and Rates Income	Total Loss or Gain from Current Position
Current Position	\$84,997.66	\$75,949.32	\$160,946.98	-
New Policy	\$0	\$36,192.00	\$36,192.00	-\$124,754.98

There are tangible costs to the City for preparing leases/licenses and maintaining leased/licensed premises however, these costs may be considered as minor in comparison to overall rental income or when compared to the income received on rates.

Should a model be adopted whereby the City's planned income depletes, the City will need to consider what impact this may have to the operating budget.

Community Consultation

The draft policy has been circulated to all sporting and community groups currently utilising city owned or managed buildings and land under lease or license arrangements. No changes were requested in any of the feedback received.

Councillor/Officer Consultation

This policy has been prepared following Council endorsement principally of the methodology and in conjunction with the Major Projects and Property Department, the Sport and Recreation Department, the Finance Department and the Executive Leadership Team.

Outcome of Meeting 31 May 2018

General discussion took place regarding maintenance responsibilities and in particular what the lessee and lessor are each responsible for. To this extent the following words were proposed to be added to the draft policy in the last paragraph of policy details addition in red:

“The City provides substantial infrastructure to its lessees and licensees. The upkeep and maintenance of the leased/licensed premises will continue to be undertaken by sporting and community groups in accordance with the terms contained within their lease or license, **which will make clear the responsibilities of all parties to the lease or license.**”

With the addition of the words above, the executive recommendation was moved by Mayor Brennan and seconded by Cr Brown and was carried unanimously as follows:

That the Policy Review and Development Committee recommend that Council:

- 1. Adopt the new Council Policy Sporting and Community Leases and Licenses as presented and amended, for implementation from 1 July 2018;***
- 2. Revoke existing Council Policy Lease and License Fee Appeal Process;***
- 3. Note that the two associated Corporate Guidelines: Leases and Licenses; and Leases and Licenses Appeal Process will also be revoked as they are no longer applicable.***

10.6 Review of Council Policy: Private Use of Mayoral Vehicle

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 6: Council Policy: Private Use of Mayoral Vehicle

Summary

The purpose of this report is for the Policy Review and Development Committee to review the Council's current policy relating to use of the Mayoral Vehicle.

Executive Recommendation

That the Policy Review and Development Committee note the review of current Council Policy *Private Use of Mayoral Vehicle* as presented at Appendix 2, with no changes recommended.

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 exercises responsible asset stewardship, sound financial management, and exemplary customer service.

Background

Although the *Local Government Act 1995* (the Act) does not expressly provide for the provision of motor vehicles to Elected Members, the Department of Local Government, Sport and Cultural Industries (the Department) considers that there is scope in section 5.98 of the Act to allow the Mayor to be provided with the use of a motor vehicle for the purpose of carrying out his or her official functions and duties.

The Act is however silent in relation to the use of the vehicle for private purposes. The Department advises that private use is clearly considered as a personal benefit over and above the normal entitlements of fees, expenses and allowances that are provided to elected members under the Act. Accordingly, private use does not fall within the scope of an elected member performing their functions and duties under the Act.

To assist in clarifying the provision of a vehicle for official purposes and the payment of expenses, the Department has previously introduced section 5.101A as a new section of the Act to allow for regulations to be made about the method of payment of an expense for which a person may be reimbursed. A motor vehicle is now prescribed in the *Local Government (Administration) Regulations 1996* (the Regulations) as one of those methods of payment of an expense for which a person may be reimbursed.

The Regulations also require that the Council Member to which a vehicle is provided must sign an agreement setting out the responsibilities of the Council Member in relation to the use of that vehicle.

Cognisant of the earlier change to the legislation, the Department suggested that local governments adopt a policy in relation to Mayoral vehicle use. Council has previously adopted a policy in this regard (Appendix 6), which is consistent with guidelines provided by the Department for this purpose.

Furthermore, an agreement is currently in place between the Mayor and the City which formalises acceptance of the terms and conditions of the policy.

Council Policy Compliance

This report facilitates a review of an existing Council Policy.

Legislative Compliance

Section 5.101A of the *Local Government Act 1995* and regulation 34AD of the *Local Government (Administration) Regulations 1996* apply.

Officer Comments

Officers have reviewed the current policy and recommend no changes, as the policy still reflects best practice in this regard.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications impacting from the recommendations of this report.

Councillor/Officer Consultation

The Chief Executive Officer and Executive Leadership Team have been consulted in the review of this Policy.

Outcome of Meeting 31 May 2018

The executive recommendation was moved by Cr Brown and seconded by Mr Seaward and was carried unanimously as follows:

That the Policy Review and Development Committee note the review of current Council Policy Private Use of Mayoral Vehicle as presented at Appendix 2, with no changes recommended.

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

Cr Hayward queried whether a report could be presented to the next meeting of the Committee providing an analysis of the recent SAT determination against the City in the context of the City's currently policy on developer contributions for footpaths. The CEO advised that he would arrange for a report to be provided.

13. Urgent Business

Nil

14. Date of Next Meeting

26 July 2018

15. Close of Meeting

The Presiding Member closed the meeting at 11.12am