

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 17 NOVEMBER 2016

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE NO.
1.	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS.....	2
2.	ATTENDANCE	2
3.	PUBLIC QUESTION TIME.....	2
4.	DISCLOSURE OF INTERESTS	2
5.	CONFIRMATION OF MINUTES	2
5.1	Minutes of the Policy and Legislation Committee Meeting held 20 October 2016	2
6.	REPORTS	3
6.1	REVIEW OF POLICY 120 - FLAG PROTOCOL.....	14
6.2	REVIEW OF POLICY 001 - FEES, ALLOWANCES AND EXPENSES FOR ELECTED MEMBERS	17
6.3	CONSOLIDATED PARKING SCHEME AMENDMENT	3
6.4	BUSSELTON AND DUNSBOROUGH CENTRES FACADE REFURBISHMENT SUBSIDY PROGRAM.....	7
7.	GENERAL DISCUSSION ITEMS	33
8.	NEXT MEETING DATE	33
9.	CLOSURE	33

MINUTES

MINUTES OF A MEETING OF THE POLICY AND LEGISLATION COMMITTEE HELD IN MEETING ROOM A, CITY ADMINISTRATION SITE, HARRIS ROAD, BUSSELTON, ON 17 NOVEMBER 2016 AT 9.30AM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 9.34am.

2. ATTENDANCE

Presiding Member:

Cr Coralie Tarbotton

Members:

Cr Rob Bennett
Cr Grant Henley
Cr Ross Paine
Cr Terry Best (Deputy Member)

Officers:

Mr Cliff Frewing, Director, Finance and Corporate Services
Mr Anthony Rowe, Manager Development Services and Policy (until 10.22am)
Mr Ian McDowell, Ranger and Emergency Services Coordinator (until 9.55am)
Mr Owen Anderton, Senior Prosecutions and Policy Officer (until 9.55am)
Miss Hayley Barge, Administration Officer, Governance

Apologies

Cr Robert Reekie

Approved Leave of Absence

Nil

3. PUBLIC QUESTION TIME

Nil

4. DISCLOSURE OF INTERESTS

Nil

5. CONFIRMATION OF MINUTES

5.1 Minutes of the Policy and Legislation Committee Meeting held 20 October 2016

Committee Decision

PL1611/092 Moved Councillor G Henley, seconded Councillor T Best

That the Minutes of the Policy and Legislation Committee Meeting held 20 October 2016 be confirmed as a true and correct record.

CARRIED 5/0

6. REPORTS

6.3 CONSOLIDATED PARKING SCHEME AMENDMENT

SUBJECT INDEX:	Minor Parking Scheme Amendments
STRATEGIC OBJECTIVE:	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Ranger and Emergency Services
REPORTING OFFICER:	Manager, Environmental Services - Greg Simpson
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Busselton Electric Vehicle Recharge Bay⇒ Attachment B Dunsborough Electric Vehicle Recharge Bay⇒

PRÉCIS

The purpose of this report is to seek Council's endorsement of proposed amendments to the City's Consolidated Parking Scheme, to –

- 1) establish a parking area in the Busselton Foreshore car park, outside the Signal Park public toilet block for the re-charging of electric vehicles; and
- 2) establish a parking area on Dunn Bay Road, Dunsborough outside Lion's Park for the re-charging of electric vehicles.

BACKGROUND

The City's Consolidated Vehicle Parking Scheme (the Scheme) is periodically reviewed and amended from time to time, thereby ensuring that the Scheme remains current. The most recent changes to the Scheme were endorsed by Council in July 2016.

The following are proposed as amendments to the Scheme:

1. *Designated vehicle parking stall - Busselton Foreshore car park*

The City of Busselton in association with the Royal Automobile Club of Western Australia (RACWA) has established an Electric Vehicle Charging Station on the Busselton Foreshore outside the Signal Park public toilet block. The parking stall is for the sole use of electric vehicles whilst charging.

2. *Designated vehicle parking stalls –Dunn Bay Road*

The City of Busselton in association with the RACWA has established 2 Electric Vehicle Charging Station on Dunn Bay Road, Dunsborough outside Lion's Park. The parking stalls are for the sole use of electric vehicles whilst charging.

STATUTORY ENVIRONMENT

The City designates parking and traffic restrictions under the powers of the Parking Local Law 2011 (the Local Law). The designation of parking stalls, stations and areas occurs under Part 2 of the Local Law, and the Consolidated Vehicle Parking Scheme (a large series of plans identifying the location and type of parking restrictions in detail) is adopted pursuant to Part 2 as a means to identify these

designations. Designations are given practical effect through on-ground signage and line marking, as well as the issue of local public notice as required by the Local Law.

Where the Council makes a determination to establish or amend a parking stall, parking stations and parking areas under Parking Local Law 2011, the CEO must give local public notice of, and erect signs to give effect to, the determination.

RELEVANT PLANS AND POLICIES

Local Planning Policy 8A: Car Parking Provisions outlines the requirements for the provision of vehicle parking facilities associated with development, which includes consideration of special purpose parking dependent on the nature of the development and includes minimum provision of taxi pick-up bays, motorcycle bays and bicycle parking facilities.

FINANCIAL IMPLICATIONS

Resources required for implementation of the local law, that is to mark parking bays and or zones with paint and installing signs on posts, are provided for within the City's overall operational budget and can be achieved without any effect on other operational areas.

Long-term Financial Plan Implications

There are no long-term financial implications associated with this matter.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objective 2.2 of the Strategic Community Plan 2013, which is; "*A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections*".

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. The table below describes identified risks where the residual risk, once controls have been identified, is identified as 'medium' or greater.

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Public Health and Reputational Risk – inadequate vehicle parking control affecting pedestrian safety.	Implementation of parking management.	Minor	Possible	Medium

CONSULTATION

In preparing this report City staff have consulted with the RACWA. There has also been consultation with other local governments and with WALGA.

OFFICER COMMENT

The RACWA has established *the Electric Highway* which features 12 locations in Perth and throughout the South West with publicly accessible electric vehicle fast-charging DC stations. The RAC Electric Highway® charging stations have been funded by RAC but are owned and maintained by local governments in the region. The RAC Electric Highway® has increased the 'sustainable mobility'

options in WA, increasing the appeal of electric vehicles is also helping to reduce carbon dioxide (CO²) emissions.

The parking stalls are for the sole use of electric vehicles whilst charging, there is no time limitation on the use of the parking stall apart from the fact the vehicle must be recharging while using the parking stall.

Particularly in Dunsborough, there have been issues with the bays being used for general parking and not available for electric vehicle re-charging, thereby undermining the value of the infrastructure. Whilst it is anticipated that there will be a further focus on education as a means to avoid that problem, it is seen as appropriate to provide the fallback and support of enforcement where education alone does not achieve an adequate outcome.

CONCLUSION

It is recommended that the Council adopt the officer recommendation and amend the Consolidated Parking Scheme.

OPTIONS

Council may resolve not to support the Officer recommendation to designate additional parking bays and no parking/no parking areas as proposed or may amend the proposal.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Where the Council makes a determination to establish or amend a parking stall, parking stations and parking areas under the Parking Local Law 2011, the CEO must give local public notice of, and erect signs to give effect to, the determination. Subject to Council endorsement of the officer recommendation local public notice will be advertised and appropriate signage erected prior to 20 December 2016.

OFFICER RECOMMENDATION

That the Council determines pursuant to the City of Busselton Parking Local Law 2011, changes to the Consolidated Parking Scheme to include -

1. A parking stall within the Busselton Foreshore outside the Signal Park public toilet block for sole use by electric vehicles whilst re-charging (Attachment A); and
2. Two parking stalls on Dunn Bay Road, Dunsborough outside Lion's Park for the re-charging of electric vehicles (Attachment B);
3. Gives notice of that determination as required by the City of Busselton Parking Local Law 2011.

Note: The Committee proposed a Recommendation that would include a point 4 requesting a report to Council detailing the usage of the electric vehicle parking bays in Dunsborough.

Committee Recommendation

PL1611/093 Moved Councillor G Henley, seconded Deputy T Best

That the Council determines pursuant to the City of Busselton Parking Local Law 2011, changes to the Consolidated Parking Scheme to include -

1. A parking stall within the Busselton Foreshore outside the Signal Park public toilet block for

sole use by electric vehicles whilst re-charging (Attachment A); and

2. Two parking stalls on Dunn Bay Road, Dunsborough outside Lion's Park for the re-charging of electric vehicles (Attachment B);
3. Gives notice of that determination as required by the City of Busselton Parking Local Law 2011.
4. That a report be brought to Council in approximately 6 months detailing the statistical usage of the electric vehicle parking bays in Dunsborough and the viability of relocating the electric vehicle parking bays to another location.

CARRIED 5/0

9.55am At this time the Senior Prosecutions and Policy Officer and the Ranger & Emergency Services Coordinator left the meeting and did not return.

6.4 BUSSELTON AND DUNSBOROUGH CENTRES FACADE REFURBISHMENT SUBSIDY PROGRAM

SUBJECT INDEX:	Busselton and Dunsborough Centres Facade Refurbishment Subsidy Program
STRATEGIC OBJECTIVE:	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Development Services and Policy
REPORTING OFFICER:	Manager, Development Services and Policy - Anthony Rowe
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Busselton and Dunsborough Centres Facade Refurbishment Subsidy - annotated changes⇒

PRÉCIS

The Busselton and Dunsborough Centres Facade Refurbishment Subsidy Program has been in operation since 13 March 2014.

This report has reviewed the operation of the Program over this time and recommends changes to the eligibility criteria to better align outcomes with the Program's Objectives.

Specific changes are recommended to the eligibility criteria in the Program to enable grants to be available for preliminary design work and also for works associated with facilitating Alfresco development.

BACKGROUND

Council's consideration is requested to review the eligibility criteria for businesses applying to receive funding from the Busselton and Dunsborough Centres Facade Refurbishment Subsidy Program.

Council resolved on 13 March 2014 to allocate \$50,000 towards the Program annually. Initially the Program applied only to Prince Street and Queen Street in Busselton. The Council subsequently resolved to include parts of the Dunsborough Town Centre to support the Town Centre Conceptual Plan.

The objectives of the Program for both Busselton and Dunsborough are;

- Beautify the Centres by improving the streetscape, which will in turn provide benefits to the broader community by making places more attractive, including for business and investment;
- Improve the experience of pedestrians to encourage more people to live, work, play and do business in the Centres;
- Reinforce and build upon the Centres as the major retail, social and cultural hub of the City of Busselton and broader region;
- Enhance the physical quality and established character of the Centres' built environments through sensitive and innovative design of buildings and spaces; and
- Supporting building owners and business operators to improve the public impression of their buildings and businesses respectively.

The Program is has involved bi-annual requests for expressions of interest (1st quarter and 3rd quarter). Promotion consists of a letter sent to business owners as well as officers attending each business to generate awareness of the Program. This is to reach both the owner and the operator.

The results from the Program, by dates of determination, are summarised as follows:

- 20 November 2014 - 1 application received and approved in Busselton - \$6,620.
- 28 May 2015 - 3 applications received, 1 approved in Busselton for \$5,173, 2 declined in Dunsborough - 1 uncertainty of tenure and the other considered to be general maintenance.
- 19 November 2015 – 1 application received in Busselton for preliminary feedback only. Application proposed to extend verandah over foot path. Concept supported but a relatively underwhelming design, architectural improvements requested.
- May 2016 – no applications
- 21 July 2016 – 3 applications received, 1 received and declined in Dunsborough as same proposal as previously declined, 2 in Busselton, 1 declined due to the relatively underwhelming design, 1 approved to provide for a façade upgrade improving view of the street and interaction with the streetscape for \$6,208.

STATUTORY ENVIRONMENT

The Program and application for subsidy funding is consistent with the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996.

RELEVANT PLANS AND POLICIES

Busselton and Dunsborough Centres Facade Refurbishment Subsidy Program

The Program provides incentives in the form of grants to landowners within the Busselton City and Dunsborough Town Centre to undertake works to improve/upgrade the appearance of their buildings' façade (Attachment A).

Works currently eligible for grant funding are:

- Restoration of exterior finishes;
- Repainting of building façade and windows (does not include works that can be considered as general maintenance);
- Removal of opaque roller shutters/security grilles to be replaced with more appropriate transparent or inset behind shop display roller shutters;
- Works required, as a result of a building permit and compliance with disabled access in accordance with the Building Act 2011 and Building Regulations 2012;
- The modification or creation of windows which will provide interaction with the streetscape;
- Properties adjoining a laneway may apply for upgrade works for the visible portion from the streetscape; however these works are to complement façade works fronting the endorsed project area;
- Under awning lighting (excluding illuminated signage);
- Skinning of existing awning structure and fascia with new material; and
- Repair or replace awning structure
- Ineligible works include
- Infrastructure associated with alfresco areas
- Preliminary design work to complete application

The City provides successful applicants grants of up to 50% of the agreed project cost (ex GST) above \$5,000.00, up to a maximum grant of \$20,000.00 per building. Grants are only available to projects with a minimum total value of \$10,000 (ex GST).

Busselton Local Commercial Planning Strategy (LCPS)

The LCPS is a strategic document which provides an analysis of existing commercial centres and provides recommendations for the future of commercial centres in the City of Busselton. The strategy provides a commercial hierarchy which identifies Busselton as a 'Regional' Centre and Dunsborough as a 'District' centre.

FINANCIAL IMPLICATIONS

The current annual budget for the *Subsidy Program* is \$50,000 and offered through two rounds per year. No change is proposed to this arrangement.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation in this report reflects Community Objective 2.2 of the City's Strategic Community Plan 2013 – 'A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections'.

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework, and no risks were identified where the residual risk, once controls are considered, is medium or greater.

CONSULTATION

There is no statutory requirement for public consultation.

OFFICER COMMENT

An outset consideration of the Program was not to seek a homogeneous design outcome. As an example the City has not directed that everything should be of a Victorian architectural vernacular and that consequently only this form would be subject to funding. Instead the City has pursued a variety of form, distinctive buildings and individuality.

Since the Program has been operational, there have been 8 applications and only 3 approved. Arguably, only the last approved in Busselton clearly reflected the intent of the program and has resulted in a successful outcome (i.e. the upgrade of the premises where *Al Forno* have established on Queen Street). In terms of both quality and quantity, the response so far has been somewhat disappointing.

What is missing is encouraging the investment to create the upfront design direction (instead of a provided one) and for each business to follow a process of imagination, design, a business case, and agreement.

In practice there needs to be agreement between the tenant and the landlord for change to occur, and importantly a business case. This is a significant impasse. The owner will often seek to maintain flexibility for prospective tenants and this simply results in neatening/maintenance of the current arrangement. However community expectations, competition (i.e. the West Street development) ,

and successful examples now emerging in the centres are creating a pressure for change and this is likely to intensify in the next few years.

The arrangements between owners and tenants can vary. Franchises for instance have particular designs that are negotiated with the owner, sometimes provided by the tenant but sometimes by the owner to secure the tenant. Whichever, it relies on agreement between the parties around a business case.

Motivating design to reach agreement between the landowner and the tenant and then the business case is therefore the first step and fundamental to arriving at outcomes that are not “more of the same”.

Impediments in the current Program

Notable ineligible works listed in the Program at 4.2.2 include:

- Preliminary design work to complete application.
- Infrastructure associated with alfresco areas.

It is contended that to achieve the objectives of the Program it is these ineligible criteria that should in fact be supported and promoted.

In terms of meeting the Objectives of the Program, including to “Beautify the Centres by improving the streetscape”, there are two general development options. One is to improve the face of the building, including any verandahs or awnings, and the other is introducing elements forward of the building face that distract attention from it.

In key areas, the City provides the opportunity to displace an on street carparking space in favour of creating an alfresco area; this provides space in front of the building. In many rejuvenated *high streets* (throughout Australia), alfresco dining has been introduced to provide activation and the canopies over the alfresco seating provide the notable form, displacing the appearance of the verandah or awning.

Most Australian examples of rejuvenated *high streets* have tended to use ubiquitous white awnings, whereas European examples use individualised awnings to distinguish one business from another. The European approach is consistent with the Program objectives for individualism, but again requires a design thought, and should be an integrated approach to the facade treatment.

Any removal of a parking space will be a partnership with the City. Consideration in this partnership would be timing, costings, integrity of pedestrian surfaces and free movement, street drainage and protection from vehicles. The design of the awning, its structure, the tables and chairs, planters, heaters, blinds and items contributing to the ambience of the space would be within the preliminary design. That design would then be the basis of consideration in the partnership and works that may be applied for separately.

Recommended Changes

It is recommended that the Program be amended by the addition of the following points to the eligible criteria described in clause 4.2.1

- Preliminary design work consistent with the Program Objectives; and
- Infrastructure associated with alfresco dining areas, including canopies, furniture, bollards and windscreens, as part of an integrated design proposal consistent with the Program Objectives.

Clause 4.2.2, ineligible criteria, is also proposed to be amended to reflect the above.

Resolving the confusion with General Maintenance

General Maintenance is identified as an ineligible item but is confused with the eligible criteria in described clause 4.2.1

“restoration of exterior finishes” and

“Repainting of building façade and windows (does not include works that can be considered as general maintenance)”

The circumstance where simply repainting a building façade or windows would not constitute maintenance is not likely.

This criteria should be removed from the eligible criteria to avoid confusion.

Grant funding

It is recommended that grant funding be available to design works separately to the works. That applicant can apply for the full grant amount on the Preliminary design works and again for the full grant amount on the works.

City approval is to first be obtained to the *scope of works*, to be consistent with the Program Objectives. The City will also agree prior to the commissioning of the work and agreed grant sum. The design work must be prepared by a registered Architect and the grant sum agreed is to be paid pending satisfactory completion of the scope of work to a professional standard.

The current works threshold is a minimum \$10,000, with the City providing 50% up to a maximum of \$20,000. This is considered too high for Preliminary Design work. It is recommend the threshold for Preliminary design work be reduced to a minimum threshold of \$2,000, with the City providing 50% up to a maximum of \$5,000.

The scope of works is expected to be agreed with the City through an iterative process. In order to facilitate and be responsive to these negotiations it is recommended that grants for design work can be applied for at any time, and be determined by the CEO.

Anticipated effect of changes

It is anticipated that the changes somewhat increase the level of the uptake of the Program. The main expected benefit of the change, though, is to improve the quality of the application/outcomes to achieve the Program Objectives. The grant funds for actual works are available on a ranked basis up to a maximum amount of \$20,000, in two rounds. No change to the present allocation is expected.

CONCLUSION

The Busselton and Dunsborough Centres Façade Refurbishment Subsidy Program is not achieving either the quality or quantity of the application/outcomes as intended by the objective to “Beautify the Centres by improving the streetscape”, due to a lack of an upfront design direction.

This is not to suggest that pursuit of a variety of form, distinctive buildings and individuality is wrong but the process the Program inadvertently encourages requires a new orientation.

The current Program eligibility requirements are contrary to this approach because they exclude preliminary design work and infrastructure associated with alfresco areas (likely to be a significant contributor to the Program objective).

These items should be removed from the ineligible criteria and instead promoted for favourable consideration, subject to City agreement to the scope of works, before commissioning the design. In addition eligible criteria that can be determined as routine maintenance should be removed.

The intent of these changes is to improve the quality of the application/outcomes to achieve the Program Objectives.

It was expected, at the outset of the Program, that it will take time to build awareness of the Program and it is subject to being available when the business is motivated to use it. It is important therefore that the longevity of the Program be maintained, it is expected that economic pressures in the near term (next few years) will be reason for many businesses to consider it.

OPTIONS

1. Make no change to the current Program.
2. Make different and/or additional changes to the Program.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council support the officer recommendation, the Façade Subsidy Program will be updated on the City website within 3 weeks.

Committee Recommendation and Officer Recommendation

PL1611/094 Moved Councillor R Paine, seconded Councillor R Bennett

That the Council resolve:

1. To amend the eligibility criteria of the Busselton City Centre Façade Subsidy Program by
 - 1.1 Deleting under - **4.2.1 Eligible Works**
the words:
 - *Restoration of exterior finishes;*
 - *Repainting of building façade and windows (does not include works that can be considered as general maintenance);*
 - 1.2 Inserting under - **4.2.1 Eligible Works**
the words:
 - *Preliminary design work consistent with the Program Objectives;*
 - *Infrastructure associated with alfresco areas, including canopies, furniture, bollards and windscreens, as part of an integrated design proposal consistent with the Program Objectives;*
 - *Works consistent with a City approved Preliminary Design;*

1.3 Deleting under - **4.2.2 Ineligible works**

the words:

- *Preliminary design work to complete application;*
- *Infrastructure associated with alfresco areas. Applicants should be aware that alfresco areas may be permitted in existing car parking spaces subject to planning approval (Whilst applications for new alfresco areas will not be considered for grant funding within this program, applicants are encouraged to discuss any future ideas with the City, which may be able to be included within the capital works program or future plans for the streetscape).*

1.4 Inserting under - **4.3 Implementation of successful grant applications**

the words:

1. *Applicant should consult with the City prior to determining the scope of work.*
2. *A scope of the work, for commissioning the design work will be submitted to the City including costs. Only design work prepared by a Registered Architect is acceptable.*
3. *Subject to gaining the City's agreement on the scope of work and the agreed grant sum the applicant is to complete the design works.*
4. *Applicant to submit the design work tax invoice to the City of Busselton for agreed grant sum.*
5. *Subject to the scope of works being achieved, and the work prepared to a professional quality, the City will pay the agreed grant sum.*

1.5 Inserting under - **6.0 GRANT FUNDING**

the words:

Applications for Preliminary Design works and applications for works will be determined as separate grant applications, each to the maximum grant available.

Preliminary Design

The City will provide successful applicants a grant of up to 50% of the agreed scope of works cost (ex GST) up to a maximum grant of \$5,000.00.

Grants are only available to an agreed scope of work with a minimum total value of \$2,000 (ex GST).

CARRIED 5/0

10.22am At this time the Manager Development Services and Policy left the meeting and did not return.

6.1 REVIEW OF POLICY 120 - FLAG PROTOCOL

SUBJECT INDEX:	Flags
STRATEGIC OBJECTIVE:	An organisation that is managed effectively and achieves positive outcomes for the community.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Finance and Corporate Services
REPORTING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Revised Policy 120 - Flag Protocol showing tracked changes⇒

PRÉCIS

As part of the Council's ongoing policy review process the Flag Protocol – Policy 120 is presented for review and updating to the current policy format.

BACKGROUND

The Policy and Legislation Committee has endorsed an ongoing policy review process, whereby all policies of the Council will be reviewed, with the aim of determining the ongoing applicability of the policies, along with standardisation and reduction.

The policy was last reviewed by Council in 2012, adopted 13 June 2012.

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 has proposed to do this on recommendation of a Committee it has established in accordance with Section 5.8 of the Act.

RELEVANT PLANS AND POLICIES

This report proposes updates of Council policy 120 Flag Protocol.

FINANCIAL IMPLICATIONS

Nil

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

Sound policy development and review processes contribute to Governance Systems that deliver a responsible, ethical and accountable decision making in accordance with the City's community objectives as part of the Strategic Plan.

RISK ASSESSMENT

There are no risks associated.

CONSULTATION

During the process of the first stage of the policy review, consideration was given to each policy to determine whether there was a need to invite submissions on any proposed changes to policies. This policy is not considered to require any public consultation.

OFFICER COMMENT

It is proposed to change the Policy in two areas:

1. There may be however situations where it may be appropriate on occasion for other flags to be flown for a short period of time (such as to recognise visiting dignitaries etc). The policy has been changed to reflect this.
2. On occasions where it is appropriate, an alternative flag may be flown to recognise an occasion, event, visit or the like for a temporary period of time.

The proposal is simply to update the existing policy to recognise the importance of Commonwealth Flag protocols by referring to the relevant Commonwealth publication applicable to flying flags.

CONCLUSION

As part of the regular practice of reviewing City policies, a review was carried out on Policy 120 Flag Protocol. Following this review the City is presenting a revised policy to the Committee for the purpose of including reference to the Department of the 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.

OPTIONS

The Council may determine that a policy is not required for this matter.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised policy would be effective immediately upon adoption of Council.

Committee Recommendation and Officer Recommendation

PL1611/095 Moved Councillor R Bennett, seconded Deputy T Best

That the revised Council Policy 120 – Flag Protocol as shown in Attachment A be adopted:

120	Flag Protocol	V2 Current
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1. PURPOSE

This policy is to provide guidance for the flying of flags at the Offices of the City of Busselton.

2. SCOPE

The policy sets out the authority for designated flags or any other flag as appropriate that can be flown at the City of Busselton Administration Offices. On all occasions, the Australian National Flag is to be flown and is to take precedence on the most prominent flagpole.

3. POLICYCONTENT

The Chief Executive Officer is authorised to fly the Western Australian State flag, Aboriginal and Torres Strait Islander flags, City of Busselton flag, Town of Sugito flag and Japanese flag, together with the Australian flag, in the City of Busselton on occasions as determined.

There may be however situations where it may be appropriate on occasion for other flags to be flown for a short period of time (such as to recognise visiting dignitaries etc).

On occasions where it is appropriate, an alternative flag may be flown to recognise an occasion, event, visit or the like for a temporary period of time.

Regard shall be given to all permanent and interim Commonwealth flag protocols.

4. APPLICATION OF THE POLICY

The policy shall be applied by customer service staff in consultation with Governance Services as necessary.

PolicyBackground

Policy Reference No. – 120

Owner Unit – Governance Services

Originator – Historical

Policy approved by – Council

Date Approved – 13 June, 2012

Review Frequency – As required

Related Documents – Department of the 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.

History

Council Resolution	Date	Information
C1206/137	13 June, 2012	Update to policy format Version 2
		Version 1

CARRIED 5/0

6.2 REVIEW OF POLICY 001 - FEES, ALLOWANCES AND EXPENSES FOR ELECTED MEMBERS

SUBJECT INDEX:	Councillors
STRATEGIC OBJECTIVE:	An organisation that is managed effectively and achieves positive outcomes for the community.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Council & Councillor Services
REPORTING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Revised Policy 001 - Fees, Allowances and Expenses for Elected Members showing tracked changes⇒

PRÉCIS

It is appropriate to amend Policy 001 – Fees, Allowances and Expenses for Elected Members so that it reflects current practice. In addition at a recent Policy and Legislation Committee the topic of private use of the Mayoral vehicle was raised and this report addresses this topic.

BACKGROUND

As part of the regular review of Council Policies, it is apparent that there is a need to review Council Policy 001 - Fees, Allowances and Expenses for Elected Members in relation to current practice re provision of laptops (as they are now not provided), changes in relation to sources of information that are relied upon in the Policy (as the source of information has changed), and motor vehicle usage by the Mayor (discussed at the Policy and Legislation Committee at its meeting on 29 September 2016 (Item 7.1). In addition, as elected members Allowances are considered and determined by Council during the annual budget process, it is good practice to have the Policy amended to reflect this.

Specifically, the proposed changes to the Policy are detailed as follows:

1. Clause 3.1.1 – provision of laptops

The current practice is not to provide laptops to elected members but instead to provide ipads in lieu. This clause has been amended to reflect this change (and therefore current practice) and to provide increased flexibility in the future should other mobile devices be used either as an alternative or in addition to ipads.

2. Clause 3.1.5 - Reimbursement of travel expenses - Sources of Information

The Policy at clause 3.1.5 makes reference to reimbursement of mileage allowance in accordance with the provisions of the Public Service Act 1992. Reference should now be made to the State Salaries and Allowances Tribunal as it is this body that now determines reimbursement of mileage rates for use of motor vehicles by Local Government elected members. As far as is known, payments have been made in accordance with the State Salaries and Allowances Tribunal so for all practical purposes there is no change – apart from Policy wording. As a matter of interest, the State Salaries and Allowances Tribunal relies on reimbursement rates set under the Local Government Officers Award – presumably to ensure there is no differentiation between rates reimbursed to either elected members or employees.

In addition changes are also proposed to reflect current practice that City vehicles should be used as a preference where training courses are held outside of the district.

3. The following is an extract from Council Policy 001 - Fees, Allowances and Expenses for Elected Members:

3.2.2 - Provision of a City-owned vehicle:

“The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature”.

The Policy is considered unnecessarily restrictive in that it does not allow for the periodic private use of the vehicle by the Mayor (or future Mayor). Many other Local Governments have adopted policy provisions that permit the Mayor or President to use the Mayoral vehicle for some form of private usage on a cost reimbursement basis so there is no cost to ratepayers. It is suggested that the Policy be amended to permit private usage and that details of private usage be recorded in a log book that would be used for reimbursement calculations. This allows periodic use of the Mayors vehicle for private purposes rather than prohibition.

4. Annual budget process.

A new clause should be added to the Policy to clarify when any new allowances become effective. The recommendations made by the Salaries and Allowances Tribunal are made prior to the end of the financial year which allows Local Governments to consider the implications during the budget process.

STATUTORY ENVIRONMENT

The proposal to provide the Mayor with a vehicle is allowable under Section 5.98 of the Local Government Act. The proposal to amend the Policy is consistent with Policies of other Local Governments in relation to private usage of the Mayoral Vehicle and consistent with Department of Local Government Circular 9-2011 (Use of Motor Vehicle for Official Purposes). The Salaries and Allowances Tribunal makes annual recommendations in relation to elected members allowances and expenses.

RELEVANT PLANS AND POLICIES

This report recommends that Policy 001 - Fees, Allowances and Expenses for Elected Members be updated to take into consideration the current practice changes in relation to sources of information that are relied upon in the Policy and motor vehicle usage by the Mayor. In addition, as elected members Allowances are considered and determined by Council during the annual budget process, it is good practice to have the Policy amended to reflect this.

FINANCIAL IMPLICATIONS

The Salaries and Allowances Tribunal makes recommendations in relation to Elected Members Fees, Allowances and Expenses are determined by Council during the annual budget process.

Long-term Financial Plan Implications

The Long-term Financial Plan provides for the payments to which elected members are entitled.

STRATEGIC COMMUNITY OBJECTIVES

The Strategic Community Plan includes the community objective of having an effectively managed organisation that achieves positive outcomes for the community. One of the key ways for this to occur is to provide financial recognition of the extensive responsibilities performed by elected members.

RISK ASSESSMENT

Not required for this policy review.

CONSULTATION

The actual levels of fees and allowances are established through the annual budget development process having regard for the determination made by the Salaries and Allowances Tribunal.

OFFICER COMMENT

As part of the regular review of Council Policies it is apparent that there is a need to review Policy 001 - Fees, Allowances and Expenses for Elected members in the following areas to reflect current and appropriate practice.

1. Clause 3.1.1 – provision of laptops

Changing reference in the Policy at clause 3.1.1 from “laptops” to “mobile devices” reflects current practice and provides for future flexibility. There are no additional costs to Council.

2. Clause 3.1.5 - Reimbursement of travel expenses - Sources of Information

Changing reference in the Policy at clause 3.1.5 from the “Public Service Act 1992” to the State Salaries and Administrative Tribunal described as “Local Government Elected Council Members Determination under the Salaries and Allowances Act 1975” reflects current practice.

3. 3.2.2 - Provision of a City-owned vehicle

The current policy with respect to private use of the Mayoral vehicle is considered to be unnecessarily restrictive and it is proposed to modify the relevant clause to permit private use. An amendment to the Policy to allow for greater flexibility is proposed which would permit the vehicle to be used for private purposes by the Mayor for convenience or necessity from time to time. The cost of private mileage would be payable by the Mayor on a reimbursement basis. The reimbursement rate would be that set by the State Salaries and Allowance Tribunal referred to above at clause 3.1.5. It is not envisaged that there would be any significant private usage of the Mayoral Vehicle.

The cost of the private use would be reimbursed by the Mayor to the City on a quarterly basis by reference to details of private use contained in a vehicle log book.

It is suggested that this clause amended with additional new clauses as follows:

“The Mayor may also use the vehicle for private use for convenience or necessity on a cost recovery basis. Details of private use shall be recorded in a log book which shall be provided to the City on a quarterly basis”.

Should Council agree with the proposal to amend the Policy, it is also suggested to provide flexibility as to how the value of the private use be reimbursed to the City. The policy would provide for the CEO and Mayor to be authorised to determine the actual process but would involve one two methods.

“The mayor is permitted to use the vehicle for private use without further authorisation on the basis that the cost reimbursement is made to the City in one of the following ways:

- *Calculation of the amount due and the quarterly members allowance payment be reduced accordingly; or*
- *Calculation of the amount due and an invoice be given to the Mayor for reimbursement.*

“The CEO and Mayor shall agree which of the two methods should apply. The mileage rate would be calculated at the rate determined by the State Salaries and Allowances Tribunal – which refers to the rate payable contained by reference to the decision of the Local Government Elected Council Members Determination under the Salaries and Allowances Act 1975”.

In addition, the following also seems an appropriate clause to be added:

“Unless Council approves otherwise, the mayoral vehicle may only be used for private purposes for travel within the State of WA”.

As a reimbursement is made, in terms operational cost there is no difference for the City whichever method of reimbursement is chosen.

4. Annual budget process.

The proposed new additional wording is as follows:

“All allowances in relation to Elected Members are reviewed on an annual basis and become effective following the adoption of the annual budget”.

A revised Policy showing marked up is attached showing proposed changes.

CONCLUSION

The policy is presented for updating, noting that the Absolute Majority is required in order to pay an annual allowance and to establish the percentage of the Mayor’s allowance to which the Deputy Mayor will be entitled.

OPTIONS

Other changes to the policy can be considered, however, the budget has been developed in accordance with the allowances described, such as clothing and travel reimbursement.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The new policy adopted will be effective immediately.

OFFICER RECOMMENDATION

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the revised Council Policy 001 - Fees, Allowances and Expenses for Elected Members as shown in Attachment A be adopted:

001	Fees, Allowances and Expenses for Elected Members	V9 Draft
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1. PURPOSE

In accordance with Division 8 of Part 5 of the *Local Government Act 1995* elected members are entitled to receive a fee for meeting attendance, be reimbursed for expenses and/or be paid an allowance for certain types of expenses. Certain payments are an automatic entitlement in accordance with the Act, while others require specific local government approval. The Fees, Allowances and Expenses for Elected Members policy provides the approval framework under which all fees, allowances and reimbursements to elected members will be made.

2. SCOPE

"**Elected member**" - Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor;

"**Schedule**" – Information describing the current Local Government Band Allocation and fees and allowances established within that Band in accordance with any *Local Government Elected Council Members Determination* under the *Salaries and Allowances Act 1975*.

The Fees, Allowances and Expenses for Elected Members policy is to apply to the purchase of all local government-owned equipment for the specific and individual use of an elected member, the reimbursement of any expenses incurred by an elected member in the performance of their functions and duties, and fees and allowances provided to all elected members.

This policy provides the approval framework to enable the provision of equipment and certain payments to be made to elected members to enable them to carry out their role as an elected member effectively. All matters approved in this policy are in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* and *Local Government Elected Council Members Determinations* in accordance with the *Salaries and Allowances Act 1975*.

All allowances in relation to elected members are reviewed annually by the City and become effective following adoption of the annual budget.

3. POLICY CONTENT

3.1 Elected members

3.1.1 Provision of equipment

Without limiting the application of any other clause in this policy, the local government will provide to elected members of the City of Busselton access to resources to enable them to carry out their duties efficiently and effectively. In accordance with Section 3.1 of the *Local Government Act 1995*, in order to provide for the good government of persons in the District, any newly elected member will have the opportunity to be furnished with the following equipment:

- A standard-issue mobile telephone;
- A standard issue mobile device that will be upgraded from time to time, inclusive of standard equipment associated with the day-to-day use of the device.

Any mobile telephone or mobile device purchased in accordance with this policy can be retained by the elected member at the completion of their term of office if they serve a minimum of 24 months as an elected member.

3.1.2 Meeting attendance fees

An elected member is entitled to receive an annual fee for attending Council and Committee meetings in accordance with the *Local Government Act 1995*. This payment is in lieu of any entitlement established for a fee per meeting under that Act.

The annual fee will be established during the annual budget process within the Band established in the relevant *Local Government Elected Council Members Determination*.

The annual meeting attendance fee is full and final satisfaction of an elected member's meeting entitlements and no other claims can be made for attendance at meetings, with the exception that an elected member's expenses incurred for travelling to and from the meeting can be reimbursed in accordance with clause 3.1.5 of this policy or childcare expenses incurred can be reimbursed in accordance with clause 3.1.4 of this policy.

Meeting attendance fees will be paid monthly or quarterly in arrears. The fee will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim meeting attendance fees and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.3 Information and Communications Technology allowance

In accordance with the relevant *Local Government Elected Council Members Determination*, all elected members are eligible to claim an annual information and communications technology allowance the amount of which will be included in the Schedule. This allowance is to cover an elected member's costs in relation to the following equipment and services:

- Telephone rental charges;
- Any other expenses that relate to information and communications technology, for example telephone call charges and internet service provider fees, and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

The information and communications technology allowance will be paid monthly or quarterly in arrears. The allowance will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim the information and communications technology allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.4 Reimbursement of childcare expenses

In accordance with the *Local Government Act 1995* an elected member who incurs childcare expenses due to their attendance at a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. The extent to which the childcare expenses incurred will be reimbursed will be in accordance with the relevant *Local Government Elected Council Members Determination*. For the purposes of this section, the number of hours claimed shall be limited to the actual length of the meeting, with a nominal time allowance for partaking in refreshments and travel to and from the place of care.

3.1.5 Reimbursement of travel expenses

In accordance with the *Local Government Act 1995* an elected member who incurs expenses to travel to a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. Elected members can also be reimbursed for other types of travel in accordance with Regulation 32 of the *Local Government (Administration) Regulations 1996*. The extent to which travel expenses can be reimbursed is in accordance with the State Salaries and Allowances Tribunal. The following list represents the meetings and events at which the attendance of an elected member is required for which the elected member will be able to claim reimbursement in accordance with the State Salaries and Allowances Tribunal for incurring travel expenses.

- Council meetings - ordinary and special;
- Committee meetings of a formally constituted Council committee of which they are a member or a deputy member acting in the capacity of a member;
- Electors' meetings - annual general and special;
- Civic receptions hosted by the City of Busselton;
- Visits by Ministers of the Crown;
- Inspection tours of matters arising before the Council;
- Any City-convened meeting requiring elected member attendance, including briefing sessions, workshops and other forums;
- Elected member training courses (if training course is held outside of the district, a City pool car should be used);
- Officially convened meetings with ratepayers;
- Attendance at community functions with a formal invitation as an elected member;
- Seminars and conferences attended in the capacity of an elected member;
- Meetings of community groups or other external organisations of which the elected member has been appointed the Council's representative by Council resolution (except where the other body pays the elected member for meeting attendance and/or travel eg ministerial appointment to State Advisory Boards).

The reimbursement will be made available to the elected member on the receipt of a certified claim form and in accordance with the rates set out in the State Salaries and Allowances Tribunal. Nothing in this section prevents an elected member from utilising a City-owned motor vehicle for the types of travel approved under this section and this is encouraged where practical for the elected member's purposes.

Subject to the approval of the Chief Executive Officer, the elected member is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Where a City vehicle is utilised, the travel reimbursement or travel allowance cannot be claimed.

3.1.6 Reimbursement of expenses while away from home on sanctioned activities

Expenses incurred for conferences, training, seminars and similar occasions requiring an elected member to stay overnight away from their place of residence will be reimbursed to the elected member or paid directly by the City in accordance with the following guidelines.

Air travel and accommodation will be arranged and paid for by the City in consultation with the elected member and the key considerations will be cost effectiveness and for accommodation also proximity to the location at which the conference, training, seminar or similar occasion is being held.

While staying in the accommodation provided by the City for the purpose of enabling attendance at the approved conference, training or seminar, the expenses to be met by the City will be:

Expenses and Restrictions	Elected Member	Spouse
Laundry > 2 nights	Y	Y
Taxi fares or other public transport - only where these directly relate to the activity and no other transport is provided	Y	Y
Daily sustenance per day allowance in accordance with the <i>Public Service Award 1992 (1)</i>	Y	N
Specific conference related dinners/meals	Y	Y
(1) Limited authority exists (refer to Mayor for prior approval) to purchase alcohol for networking purposes in a similar manner to the way the Council offers community members an invitation to share a drink after a Council meeting.		

3.1.7 Reimbursement of other expenses

3.1.7.1 Reimbursement of hospitality expenses

Elected members may seek reimbursement of the reasonable costs of beverages or snack items provided during any meeting or networking opportunity that relates to City activities, subject to the provision of receipts to the CEO.

3.1.7.2 Corporate attire reimbursement

Each elected member is eligible to claim up to \$1,000 reimbursement for the purchase of corporate attire, which may include a brief case or travel case. Payment will be made on the production of receipts for clothing, shoes or a case, but will be limited to \$500 for the period November to April and a further \$500 for the period May to October.

3.2 Mayor

3.2.1 Mayoral allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Mayor is eligible for a Mayoral allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Mayor of the City of Busselton shall be paid an allowance within the Band established as set by Council when the annual budget is adopted, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Mayoral allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents the Mayor from changing their intention at any time.

3.2.2 Provision of a City-owned vehicle

The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Nothing in this section prevents the vehicle from being utilised in accordance with City fleet guidelines by other elected members or officers with the agreement of the Mayor.

The Mayor may also use the vehicle for private use for convenience or necessity on a cost recovery basis. Details of private use shall be recorded in a log book which shall be provided to the City on a quarterly basis.

The Mayor is permitted to use the vehicle for private use without further authorisation on the basis that the cost reimbursement is made to the City in one of the following ways:

Calculation of the amount due and the quarterly members allowance payment be reduced accordingly; or

Calculation of the amount due and an invoice be given to the Mayor for reimbursement.

The CEO and Mayor shall agree which of the two methods should apply. The mileage rate would be calculated at the rate determined by the State Salaries and Allowances Tribunal – which refers to the rate payable contained by reference to the decision of the Local Government Elected Council Members Determination under the Salaries and Allowances Act 1975.

Unless Council approves otherwise, the mayoral vehicle may only be used for private purposes for travel within the State of WA.

3.3 Deputy Mayor

3.3.1 Deputy Mayor's allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Deputy Mayor may be paid a Deputy Mayor's allowance in accordance the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Deputy Mayor can be paid up to 25% of the Mayoral allowance. The Deputy Mayor of the City of Busselton shall be paid the maximum percentage of the Mayoral allowance of 25%, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Deputy Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Deputy Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Deputy Mayor's allowance and their preferred payment schedule. Nothing in the relevant legislation or this policy prevents the Deputy Mayor from changing their intention at any time.

The Deputy Mayor shall be permitted to use the City-owned vehicle provided to the Mayor during periods the Mayor is on leave and will have the same entitlements the Mayor has to use the City-owned vehicle for private use under the same conditions as set out in clause 3.2.2.

4. APPLICATION OF THE POLICY

Any request for reimbursement in accordance with the relevant clauses of this policy must be accompanied by an original supplier receipt or other relevant documentation.

Policy Background

Policy Reference No. - 001

Owner Unit – Governance

Originator – Director of Finance and Corporate Services

Policy approved by – Council

Date Approved – 27 August 2008

Review Frequency – As required

Related Documents –

Local Government Act 1995

Local Government Department Circular 9-2011

Local Government (Administration) Regulations 1996

Local Government Elected Council Members Determinations

Background/History - Initiated June 2008 to replace former policies:

- 054/1 - Councillors' Travelling Expenses;
- 055/1 - Attendance at Conferences, Training and Seminars;
- 193 - Communications Allowances - Councillors;
- 212/1 - Vehicle for Use by Shire President and Councillors;
- 226 - Laptop Computers - Councillors and Officers;
- 227 - Printer Consumables.

Last Policy Change

Council Resolution	Date	Information
		Adjustments of the Policy to reflect current practice and to allow the Mayor private use of vehicle.
C1608/200	10 August, 2016	Adjustments to state that fees and allowances to be determined in accordance with the relevant <i>Local Government Elected Council Members Determination</i> . Version 8

Note: The Committee proposed a Recommendation that would add a point to 3.1.5 stating that a City owned motor vehicle should be used where practicable and to remove the text '(refer to Mayor for prior approval) under section 3.1.6.

Committee Recommendation

PL1611/096 Moved Deputy T Best, seconded Councillor R Paine

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the revised Council Policy 001 - Fees, Allowances and Expenses for Elected Members as shown below be adopted:

001	Fees, Allowances and Expenses for Elected Members	V9 Draft
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1. PURPOSE

In accordance with Division 8 of Part 5 of the *Local Government Act 1995* elected members are entitled to receive a fee for meeting attendance, be reimbursed for expenses and/or be paid an allowance for certain types of expenses. Certain payments are an automatic entitlement in accordance with the Act, while others require specific local government approval. The Fees, Allowances and Expenses for Elected Members policy provides the approval framework under which all fees, allowances and reimbursements to elected members will be made.

2. SCOPE

"Elected member" - Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor;

“Schedule” – Information describing the current Local Government Band Allocation and fees and allowances established within that Band in accordance with any *Local Government Elected Council Members Determination* under the *Salaries and Allowances Act 1975*.

The Fees, Allowances and Expenses for Elected Members policy is to apply to the purchase of all local government-owned equipment for the specific and individual use of an elected member, the reimbursement of any expenses incurred by an elected member in the performance of their functions and duties, and fees and allowances provided to all elected members.

This policy provides the approval framework to enable the provision of equipment and certain payments to be made to elected members to enable them to carry out their role as an elected member effectively. All matters approved in this policy are in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* and *Local Government Elected Council Members Determinations* in accordance with the *Salaries and Allowances Act 1975*.

All allowances in relation to elected members are reviewed annually by the City and become effective following adoption of the annual budget.

3. POLICY CONTENT

3.1 Elected members

3.1.1 Provision of equipment

Without limiting the application of any other clause in this policy, the local government will provide to elected members of the City of Busselton access to resources to enable them to carry out their duties efficiently and effectively. In accordance with Section 3.1 of the *Local Government Act 1995*, in order to provide for the good government of persons in the District, any newly elected member will have the opportunity to be furnished with the following equipment:

- A standard-issue mobile telephone;
- A standard issue mobile device that will be upgraded from time to time, inclusive of standard equipment associated with the day-to-day use of the device.

Any mobile telephone or mobile device purchased in accordance with this policy can be retained by the elected member at the completion of their term of office if they serve a minimum of 24 months as an elected member.

3.1.2 Meeting attendance fees

An elected member is entitled to receive an annual fee for attending Council and Committee meetings in accordance with the *Local Government Act 1995*. This payment is in lieu of any entitlement established for a fee per meeting under that Act.

The annual fee will be established during the annual budget process within the Band established in the relevant *Local Government Elected Council Members Determination*.

The annual meeting attendance fee is full and final satisfaction of an elected member's meeting entitlements and no other claims can be made for attendance at meetings, with the exception that an elected member's expenses incurred for travelling to and from the meeting can be reimbursed in accordance with clause 3.1.5 of this policy or childcare expenses incurred can be reimbursed in accordance with clause 3.1.4 of this policy.

Meeting attendance fees will be paid monthly or quarterly in arrears. The fee will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or

quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim meeting attendance fees and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.3 Information and Communications Technology allowance

In accordance with the relevant *Local Government Elected Council Members Determination*, all elected members are eligible to claim an annual information and communications technology allowance the amount of which will be included in the Schedule. This allowance is to cover an elected member's costs in relation to the following equipment and services:

- Telephone rental charges;
- Any other expenses that relate to information and communications technology, for example telephone call charges and internet service provider fees, and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

The information and communications technology allowance will be paid monthly or quarterly in arrears. The allowance will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim the information and communications technology allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.4 Reimbursement of childcare expenses

In accordance with the *Local Government Act 1995* an elected member who incurs childcare expenses due to their attendance at a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. The extent to which the childcare expenses incurred will be reimbursed will be in accordance with the relevant *Local Government Elected Council Members Determination*. For the purposes of this section, the number of hours claimed shall be limited to the actual length of the meeting, with a nominal time allowance for partaking in refreshments and travel to and from the place of care.

3.1.5 Reimbursement of travel expenses

In accordance with the *Local Government Act 1995* an elected member who incurs expenses to travel to a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. Elected members can also be reimbursed for other types of travel in accordance with Regulation 32 of the *Local Government (Administration) Regulations 1996*. The extent to which travel expenses can be reimbursed is in accordance with the State Salaries and Allowances Tribunal. The following list represents the meetings and events at which the attendance of an elected member is required for which the elected member will be able to claim reimbursement in accordance with the State Salaries and Allowances Tribunal for incurring travel expenses.

- Council meetings - ordinary and special;
- Committee meetings of a formally constituted Council committee of which they are a member or a deputy member acting in the capacity of a member;
- Electors' meetings - annual general and special;
- Civic receptions hosted by the City of Busselton;
- Visits by Ministers of the Crown;
- Inspection tours of matters arising before the Council;
- Any City-convened meeting requiring elected member attendance, including briefing sessions, workshops and other forums;

- Elected member training courses ~~(if training course is held outside of the district, a City pool car should be used);~~
- Officially convened meetings with ratepayers;
- Attendance at community functions with a formal invitation as an elected member;
- Seminars and conferences attended in the capacity of an elected member;
- Meetings of community groups or other external organisations of which the elected member has been appointed the Council's representative by Council resolution (except where the other body pays the elected member for meeting attendance and/or travel eg ministerial appointment to State Advisory Boards).

When practicable a City-owned motor vehicle should be used in the first instance.

The reimbursement will be made available to the elected member on the receipt of a certified claim form and in accordance with the rates set out in the State Salaries and Allowances Tribunal. Nothing in this section prevents an elected member from utilising a City-owned motor vehicle for the types of travel approved under this section and this is encouraged where practical for the elected member's purposes.

Subject to the approval of the Chief Executive Officer, the elected member is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Where a City vehicle is utilised, the travel reimbursement or travel allowance cannot be claimed.

3.1.6 Reimbursement of expenses while away from home on sanctioned activities

Expenses incurred for conferences, training, seminars and similar occasions requiring an elected member to stay overnight away from their place of residence will be reimbursed to the elected member or paid directly by the City in accordance with the following guidelines.

Air travel and accommodation will be arranged and paid for by the City in consultation with the elected member and the key considerations will be cost effectiveness and for accommodation also proximity to the location at which the conference, training, seminar or similar occasion is being held.

While staying in the accommodation provided by the City for the purpose of enabling attendance at the approved conference, training or seminar, the expenses to be met by the City will be:

Expenses and Restrictions	Elected Member	Spouse
Laundry > 2 nights	Y	Y
Taxi fares or other public transport - only where these directly relate to the activity and no other transport is provided	Y	Y
Daily sustenance per day allowance in accordance with the <i>Public Service Award 1992 (1)</i>	Y	N
Specific conference related dinners/meals	Y	Y
(1) Limited authority exists (refer to Mayor for prior approval) to purchase alcohol for networking purposes in a similar manner to the way the Council offers community members an invitation to share a drink after a Council meeting.		

3.1.7 Reimbursement of other expenses

3.1.7.1 Reimbursement of hospitality expenses

Elected members may seek reimbursement of the reasonable costs of beverages or snack items provided during any meeting or networking opportunity that relates to City activities, subject to the provision of receipts to the CEO.

3.1.7.2 Corporate attire reimbursement

Each elected member is eligible to claim up to \$1,000 reimbursement for the purchase of corporate attire, which may include a brief case or travel case. Payment will be made on the production of receipts for clothing, shoes or a case, but will be limited to \$500 for the period November to April and a further \$500 for the period May to October.

3.2 Mayor

3.2.1 Mayoral allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Mayor is eligible for a Mayoral allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Mayor of the City of Busselton shall be paid an allowance within the Band established as set by Council when the annual budget is adopted, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Mayoral allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents the Mayor from changing their intention at any time.

3.2.2 Provision of a City-owned vehicle

The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Nothing in this section prevents the vehicle from being utilised in accordance with City fleet guidelines by other elected members or officers with the agreement of the Mayor.

The Mayor may also use the vehicle for private use for convenience or necessity on a cost recovery basis. Details of private use shall be recorded in a log book which shall be provided to the City on a quarterly basis.

The Mayor is permitted to use the vehicle for private use without further authorisation on the basis that the cost reimbursement is made to the City in one of the following ways:

- Calculation of the amount due and the quarterly members allowance payment be reduced accordingly; or
- Calculation of the amount due and an invoice be given to the Mayor for reimbursement.

The CEO and Mayor shall agree which of the two methods should apply. The mileage rate would be calculated at the rate determined by the State Salaries and Allowances Tribunal – which refers to the rate payable contained by reference to the decision of the Local Government Elected Council members Determination under the Salaries and Allowances Act 1975.

Unless Council approves otherwise, the mayoral vehicle may only be used for private purposes for travel within the State of WA.

3.3 Deputy Mayor

3.3.1 Deputy Mayor's allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Deputy Mayor may be paid a Deputy Mayor's allowance in accordance the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Deputy Mayor can be paid up to 25% of the Mayoral allowance. The Deputy Mayor of the City of Busselton shall be paid the maximum percentage of the Mayoral allowance of 25%, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Deputy Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Deputy Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Deputy Mayor's allowance and their preferred payment schedule. Nothing in the relevant legislation or this policy prevents the Deputy Mayor from changing their intention at any time.

The Deputy Mayor shall be permitted to use the City-owned vehicle provided to the Mayor during periods the Mayor is on leave and will have the same entitlements the Mayor has to use the City-owned vehicle for private use under the same conditions as set out in clause 3.2.2.

4. APPLICATION OF THE POLICY

Any request for reimbursement in accordance with the relevant clauses of this policy must be accompanied by an original supplier receipt or other relevant documentation.

Policy Background

Policy Reference No. - 001

Owner Unit – Governance

Originator – Director of Finance and Corporate Services

Policy approved by – Council

Date Approved – 27 August 2008

Review Frequency – As required

Related Documents –

Local Government Act 1995

Local Government Department Circular 9-2011

Local Government (Administration) Regulations 1996

Local Government Elected Council Members Determinations

Background/History - Initiated June 2008 to replace former policies:

054/1 - Councillors' Travelling Expenses;

055/1 - Attendance at Conferences, Training and Seminars;

193 - Communications Allowances - Councillors;

212/1 - Vehicle for Use by Shire President and Councillors;

226 - Laptop Computers - Councillors and Officers;

227 - Printer Consumables.

Last Policy Change

Council Resolution	Date	Information
		Adjustments of the Policy to reflect current practice and to allow the Mayor private use of vehicle.
C1608/200	10 August, 2016	Adjustments to state that fees and allowances to be determined in accordance with the relevant <i>Local Government Elected Council Members Determination</i> . Version 8

CARRIED 5/0**BY ABSOLUTE MAJORITY**

7. GENERAL DISCUSSION ITEMS

The Committee resolved to endorse the below meeting schedule for 2017.

MEETING DATE	TIME
Thursday, 16 February	9.30am
Thursday, 16 March	9.30am
Thursday, 20 April	9.30am
Thursday, 18 May	9.30am
Thursday, 15 June	9.30am
Thursday, 20 July	9.30am
Thursday, 17 August	9.30am
Thursday, 21 September	9.30am
Thursday, 19 October	9.30am
Thursday, 16 November	9.30am

8. NEXT MEETING DATE

Thursday, 16 February 2017

9. CLOSURE

The meeting closed at 11.01am.

THESE MINUTES CONSISTING OF PAGES 1 TO 33 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON THURSDAY, 16 FEBRUARY 2017.

DATE: _____ PRESIDING MEMBER: _____