ordinary meeting late supplementary business paper

date of meeting: 13 July 2021

location: by audio-visual link
time: 6:30 p.m.



mission statement

Hawkesbury City Council leading and working with our community to create a healthy and resilient future.

Hawkesbury City Council



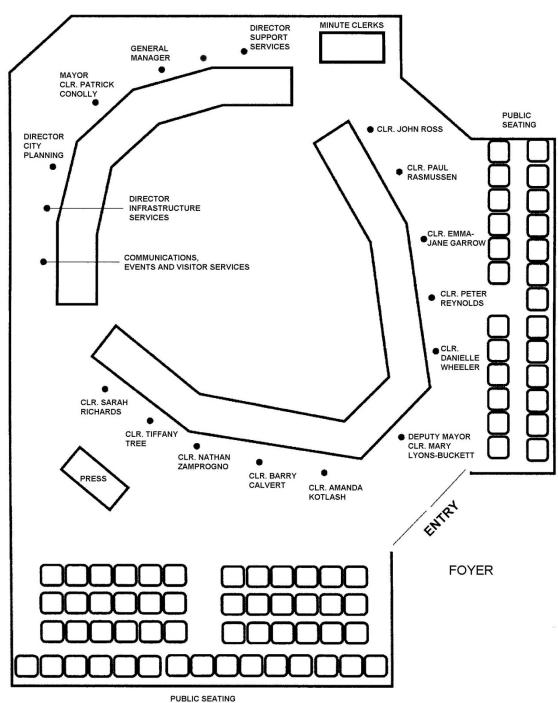


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SUPPORT SERVICES

Item: 133 SS - Review of Payment of Expenses and Provision of Facilities to Councillors

Policy - (95496)

Previous Item: 113, Ordinary (29 June 2021)

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to:

- Advise of errors contained in Attachment 1 to the report in the Business Paper on Review of Payment if Expenses and Provision of Facilities to Councillors Policy.
- Provide an amended Draft Policy for consideration and seek endorsement for it to be placed on public exhibition.

EXECUTIVE SUMMARY:

The Business Paper for Council's Ordinary Meeting on 13 July 2013 includes a report on the Review of Council's Payment of Expenses and Provision of Facilities to Councillors Policy.

At its meeting on 15 June 2021 Council resolved to review its current policy and prepare a Draft Policy to be placed on public exhibition, taking into consideration a number of issues.

The Draft Policy is based substantially on the suggested template for the Model Expenses and Facilities Policy published by the Office of Local Government.

The Draft Policy contains content from the template that was inadvertently included there is also some content from Council's Policy that was mistakenly not carried across. The Draft Policy also contains some formatting errors.

It is recommended that the Draft Policy be amended, attached as Attachment 1 to this report, and be placed on public exhibition.

RECOMMENDATION:

That the amended Draft Payment of Expenses and Provision of Facilities to Councillors Policy, included as Attachment 1 to this report, be placed on public exhibition for a period of at least 28 days, and that the matter be reported back to Council at the conclusion of the exhibition period, along with any submissions received.

BACKGROUND

At its Meeting on 15 June 2021 Council considered a Notice of Motion in relation to a review of its current policy concerning payment of expenses and provision of facilities to Councillors.

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It was resolved to review the current policy and prepare a draft for public exhibition, in accordance with the Local Government Act 1993.

A Draft Policy was prepared taking into account those matters referred to in Council's resolution.

DISCUSSION

As part of updating and reviewing the current policy and transitioning content to the template suggested by the Office of Local Government, it was inadvertently overlooked that some provisions in the template remained unchanged when that was not the intention, or clauses from the current Policy were not carried across. This occurred in relation to the following:

Provisions concerning overseas and interstate travel. The Draft policy refers to provisions from the template but also attaches Annexure A to Council's current policy, which is Council's current Interstate and Overseas Travel Policy. It was intended to include the provisions of the current policy including the reference to Annexure A.

- Provision concerning Christmas cards and presentation gifts for use by the Mayor
- Provision concerning Christmas cards for use by Councillors
- Provision concerning secretarial services for the use by Councillors.
- Provisions concerning Private use of equipment and facilities, and use of Council's resources for political purposes.
- Part of Clause 11.1 and Clauses 11.2 and 11.3 of the Draft Policy concerning the provision of a motor vehicle for the Mayor.

Council's current policy provides at Clause 2(a)(ii) that the Mayor be provided with:

A fully maintained and fuelled motor vehicle, being up to the value of the applicable Australian Taxation Office's Luxury Car Tax Thresholds, for all official and personal use.

The template contains provisions, reflected in Clauses 11.1-11.3 of the Draft Policy, concerning the use of the vehicle provided to the Mayor. These include the requirement to keep a log book, the inclusion of travel for private benefit, and a mechanism for reconciling private travel against the Mayoral allowance.

These provisions from the template were not intended to be included in the Draft Policy. They were included inadvertently as part of the process of moving content into the template.

In its resolution of 15 June 2021 Council did not seek to have the provisions refereed to reviewed. In addition, the provisions from the template concerning the use by the Mayor of a motor vehicle which are contained in the Draft Policy do not reflect Council's current practices under its policy adopted in 2016, nor are they consistent with current practice at other Councils.

There are also some formatting errors in the Draft Policy which have been amended.

COMMUNITY ENGAGEMENT

Section 253 of the Act details the requirements to be complied with prior to a Policy regarding Payment of Expenses and the Provision of Facilities to Councillors being adopted or amended, and is in the following terms:

"(1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.

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- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submission and make any appropriate changes to the draft policy or amendment.
- (3) Despite subsection (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.
- (4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:
 - (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and
 - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and
 - (c) a copy of the notice given under subsection (1).
- (5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252(1) even if the council proposes to adopt a policy that is the same as its existing policy."

Subject to Council's approval, the amended Draft Policy will be placed on public exhibition in accordance with the requirements detailed above.

The exhibition of the amended Draft Policy will be advertised through:

- Council's website
- Social Media
- YourHawkesbury-YourSay

Submissions can be made in writing or through YourHawkesbury-YourSay.

Following this period, a summation of any submissions received will be presented to a Council Meeting.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The proposal is consistent with the Focus Area and Direction within the CSP.

Our Leadership

- 1.1 Local Leadership and effective governance Provide representative, responsive and accountable governance.
- 1.6 Corporate Services Support the operation of the organisation through the provision of effective and efficient corporate support services.

FINANCIAL IMPACT

Financial implications arising from the payment of expenses and provision of facilities to Councillors, as detailed in the Policy, as proposed, are applicable and are provided for in the Adopted 2021/2022 Operational Plan.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications, outside of Council's adopted Long Term Financial Plan.

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ATTACHMENTS:

AT - 1 Amended Draft Payment of Expenses and Provision of Facilities to Councillors Policy - (Distributed Under Separate Cover).

000O END OF REPORT O000



ordinary meeting

end of late supplementary business paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.