



G 1.5 INDUCTION FOR COUNCILLORS

Policy Objective:

To set out guidelines for the induction of newly elected members to the Shire of York Council.

Policy Scope:

This policy applies to Elected Members of the Shire of York and to employees of Council providing resources and information into the Induction process.

Policy Statement:

Introduction

It is essential to the effective operation of Council decision-making and Council business that elected members are provided with a clear understanding of their role and responsibilities when first elected to council. It is also important that they understand key processes and deliverables required by statute, especially as with each new Council there will be a requirement to review strategic direction and key long term planning documents.

It is also important that returning members have their understanding refreshed and they are aware of any changes to statutory requirements, organisational direction and issues arising. It is equally important that new and returning members are provided with the same information.

Key to this is the induction process which should be provided for each new Council and/or Councillors, elected or appointed to fill extraordinary vacancies when they arise. This is in addition to any program developed under the Professional Development Policy (G1.2).

Principles

- (a) An accessible, informative induction program is essential to Councillors being able to understand their roles and to be able to move quickly and easily into their governance responsibilities after being elected to Council.
- (b) Sitting councillors will support newly elected councillors by participating in the induction process.

Provisions

- 1.1 The Chief Executive Officer (CEO) will prepare an induction program for Councillors which will commence immediately after an election and will be completed no later than three months after the election date.

- 1.2 The CEO will consult with the President of the Shire of York in the preparation of the program.
- 1.3 The induction program is to include, but not be limited to, the matters set out in Appendix 1.

Key Terms/Definitions

Not applicable

Policy Administration	
Responsible Directorate/Division:	Chief Executive
Contact Officer Position:	
Relevant Delegation:	
Date Adopted:	22 February 2016
Reviews/Amendments	

Appendix 1:Subjects to be covered in Induction

1. Elected Members' Responsibilities
 - Governance framework
 - Decision-making process
 - Rules of conduct
 - Financial interests
 - Declaration of Interests

2. Elected Members Support
 - Entitlements and support
 - Training and Development
 - Record Keeping Responsibilities

3. Meeting Procedures and Protocols
 - Role of Presiding Members & CEO at meetings
 - Standing Orders
 - Local Government Act
 - Tips on effective meetings

4. Decision-making Framework
 - Roles of Committees (Internal and External)
 - Roles of Elected Members on committees, boards etc
 - Nomination Process

5. Strategic and Corporate Planning
 - Integrated Planning and Reporting Framework
 - Strategic Community Plan
 - Other major strategic documents
 - Roles and responsibilities of Elected Members, CEO and the organisation in Strategic Planning
 - Community consultation and engagement

6. Financial Management and Budgets
 - General financial management principles
 - Long Term Financial Plan
 - Annual Budget Process
 - Financial reporting and Audit
 - Asset management Framework
 - Capital Works Program

7. Professional Risk and Liability of an Elected Member

8. Land Use Planning
 - Planning Principles
 - Statutory Framework and roles of State and Local Government
 - Critical steps in the planning process
 - District Planning Scheme/Local Planning Strategy
 - State Administrative Tribunal
 - Development Assessment Panels



G 1.6 PROVISION OF GOVERNANCE SERVICES

Policy Objective:

This policy provides Councillors with clarity about what direct governance support services they can expect to receive from the Shire of York administration, and direction to the administration as to what must be provided.

Policy Scope:

This policy applies to all Councillors and to the Shire of York administration.

Policy Statement:

Introduction

It is essential to the effective operation of Council decision-making and the wider democratic process that Councillors are provided with a range of services which assist them to communicate with residents and ratepayers. It is also important in their roles as delegates to external organisations that they can discuss matters and receive advice where needed.

This policy identifies those governance services which will be provided as a matter of course to Shire of York councillors. This policy should be read in conjunction with the Council Delegates: Roles and Responsibilities Policy (G 1.4) and the Councillors: Code of Conduct (G1.1)

Principles

- (a) Councillors need to be able to communicate easily and efficiently with residents and ratepayers, between themselves and with the Shire of York administration in order to effectively discharge their governance role and responsibilities.
- (b) Councillors need to have access to advice and support in relation to any position they may hold as a Council delegate.

Provisions

- 1.1 The Chief Executive Officer (CEO) will ensure that the following governance services will be made available to Councillors:
 - assistance with responses to complex resident and ratepayer enquiries
 - support for delegates (e.g. advice/ discussion in preparation for meetings)
 - IT support services
 - assistance with filling out any forms relevant to their role as Councillor.

- 1.2 In seeking support for responses to residents and ratepayers, a Councillor will discuss the matter with the Shire President to identify whether the matter requires support. The Shire President will liaise with the Chief Executive Officer to identify the nature of support to be provided.
- 1.3 Where relevant phone and IT hardware, along with associated software, will be funded from the governance communications budget. While particular Councillor circumstances will be taken into account (e.g. allowing for disability), procurement will be undertaken by the organisation.

Key Terms/Definitions

Not applicable

Policy Administration	
Responsible Directorate/Division:	Chief Executive Officer
Contact Officer Position:	
Relevant Delegation:	
Date Adopted:	22 February 2016
Reviews/Amendments	



G 1.11 ORGANISATION STRUCTURE AND DESIGNATION OF SENIOR EMPLOYEES

Policy Objective:

To set out the process for Council to discharge its responsibilities in relation to the organisation and senior employees under the Local Government Act 1995 (LG Act).

Policy Scope:

This policy applies to the discharge of responsibilities by the Council and the Chief Executive Officer under the Local Government Act 1995 Sections 5.2 and 5.37-5.39.

Policy Statement:

Introduction

Section 5.2 of the Local Government Act requires the Shire of York Council to ensure that there is an appropriate structure for administering the local government.

Section 5.37 provides that the Council may designate selected employees or classes of employees as 'senior employees' under the LG Act. This then has the effect of requiring the Chief Executive Officer (CEO) to inform the Council of a proposal to appoint to such a position or to terminate the employment of a person occupying this position. The Council may reject or accept the CEO's proposal but if the Council rejects a recommendation it must provide reasons to the Chief Executive Officer for doing so.

This policy sets out the process to be followed in order for Council to be informed of organisation structure and to determine how it wishes to proceed in relation to designation of senior employees.

Principles

- (a) The Council has a clear process available to it for the discharge of its responsibilities under Section 5.2 and 5.37 of the Local Government Act 1995.
- (b) Any designation of a position as a 'senior employee' will be by resolution of Council after receipt of a formal report and recommendations by the CEO.

Provisions

1. Organisation Structure

- 1.1 The organisation structure will be set out on the Workforce Plan which will be presented to Council for its information. The Workforce Plan will be reviewed on a two-year cycle as provided for in the Local Government Act regulations.

2. Senior Employees

- 2.1 The CEO will provide a report with recommendations to Council on the designation of positions as a 'Senior Employee' under S 5.37 (1) of the Local Government Act in the following circumstances:
- (a) when a position designated as a 'Senior Employee' becomes vacant;
 - (b) within one month of the completion of any organisation restructure involving a restructure of second tier positions and/ or responsibilities;
 - (c) in any other circumstance where the Chief Executive Officer considers it necessary for the Council to consider the matter.
- 2.2 The CEO is responsible for fulfilling the Shire's obligations for the management of senior employees as follows:
- (a) provide a recommendation to the Council to employ, dismiss, or create a new Senior Employee position (LG Act s 37.(2));
 - (b) review the performance of each senior employee on an annual basis (LG Act S5.38); and
 - (c) make determinations to exercise contract renewal options or re-negotiate existing employment contracts in accordance with the LG Act s 5.37.
- 2.3 Appointment of a person to a designated senior employee position on a temporary or acting basis will be in accordance with LG Act s 5.39 (1a).

Key Terms/Definitions

Not applicable.

Policy Administration

Responsible Directorate/Division: Chief Executive Officer

Contact Officer Position:

Relevant Delegation:

Relevant Legislation

Date Adopted: 22 February 2016

Reviews/Amendments



G 1.12 CIVIC FUNCTIONS AND HOSPITALITY

Policy Objective:

This policy is intended to ensure that civic functions and hospitality is provided in an appropriate and consistent manner.

Policy Scope:

This policy applies to all civic functions and hospitality provided by the Shire of York. This policy does not relate to events supported by the Council through its funding of community group activities or via its economic development funding.

Policy Statement:

Introduction

From time to time there will be circumstances where the Council wishes to provide hospitality or hold a function. For example, it may relate to the conferring of the Freeman of the Shire, meeting a delegation to the Shire, or hosting a Western Australian or Federal Minister. It is a formal event and as such is intended to convey the significance of the matter at hand.

It is important that such hospitality is undertaken to a consistent standard and follows a clear process.

Principles

- (a) A civic event or function is a mechanism available to the Council to convey the importance and significance of a matter to the community.
- (b) Funding and resources used to support an event should be effectively used and appropriate to purpose.

Provisions

1 General

- 1.1 The Shire President, in discussion with the Councillors, and in conjunction with the Chief Executive Officer (CEO) shall have discretion to identify whether a civic reception is to be held, when it will be held and who shall be invited.

- 1.2 The Shire President may host functions and receptions with light refreshments for visiting dignitaries, local residents who are recipients of awards or prizes from the Shire, exchange students, visitors and delegations from other local authorities from Australia and overseas. The invitation list shall be at their discretion.
- 1.3 The Chief Executive Officer is authorised under delegated authority to approve civic functions, ceremonies, receptions, provision of hospitality and the use of the Administration and Town Hall, subject to compliance with this Policy.
- 1.4 Provision of catering for a function will be according to guidelines attached at Appendix 1.
- 1.5 Catering will be procured from local suppliers and a contestable process shall be undertaken to select a provider on a six monthly basis.

2 Specific Functions

- 2.1 The Council will hold an Australia Day event and provide associated hospitality on an annual basis. The event will be funded via a specific provision in the Annual Budget.
- 2.2 The Council will support the RSL in its holding of the ANZAC Day event. The support will be funded via a specific provision in the Annual Budget.

Key Terms/Definitions

Not applicable

Policy Administration

Responsible Directorate/Division: Chief Executive Officer

Contact Officer Position:

Relevant Delegation:

Date Adopted: 22 February 2016

Reviews/Amendments



G 2.5 REFERENCE GROUPS

Policy Objective:

To identify parameters for the establishment and operation of Reference Groups.

Policy Scope:

This policy applies to all groups Council may establish to provide information and advice.

Policy Statement:

Introduction

From time to time, the Council may wish to establish groups made up of stakeholders or community members to provide information and advice to assist Council decision-making. This mechanism may be used as a general consultation tool, or it may relate to a particular issue or matter.

It is important that the role of any such group is clearly understood by the wider community, that any potential members are aware of and understand their role, the process for establishment is open and transparent, and that there is a regular process for review.

This policy sets out the principles to be applied, the process for establishment, the general way in which groups should operate and the mechanism for review.

Principles

Reference Groups:

- (a) Are not Committees established under Section 5.8 of the Local Government Act 1995.
- (b) Provide a valuable mechanism for Council to gain information which may be of use in decision-making.
- (c) Cannot hold delegated Council powers
- (d) May, depending on their individual Terms of Reference, make recommendations to the Council on a relevant matter.

Provisions

1. Establishment

- 1.1. Reference Groups may only be established by resolution of Council, on receiving a report from the Chief Executive Officer which sets out the reasons for establishing the Group and provides a draft Terms of Reference.
- 1.2. A Reference Group may be established to:
 - facilitate stakeholder and/or community input and involvement opportunities
 - to provide advice; and
 - support the Shire in regard to strategic, program or project activities.
- 1.3. The Terms of Reference must provide for the following:
 - a statement of objectives and the scope of activity to be undertaken
 - an outline of membership/ stakeholder representation
 - the operational and administrative framework by which activities are to occur.
- 1.4. There will always be one Shire of York Councillor appointed to a Reference Group, who will conduct themselves according to the Council Delegates: Role and Responsibilities Policy (G 1.4).

2. Membership

- 2.1 Membership of a Reference Group is to be determined by the Council on the basis of relevance to the purpose for which the group has been established.
- 2.2 Where the Reference Group includes representatives to stakeholder organisations, the Council shall seek written nominations from the organisations.
- 2.3 Where Reference Group membership includes representatives to be drawn from the community, the Council shall publicly advertise and call for nominations received within a defined period. Members are to be appointed by the Council on the basis of demonstrated knowledge, skills and/or understanding relevant to the purpose for which the Group was established.
- 2.4 The term of membership is to align with the local government election cycle, with membership expiring at the next ordinary local government election. If a Group's operations are likely to conclude within a period that does not exceed 12 months following the next ordinary local government elections the existing membership shall continue for that period. However, the Council's delegate shall be reappointed following the ordinary local government election.
- 2.5 Should a position on the Reference Group fall vacant, any new membership will be approved via a Council resolution after, where relevant, calling for nominations.

3. Tenure of Appointment

- 3.1. The Reference Group membership is normally for a period of two years. Membership of a Reference Group terminates when an Ordinary Local government election occurs every two years in October. Members may subsequently be re-appointed (i.e. there is no maximum period of membership).

- 3.2. If a member fails to attend three consecutive meetings his or her membership will be automatically terminated, unless Leave of Absence has been approved by the Reference Group.
- 3.3. The Council may terminate the appointment of any member prior to the expiry of his or her term, if:
 - (a) any member is found to be in breach of the principles of the Shire of York Councillors Code of Conduct (G 1.1);
 - (b) a member's conduct, action or comments brings the Shire of York into disrepute.

4. Operation

- 4.1 A Reference Group will only consider matters as set out in its Terms of Reference, or referred to it from time to time by the Council.
- 4.2 A Reference Group has no decision-making powers and does not have any authority to act on behalf of the Shire. A Group cannot direct Shire employees, call tenders, award contracts, expend monies, direct volunteers or do anything which is the responsibility of employees of the Shire.
- 4.3 The principles of the Councillors Code of Conduct (G 1.1) shall apply to the conduct of members of any Reference Group as it relates to the matters dealt with by the Reference Group.
- 4.4 Reference Group members, either collectively or individually, are not authorised to speak on behalf of Council, or to provide comment to the media or other persons in respect of any item under consideration, unless authorised by the Chief Executive Officer.
- 4.5 A Chair shall be identified by the Council at time of approving a Group's establishment. The Chair shall manage the meetings and liaise where necessary with Shire of York staff and the Council.
- 4.6 Reference Group meetings will be conducted in an informal manner providing opportunity for ideas to be raised and for general discussion. Members of the Reference Group must disclose any conflicts of interest in relation to any matter under discussion.
- 4.7 Records of meetings are to be kept and all records retained in the Shire's record keeping systems.
- 4.8 The Reference Group will approve by a resolution of the Group, any formal advice to be provided to the Council. The advice will be conveyed to the Council via a report to the Council by the sitting Councillor on the Reference Group. The Chair of the Reference Group, or a nominee, will have the ability to speak to the advice to Council at the relevant Council meeting and to answer any questions raised. They will not participate in debate or discussion.

5. Reference Group Support

- 5.1. A senior manager will be appointed to liaise with the Reference Group and in particular the Chair. The manager will attend meetings and will ensure the provision of secretarial support for the meetings (recording of minutes, organisation of venues and meeting notices).
- 5.2. Where necessary, the appointed manager will work with the Chair to prepare reports to Council.

6. Review Process

- 6.1. As a minimum requirement, the Council will review all Reference Groups on a two year cycle, within three months of an ordinary local government election, to determine whether they should continue and if so, whether the Terms of Reference should be modified. A report will be prepared for Council, including recommendations in relation to the future direction of any Group.

Key Terms/Definitions

Policy Administration	
Responsible Directorate/Division:	Chief Executive Officer
Contact Officer Position:	Deputy Chief Executive Officer
Relevant Legislation:	
Relevant Delegation:	22 February 2016
Date Adopted:	
Reviews/Amendments	



G 2.10 STATE ADMINISTRATIVE TRIBUNAL

Policy Objective:

To prescribe procedures for the Shire's administration in relation to dealing with matters before the State Administrative Tribunal (SAT).

Policy Scope:

This policy relates to all matters appealed to the State Administrative Tribunal.

Policy Statement:

Introduction

The State Administrative Tribunal is the primary place for the review of decisions made by Government agencies, public officials and local governments. It is important that there are clear processes and procedures set out for informing the Council of any appeal and for determining the most appropriate manner to deal with the matters raised.

Principles

- (a) All matters before the SAT are dealt with in a timely manner
- (b) The persons identified to appear before the Tribunal are appropriate to the matter under review.

Provisions

- 1.1 The Chief Executive Officer is authorised to determine the most appropriate manner to deal with matters relating to the State Administrative Tribunal.
- 1.2 In the first instance, the Shire's senior staff (in conjunction with qualified Town Planning consultants or legal advisors, if required) will defend Council decisions in the State Administrative Tribunal. The Chief Executive Officer may engage the services of a qualified professional (agent) to represent the Shire in the subject SAT Review application.
- 1.3 Where a decision of Council has been appealed a confidential report will be submitted to the Council. The report will include the Shire's response and appropriate conditions (where required by the SAT).

- 1.4 Where the SAT has directed the Council in a matter and requires a response and such response closing date does not allow for sufficient time for the Shire's Administration to prior report to the Council, the CEO is authorised to reply to the SAT with appropriate conditions.
- 1.5 The Shire's draft response will be circulated to all Councillors for comment before replying to the SAT and will include details relating to the timeframe and closing date for comments. Councillors' comments will be included, wherever appropriate, in the City's response/submission to the SAT.

Key Terms/Definitions

Policy Administration	
Responsible Directorate/Division:	Chief Executive Officer
Contact Officer Position:	Relevant Senior Manager
Relevant Delegation:	
Date Adopted:	
Reviews/Amendments	



G 4.1 INTEGRATED PLANNING AND REPORTING: (PLANNING)

Policy Objective:

To set out the Shire of York's broad approach to implementing the Integrated Planning and Reporting Framework (IPR) as it relates to forward planning and budgets.

Policy Scope:

This policy applies to the development of the component plans and documents of the IPR Framework and subsequent reporting against the provisions.

Policy Statement:

Introduction

The Local Government Act 1995 (the Act) section 1.3(3) states that 'in carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity'. It also requires the Council to plan for the future (s5.56) and comply with any regulations which set out how this will be done.

It is important that this Framework is implemented in a positive way which helps the Council develop direction and solutions in a structured and transparent way. This policy sets out the key parameters which will be used.

This policy should be read in conjunction with the Financial Planning and Sustainability Policy (G4.3), the Asset Management Policy (G4.5) the Risk Assessment Policy (G 4.6), the Community Engagement and Consultation Policy (G2.9) and the Workforce and Human Resources Policy (G1.10).

Principles

- (a) Integration of strategic, financial and operational decisions lies at the heart of the IPR processes.
- (b) Decisions are made with consideration to the Shire's long term financial sustainability.
- (c) There is a high level of alignment and integration between the Shire's various plans including the Long Term Financial Plan, Strategic Community Plan, Corporate Business Plan, Asset Management Plans and Workforce Plan.
- (d) The Annual Budget is prepared using the agreed Long Term Financial Plan as its base.

- (e) Formal consultation is undertaken on all components of the IPR Framework prior to making final decisions to adopt.

Provisions

1. The Strategic Community Plan (SCP)

- 1.1 In conjunction with general processes used to explore the range of potential futures sought by the community, the focus of early stage engagement will be on developing:
- an understanding and description of the community's desired levels of service;
 - helping people understand cost impacts;
 - developing action scenarios for discussion;
 - identifying community priorities for strategic direction and Council investment in that future.
- 1.2 In developing the SCP the Council will aspire to a working target of achieving the Intermediate Standard as set out in the Department of Local Government and Communities Integrated Planning and Reporting Advisory Standard.

2. Corporate Business Plan (CBP)

- 2.1 The Corporate Business Plan will be fully reviewed every four years and reviewed and updated annually. It will reflect the first four years of the LTFP.
- 2.2 The Corporate Business Plan is the key mechanism for achieving integration of desired strategic direction and allocation of Shire resources to achieve the desired future. The Corporate Business Plan develops and integrates matters relating to resources, including asset management, workforce planning and long-term financial planning. The CBP will be structured in a way that provides the community with easily understood information about priorities, delivery and financial impacts of key service areas relative to the strategic direction.

3. Annual Budget

- 3.1 The development of the Annual Budget is driven by the Corporate Business Plan which also drives the LTFP so that the Annual Budget reflects year one of the CBP and the LTFP. Any variation between the Annual Budget and CBP should be explained and addressed in the review of the CBP.
- 3.2 Council has the ability to raise revenue through the adoption of fees and charges for services and facilities. Fees and charges should be reviewed on an annual basis, in conjunction with the preparation of the Annual Budget. In determining its fees and charges, the Shire will take into account user capacity to pay.
- 3.3 One month's formal consultation should take place prior to the Council considering adoption of the Annual Budget. Consultation outputs should be formally reported to the Council as part of its final deliberations.
- 3.4 The Annual Budget should be ready for consideration for adoption by Council in June, the month prior to the financial year which the Annual Budget relates.

4. Input Documents: Long Term Financial Plan

SHIRE OF YORK: POLICY MANUAL

- 4.1 The Shire of York's Long Term Financial Plan (LTFP) is an important part of Council's Integrated Planning and Reporting Framework. It will be reviewed prior to the commencement of Annual Budget preparation, with a full formal review being undertaken in line with the review of the Strategic Community Plan. Outcomes from that annual review will be formally reported as part of the Annual Budget process.
- 4.2 The LTFP will be structured where possible to show links with the SCP direction.
- 4.3 To retain alignment with the Corporate Business Plan, the LTFP will be reviewed on an iterative basis every year and will be made available for consultation alongside the Annual Budget and CBP.
- 4.4 In preparing the LTFP at the time of the four year review cycle, the following analysis shall be identified:
 - expenditure required to maintain existing services to residents, including expenditure needed to maintain identified assets in a condition that will sustain existing service levels to its residents;
 - mechanisms to improve the Shire of York's capacity to fund recurrent operations;
 - a target to achieve a positive net operating ratio over the life of the Plan.
 - options for increasing revenue opportunities;
 - new services and infrastructure options, and impacts on affordability;
 - a ratepayer affordability impact statement.
- 4.5 The LTFP will be regularly updated to reflect the Council's final decisions in relation to delivery of the SCP, adjustments to the Corporate Business Plan and Annual Budgets.
- 4.6 Where the LTFP departs from the level of funding identified in the relevant Asset Management Plans as being necessary to maintain levels of service and/or asset condition and life in the short or long term, this shall be explicitly noted. Impacts on levels of service will be outlined and the program for returning to desired funding levels identified.
- 4.7 Borrowings are not to be used to fund ongoing operational expenditure.
- 4.8 The Shire is permitted to establish Cash Reserve accounts as per section 6.11 of the LG Act. Interest earned on the cash balance of the Reserves will be set aside to the individual Reserve accounts to assist in maintaining their real value.
- 4.9 The Shire will use various Cash Reserves as a means to save and quarantine funds for a future purpose, smooth peaks and troughs in funding requirements and to temporarily retain any surpluses or grant funding.
- 4.10 The Shire will prudently manage its Cash Reserves to ensure that appropriate levels of funds are maintained to meet future commitments.
- 4.11 Cash Reserves will be fully reported to Council during any review of relevant projects and programs, including reviews under the Integrated Planning and Reporting requirements and the Annual Budget process.

5. Input Documents: Workforce Plan

- 5.1 The Workforce Plan will be developed with the intent of finding innovative ways to deal with issues facing the Shire of York in terms of recruitment and retention of staff. This shall include:
- (a) regard for implementing the provisions of the Human Resources and Workforce Policy (G 1.10);
 - (b) active and on-going consideration of opportunities for local resource sharing; and
 - (c) development of partnerships with relevant organisations and agencies.
- 5.2 The Workforce Plan will be reviewed in the year prior to any IPR review and subsequently adjusted where necessary after completion of the IPR review.
- 5.3 The Workforce Plan will be made available as an information document during any formal IPR consultation processes.

6. Input Documents: Asset Management Plans

- 6.1 Asset Management Plans (see also Policy G 4.5) will provide a primary input into the development of the IPR framework by:
- (a) identifying key community levels of service requirements, translating these into technical levels of service and providing associated costs over the long term;
 - (b) giving effect to the Asset Management Improvement Strategy.
- 6.2 The Asset Management Plans will be reviewed in the year prior to any IPR review and subsequently adjusted where necessary after completion of the IPR review.
- 6.3 The Asset Management Plans will be made available as information documents during any formal IPR consultation processes.

7. Input Documents: Other Strategies

- 7.1 Where the Council has adopted strategic documents which guide long-term direction for the Shire, these will be summarised as input into Council deliberations. They will also be made available as information documents during any IPR consultation

8. Other Documents

- 8.1 The Council will prepare a list of major capital projects which it proposes to undertake over a ten year period. Where the projects have been identified as required under the Asset Management Planning process this will be indicated. This list will be used as an input into the IPR process and will be adjusted to take account of any final decisions.

9. Project Planning and Budgeting

- 9.1 In budgeting projects there must be confidence in being able to deliver in the year indicated. Where a significant capital project is being undertaken, there will be a three part staging process of feasibility review, design and implementation. Feasibility review and design should be provided for in the 1-2 years prior to implementation (i.e. not in the same year as proposed implementation).
- 9.2 Where a project is dependent on external funding to proceed this will be made clear in relevant IPR documents.
- 9.3 The Council will make clear which projects it supports but will not proceed with until funding is secured.
- 9.4 Where a significant project is desired and funding is to be actively sought, the Council will prepare first stage feasibility and design stages in preparation for seeking funding but will not proceed further until funding for actual construction has been achieved. Funding may be sought for feasibility and design stages for those projects that have been identified in the IPR process as being both desired and consistent with strategic direction.

Key Terms/Definitions

Not Applicable

Policy Administration

Responsible Directorate/Division: Chief Executive Officer

Contact Officer Position:

Relevant Delegation:

Relevant Legislation:

Relevant Documents:

Date Adopted: 22 February 2016

Reviews/Amendments



G 4.2 INTEGRATED PLANNING AND REPORTING: (REPORTING)

Policy Objective:

To set out a process for identifying the reporting program to the Shire of York Council.

Policy Scope:

This policy applies to all aspects of the Shire's operations.

Policy Statement:

Introduction

The Shire of York operates under a range of statutes, many of which set out reporting requirements to key agencies. In addition to any content, the Council will be interested in compliance performance. Some specify minimum internal reporting requirement to the Council, primarily around financial management. In addition, a number of policies adopted by Council require reporting to the Council on a regular basis. Finally, the Council may identify major projects or areas of activity where it wishes to be informed on progress, risks, actual against planned expenditure. The identification of the latter will be driven by the perceived significance of the project to the community, the size of the budget involved and/ or the risk environment.

It is important that the Council is informed on progress on a range of matters in a structured and timely way. It is also important that this reporting programme is consistent with the capacity of the organisation to deliver information.

This policy provides a mechanism for the Council to regularly review what is being reported to it and make decisions on the programme in a structured way. This reporting process would also assist in keeping the community informed on progress.

Principles

- (a) Reporting on external compliance requirements, on internal monitoring requirements and progress of programs and projects is an essential tool in the Council being satisfied that delivery is occurring in a timely and consistent manner.
- (b) The extent of reporting and the regularity of reporting will be determined in part by the capacity of the organisation to deliver the programme. The focus will be on matters which are perceived as of major significance to the community, the size of the budget involved and/ or the risk environment

Provisions

1. General

- 1.1 The Chief Executive will on an annual basis prepare a report to the Council setting out the following:
- external compliance reporting requirements;
 - statutory requirements for reporting to Council;
 - policy driven reporting requirements;
 - potential significant projects which the Council may wish to have a regular formal update on progress, risks and issues;
 - a recommended regular reporting period for each area, program or project (e.g. monthly, quarterly, six monthly or annually);
 - an indication of organisational capacity to deliver. .
- 1.2 The Council will identify the nature and regularity of reporting required for each area/ category, program or project.
- 1.3 Irrespective of decisions made under Clause 1.2 the Council will be provided with a summary of the Council's compliance reporting to external agencies on an annual basis.

Key Terms/Definitions

Not Applicable

Policy Administration

Responsible Directorate/Division: Chief Executive Officer

Contact Officer Position:

Relevant Delegation: Not Applicable

Relevant Legislation:

Relevant Documents:

Date Adopted: 22 February 2016

Reviews/Amendments



G4.3 FINANCIAL PLANNING AND SUSTAINABILITY

Policy Objective:

To ensure prudent financial management of the Shire, now and in to the future, by providing parameters for the development of the Long Term Financial Plan and Annual Budget.

Policy Scope:

This Policy applies to all the Shire's operations where there are budgetary implications.

Policy Statement:

Introduction

The Local Government Act 1995 (the Act) section 1.3(3) states that 'in carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity'.

In order for the Shire to be financially sustainable it needs to fund ongoing service delivery and the replacement of assets without imposing excessive debt or rate increases on future generations.

This policy should be read in conjunction with the Integrated Planning and Reporting: (Planning) Policy (G 4.1) and the External Grants: Procurement and Priorities Policy (G 4.4).

Principles

- (a) There is an on-going focus on identifying cost savings, efficiency gains, revenue generation opportunities, and opportunities for new modes of service delivery.
- (b) The financial position of the Shire is sustainable in the long term.

Provisions

1. General

- 1.1 The Shire must plan for a fully funded operational position (balanced budget). That is, it must collect sufficient revenue to fund operational expenditure, depreciation and interest on borrowings.
- 1.2 The Shire must maintain sufficient cash reserves to meet its short-term working capital requirements.

- 1.3 The Shire must have a fully funded Capital Infrastructure Program, where each source of funding is identified and secured. The Capital Infrastructure Program is for both capital renewal and new projects.
- 1.4 In a situation of limited funding, priority will be given to funding required renewals rather than new projects.
- 1.5 The Shire must maintain its asset base, through the renewal of aging infrastructure and build on its cash reserves to fund future works.
- 1.6 The Shire must operate without imposing excessive debt or rate increases on future generations and balance the importance of the rate revenue as a funding source with community capacity and sensitivity to increases.

2. The Long Term Financial Plan

- 2.1 In preparing the Long Term Financial Plan, the following analysis shall be identified.
 - expenditure required to maintain existing services to residents, including expenditure needed to maintain identified assets in a condition that will sustain existing service levels to its residents
 - mechanisms to improve the Shire of York's capacity to fund recurrent operations
 - a target to achieve a positive net operating ratio over the life of the Plan.
 - options for increasing revenue opportunities.
 - new services and infrastructure options, and impacts on affordability;
 - ratepayer affordability via an affordability impact statement.
- 2.2 Borrowings are not to be used to fund ongoing operations.
- 2.3 The Shire is permitted to establish financial Reserve accounts as per section 6.11 of the Act. Interest earned on the cash balance of the Reserves will be set aside to the individual Reserve accounts to assist in maintaining their real value.
- 2.4 The Shire will use various financial reserves as a means to save and quarantine funds for a future purpose, smooth peaks and troughs in funding requirements and to temporarily retain any surpluses or grant funding.
- 2.5 The Shire will prudently manage its cash reserves to ensure that appropriate levels of funds are maintained to meet future commitments.

3. Annual Budget

- 3.1 Council has the ability to raise revenue through the adoption of fees and charges for services and facilities. Fees and charges should be reviewed on an annual basis, in conjunction with the preparation of the Annual Budget. In determining its fees and charges, the Shire takes into account the user's capacity to pay.

Key Terms/Definitions

Not Applicable

Policy Administration

Responsible Directorate/Division: Finance

Contact Officer Position: Financial Controller

Relevant Delegation: Not Applicable

Relevant Legislation: Local Government Act 1995 (the Act) sections 1.3(3) and 5.56

Relevant Documents:

Date Adopted: 22 February 2016

Reviews/Amendments



G4.4 EXTERNAL GRANTS: PROCUREMENT AND MANAGEMENT

Policy Objective:

To provide parameters around procurement and management of external grant funding (funds coming in to the Shire).

Policy Scope:

This Policy applies to the application process, acceptance and ongoing administration of an external grant.

Policy Statement:

Introduction

External grant funding can provide a means for the Shire to fund responsibilities that general rate revenue may not be able to fund. Grant funding is generally seen as an attractive form of funding but there can be negative consequences. There is risk involved in not meeting all the grant requirements along with potentially committing the Shire to ongoing operational/maintenance requirements. It is imperative that the outcome of a grant is consistent with strategic priorities. Additional funding is not reason enough to pursue an external grant. The Shire needs to have appropriate processes and procedures to maximise benefits and minimise risks.

This policy needs to be read in conjunction with the Integrated Planning and Reporting (Planning) Policy (G4.1), the Financial Planning and Sustainability Policy (G 4.2) and the Procurement Policy (F1.2).

Principles

- (a) Grant funding produces an outcome that is aligned with the Shire's strategic objectives and align with Strategic documents such as the Strategic Community Plan and Long Term Financial Plan.
- (b) The benefits of receiving the grant outweigh the costs to the Shire, including whole of life costs.
- (c) Effective administration of the grant is undertaken.

Provisions

1 Strategic Fit

- 1.1 The Shire of York will actively scan the external grant funding environment to:
- (a) identify grant sources which are consistent with identified strategic direction;
 - (b) identify grant sources which may in part be relevant to strategic direction but have some provisions which may inconsistent or be in some tension with identified direction;
 - (c) identify assumptions which would be built into the Long Term Financial Planning and strategic planning processes and the level of robustness;
 - (d) trends or emerging changes to external grants funding parameters which may have an impact on proposed programs or projects.
- 1.2 The Council will be provided with information on the trends identified under section 1.1 as part of budget and review cycles. Where a potential grant source under 1.1 (b) is identified, the Council will review the risks and benefits of pursuing that funding path and make a decision on whether it wishes to seek the relevant funding, after consideration of strategic and long term benefit.
- 1.3 Where changing trends in grants funding or cessation of a grant could have an impact on the Shire's financial position in the long term this must be reported as part of the Integrated Planning and Reporting review cycle.

2 Analysis of Potential Grants

- 2.1 Any analysis on whether to proceed with an application for funding will:
- (a) consider whether there needs to be matching funding by the Shire and/or in kind costs;
 - (b) assess current resource allocation and capacity (financial, human resources etc.) and the capacity to manage the program or project over time. Note: if a new project has been identified in the Corporate Business Plan and the Long Term Financial Plan these documents should already include provision for on-going operational costs;
 - (c) assess ongoing maintenance and asset renewal impacts to the Shire. Note: if a new project has been identified in the Corporate Business Plan and the Long Term Financial Plan these documents should already include provision for renewal and maintenance costs;
 - (d) identify associated procurement requirements;
 - (e) identify whether feasibility and design stages for a significant capital project have been completed;
 - (f) consider audit and other associated close out costs.
- 2.2 Overall a cost/benefit analysis must ensure the benefits to the Shire outweigh the costs.
- 2.3 The terms and conditions of the grant must be fully understood and must be achievable.

3. Decision to Proceed and Application

- 3.1 Where a project has been identified in the Corporate Business Plan and the Long Term Financial Plan as proceeding if external funding is available and that funding has come available, a report will be prepared for Council which:
- sets out the funding analysis as set out under Clause 1.1;
 - identifies whether the timing of the project is now achievable and what if any, of other projects, need to be modified or pushed out to accommodate the project if funding is granted;
 - provides a recommendation as to whether funding should be sought.
- 3.2 The Chief Executive Officer must approve all external grant application documentation.

4. Grant Administration

- 4.1 A project plan and timeline will be established to ensure the grant is administered effectively and is compliant.
- 4.2 Where applicable, a new cost code should be established in the financial system to capture grant related expenditure. This should include a process to easily identify allowable and non-allowable costs.
- 4.3 The acquittal of the grant must be undertaken according to requirements to minimise risk of funds needing to be returned for non-compliance.

Key Terms/Definitions

Not Applicable

Policy Administration

Responsible Directorate/Division:	Finance
Contact Officer Position:	Financial Controller
Relevant Delegation:	Not Applicable
Relevant Legislation:	Local Government Act 1995 – Part 6 Financial Management
Relevant Documents:	
Date Adopted:	22 February 2016
Reviews/Amendments	



C 1.1 FREEMAN OF THE SHIRE OF YORK

Policy Objective:

This policy sets out the circumstances under which the Shire of York Council may bestow the title of “Honorary Freeman of the Shire of York” upon individuals who have made an outstanding and exceptional contribution to the Shire or community.

Policy Scope:

This policy covers matters relating to the nomination and conferring of the honour.

Policy Statement:

Introduction

From time to time members of the York community may demonstrate outstanding commitment and contribution to the Shire or community and it is recognised that this contribution should be acknowledged. The Council will do this by, in special circumstances that meet the criteria of this policy, awarding to an individual the title of “Honorary Freeman of the Shire of York”. The Council will recognise, under appropriate circumstances, individuals who have demonstrated an outstanding contribution. It is the highest honour available to the Shire.

Principles

- (a) Outstanding contributions should be recognised by the community and the Shire
- (b) The status of the honour should be protected over time.

Provisions

1. General

- 1.1 The conferring of the honour of the Freeman of the Shire of York will occur only in rare and exceptional circumstances to maintain both the significance and prestige of the title.
- 1.2 The nominee must have given extensive and distinguished service to the Shire or community in a largely voluntary capacity. The nominee must have made an outstanding contribution to the Shire or community such that the nominee’s contribution can be seen to stand above the contributions made by most other people.
- 1.3 Bestowing the title of Honorary Freeman of the Shire will only be by an absolute majority decision of the Council and in accordance with this policy.

2. Nomination Criteria

- 2.1 The following shall be taken into account when consideration is being given to the conferring of the title of Honorary Freeman of the Shire of York :
- (a) the nominee's exceptional service must be recognised as a matter of public record;
 - (b) the nominee must have lived in, worked or served the Shire of York for a significant number of years
 - (c) the nominee must have identifiable and long-standing connections with the community in the Shire of York
 - (d) the nominee must have provided long and distinguished service to the local community;
 - (e) the nominee's endeavours must have clearly benefited the Shire of York Community;
 - (f) the nominee must have demonstrated both outstanding leadership and personal integrity;
 - (g) preference shall be given to a person who performs in a voluntary capacity, but this should not preclude the honour being awarded to a person whose dedication and contribution is significantly above that expected from their occupation;
 - (h) the contribution to the welfare of the community must involve one or more of the following factors:
 - significant contribution of the nominee's time in serving members of the Community for the improvement of their welfare;
 - the promotion, achievement and/or delivery of community services in which a real personal role and contribution is made;
 - while difficult to define, the contribution must be outstanding in that it can be seen to stand above the contributions of most other persons; and
 - the title shall not be bestowed on anyone who is holding the office of Council Member of the Shire of York.

3. Nomination Procedure

- 3.1 Formal nominations for the honour may only be made by a Councillor of the Shire of York. A Councillor may make a nomination on his or her own cognisance or act as a sponsor for a wider community desire to honour a person.
- 3.2 A nomination for the honour may be submitted at any time provided that the nomination is in writing and clearly addresses the nomination criteria.
- 3.3 The nomination must clearly outline the history of the nominee in chronological order, outlining their history of the community service.
- 3.4 Nominations must be made in the strictest confidence without the nominee's knowledge and be sponsored by a Councillor and supported in writing by at least two other Councillors.
- 3.5 Nominations are to be submitted to the Chief Executive Officer. The Chief Executive Officer will submit a confidential report to a Council Meeting with details of the

nomination. The confidential report for the Council Meeting shall be delivered at least two weeks prior to the meeting date to all Councillors.

- 3.6 If a Councillor expresses an objection to the nomination, that Councillor must give their reasons for the objection in writing to the Chief Executive Officer, at least one week before the Council Meeting. The Chief Executive Officer shall submit all objections (together with any other relevant information) to the Council Meeting.
- 3.7 Deliberations on the matter will take place behind closed doors. No record of the nominee's name shall be recorded in the Minutes of the Council Meeting, whether supported or not by the Council
- 3.8 In the event Council approves the nomination, it shall be by an Absolute Majority decision.
- 3.9 Prior to any announcement, the Chief Executive Officer shall make personal contact with the nominee to confirm their acceptance of the honour.

4. Entitlements

- 4.1 Any person declared an Honorary Freeman of the Shire of York:
 - (a) may designate themselves as a "Honorary Freeman of the Shire of York";
 - (b) will be invited to all civic events and functions and be acknowledged as a dignitary;
 - (c) will have their photograph hung in the Shire's Council Chambers;
 - (d) will be provided with a plaque to commemorate receipt of their Award; and
 - (e) will be conferred at an appropriate civic ceremony for the purpose hosted by the Shire of York.

5. Limitations on Holders of the Award

- 5.1 At any one time, a maximum of four living persons only, unless otherwise decided by an Absolute Majority decision of the Council, may hold the title 'Freeman of the Shire of York'.
- 5.2 For avoidance of doubt, the honour shall not be awarded posthumously.

6. Personal Conduct

- 6.1 A person who has been conferred with the honour of "Honorary Freeman of the Shire of York' shall display high standards of personal conduct and behaviour at all times and shall not bring the Shire of York into disrepute.
- 6.2 The Council reserves the right to cancel the honour, in the event that the holder is convicted of a serious criminal offense or brings the Shire into disrepute. (Any such decision shall be by an absolute majority decision).

Key Terms/Definitions

Not Applicable.

Policy Administration

Responsible Directorate/Division: Chief Executive

Contact Officer Position:

Relevant Legislation: Not applicable

Relevant Delegation:

Date Adopted: 22 February 2016.

Reviews/Amendments



C 1.2 AUSTRALIA DAY AWARDS

Policy Objective:

To ensure there is a clear process available to guide decision-making in relation to Australia Day Awards.

Policy Scope:

This policy relates to all official awards made as part of the Australia Day celebrations.

Policy Statement:

Introduction

Australia Day is held annually on 26 January and each local government holds a formal ceremony as part of the celebrations. The Premier's Australia Day Active Citizenship Awards provides for individuals and one community group in each local government area to receive awards. Eligibility criteria and the process are specified by the Western Australia state government but the selection itself is carried under the auspices of the local government. There is discretion available to the local government as to whether a community committee will assist in making the final selection of award recipients.

In addition, the local community, via the local government, may make other awards, adding or changing awards as it sees fit.

This policy sets out the Shire of York's approach to Australia Day awards.

Principles

- (a) Australia Day activities and events are a significant way of celebrating Australian culture, history and nationhood and the Shire of York will conduct ceremonies and events in a way that is inclusive and takes the opportunity to honour local achievements.
- (b) Selecting the Premier's Australia Day Awards recipients will involve a community reference group.
- (c) Opportunities for locally initiated awards will be supported where appropriate by the Shire of York.

Provisions

1. Award Types, Nominations and Criteria

- 1.1 The Shire of York will make the following awards each year at the formal Australia Day ceremony:
- WA Premier's Active Citizenship Awards
 - locally initiated awards formally approved from time to time by the Council and set out in Appendix 1 of this Policy
- 1.2 The nomination process and criteria to be used in selecting award recipients will be:
- as set out for the WA Premier's Active Citizenship Awards by the Australia Day Council of Western Australia
 - for locally initiated awards, as approved by the Council and set out in Appendix 1 of this policy.

2. Selection of Recipients

- 2.1 Proposed recipients of the Premier's Australia Day Awards and any locally initiated awards will be identified by Council and referred to the Shire of York Honours Reference Group who will:
- review nominations against selection criteria;
 - make a recommendation in a timely manner on proposed recipients for Australia Day awards to Council, along with a brief summary of the reasons for making the recommendations.

3. Advice on Awards Categories, Criteria and Awards Processes

- 3.1 The York Honours Reference Group may from time to time make recommendations to Council on:
- the type of locally initiated awards and recognition it believes should be conferred at the formal Australia Day ceremony;
 - relevant criteria;
 - awards nomination processes.
- 3.2 After consideration, the Council will make a decision on the preferred approach. Final decisions will be included as an Appendix to this policy.

Key Terms/Definitions

Not Applicable.

Policy Administration

Responsible Directorate/Division:

Author/Contact Officer Position:

Relevant Delegation:

Date Adopted: 22 February 2016.

Reviews/Amendments



C 1.3 COMMUNITY FUNDING: DONATIONS, GRANTS, SPONSORSHIP AND WAIVER OF FEES

Policy Objective:

To set out the parameters for Council support of community groups via donations, grants, sponsorship and the potential waiver of fees for hire and use of Council facilities.

Policy Scope:

This policy relates to financial assistance provided from a Community Projects Funding budget to community organisations and individuals by the Shire of York for community activities, projects and events. It does not apply to:

- events or activities which may be funded via Economic Services budgets or considered under the Economic Development Events Funding Policy;
- support funding budgeted for social services provided by the community or external organisations on a significant and/or recurring basis;
- support for civic functions;
- community managed halls funded as part of the public halls budget.

Policy Statement:

Introduction

Members of the York community are involved in a range of activities which support community wellbeing in some way or other. The Council recognises this collective and individual effort and wishes to encourage it as much as possible by providing financial assistance.

In some cases, the Council will wish to make an allocation on a recurring basis where it thinks the activity provides a strong and on-going benefit to the community, and a level of funding certainty is important to the activity. It is also important that these allocations are reviewed from time to time to ensure there is a level of contestability and equity around access to on-going community funds. The Council will also often want to make one-off allocations of support for specific projects individuals and community groups might want to advance.

The reality is that on an annual basis, appeals for support generally outweigh the available funding. The Council needs a clear mechanism for allocating funding among competing demands.

In all cases, there is a need for accountability for use of funds by the community. This acquittal process needs to be transparent but also needs to be commensurate with the scale of the funding provided.

This policy sets out the parameters for Council assistance, processes and accountability requirements.

Principles

- (a) Projects developed by individuals and community groups which contribute to the life, vitality and activity of York, in particular activities which encourage people's involvement, are a valued part of community life.
- (b) Being accountable to the community for the use of public monies is essential but acquittal requirements should be commensurate with the scale of the assistance provided.
- (c) Access to funding should be equitable over time.
- (d) Assistance which involves in-kind support and/or waiver of fees has a value and is a cost to the Shire, such as: a time resource (labour), wear and tear on assets, or a loss of revenue. As such, the financial benefit to community groups and projects of this in-kind support needs to be understood and factored into decisions over time.

Provisions

1. The Community Fund

- 1.1 The Council will maintain a Community Funding budget in the Long Term Financial Plan and Annual Budget which will comprise the available funding pool on an annual basis.
- 1.2 The Community Funding budget will be used for:
 - allocation of direct financial support;
 - funding of fees waiver against the revenue requirements for community facilities;
 - re-imburement of Council labour costs and payment of any 'use fee' for any Council equipment where in-kind support is provided by the Council.
- 1.3 If the fund is exhausted before the end of the financial year, this will be notified to the community and applications will be closed for the remaining period.
- 1.4 Should there be a remaining amount at the end of the financial year in the Community Fund, the Council may resolve to either:
 - (a) carry over that funding to the following financial year;
 - (b) allocate that funding to an agreed community project or initiative.

2. Applications for Assistance

- 2.1 The Community Funding process will be advertised.
- 2.2 Applications may be made to Council on a quarterly basis, or according to any timeframe approved by resolution of Council. The Council will consider applications at the next available Ordinary Council meeting, provided that the application is received fourteen working days before the advertised meeting.

- 2.3 Applicants will be required to fill in a simple application form. This will include providing information on the planned project, other sources of funding if any, and whether the applicant has previously received assistance from the Community Fund.
- 2.4 Applicants will be encouraged to attend the relevant Council meeting where their application is being considered.
- 2.5 Should an application be received and it is clear that the application is more relevant to another Council budgeted funding pool, the applicant will be contacted to discuss the reassignment to that funding pool application process.

3. Categories for Support and Criteria for Decision-making.

- 3.1 The Council will consider applications made under the following general headings:
 - projects which:
 - encourage general involvement in local activities including sport
 - assist a community group to expand their ability to provide support for community and individual health and wellbeing
 - increases community knowledge and understanding of their local built and natural environment
 - are focused on protection and restoration of the Shire's natural environment including the Avon River and the protection and restoration of the built environment
 - events which have been developed for local community enjoyment. Note: these are events not developed to leverage tourism or economic development benefit but having more of a purely community enjoyment focus.
 - support for individuals, particularly for youth, who have been selected to be involved in regional, state or national cultural and sporting activities;
 - requests by community groups to procure assistance to develop applications for external grants.
- 3.2 The Council will not consider the following types of application under this Community Fund:
 - applications involving commercial activities;
 - applications for events intended to leverage tourism and economic development benefits. These will be considered under other funding provisions;
 - requests for on-going operating costs;
 - individual requests for purchase of sports uniforms (team requests will be considered);
 - individual applications for support that do not show parallel efforts to fundraise;
 - retrospective applications;
 - more than one application from the same source in any one year.
- 3.3 The following general criteria will be used to assess applications:
 - the individual or community group is Shire of York based;
 - any benefits arising from the activity accrue to the Shire of York community and/or environment in some form;
 - proposed events are open to all members of the Shire of York community;

- a proposal, particularly for events, has been well thought through and the application for support is well ahead of any final decision to proceed;

4. Types of Assistance

- 4.1 Three types of financial assistance will potentially be available to community groups and community projects for initiatives:
- (a) direct monies paid over;
 - (b) waiver of fees;
 - (c) in-kind assistance.
- 4.2 Where in-kind assistance and waiver of fees is provided, a \$ value will be placed on the assistance and a record will be kept of the value of the support provided to each applicant.
- 4.3 The setting of values for in-kind assistance will be set through the Annual Budget fees and charges review process.

5. Duration of Assistance

- 5.1 The preference will be for provision for support for a year only for each application. In exceptional circumstances the Council may consider recurring support for a project for a maximum period of three years where it considers the project presents major benefits to the community and it is consistent with strategic direction. Consideration must include the cost/ benefit of effectively reducing the available funding pool for other applicants over this period.
- 5.2 Should the situation arise where the Council sees significant benefit to the community of maintaining support for a project or activity on an on-going basis, it may resolve to consider, via the Integrated Planning and Reporting Framework review cycle or the Annual Budget process, inclusion as a directly budgeted item. Consideration does not imply approval.

6. Level of Funding for Each Application

- 6.1 The Council may, in order to maximise the availability of funding to a range of applicants, decide via a Council resolution to impose a maximum financial support limit per application. If it does so, this will be advertised and will be made clear on the application form.

7. Rejected Applications to the Community Funding Pool

- 7.1 If an application is rejected the Council will:
- provide the applicant with the reasons why;
 - redirect the application, if the applicant agrees, to another Council funding pool if it is deemed more appropriate for the application.
- 7.2 If the application relates to a matter that might be better considered for budgeted resourcing and the Council directs that it be considered as part of review and budgeting processes, this will be followed up with the applicant. Consideration as part of the budgeting process does not imply approval.

8. Acquittal

8.1 All successful applicants will be required to report to the Council on their project, event or individual activity on its completion. This acquittal process can occur in the following ways:

- speaking briefly at a Council meeting and providing visual record where appropriate;
- if attendance at the meeting is not possible, sending in a brief report by letter to the Shire President for circulation to all Councillors.

Note: attendance to speak at a Council meeting is encouraged for all applicants, especially young people, as a way of learning about Council and Council processes.

8.2 The Council may require more extensive acquittal information if the amount provided is significant. Such requirements will be identified as a condition at the time of granting the approval.

8.3 Where recurring support up to a three year maximum is provided, the successful applicant must:

- speak annually at the Council meeting to provide an update;
- provide an annual accompanying written summary of how the financial support was used, progress and final outcomes.

Key Terms/Definitions

Financial assistance includes:

- direct provision of money
- waiver of fees
- provision of in-kind support (e.g. assistance with lighting, access to Council owned tables and chairs, assistance with transportation)

Policy Administration

Responsible Directorate/Division:

Author/Contact Officer Position:

Relevant Legislation:

Relevant Delegation:

Date Adopted:

Reviews/Amendments



CP 1.1 EXECUTION OF DOCUMENTS AND USE OF THE COMMON SEAL

Policy Objective:

To ensure the Shire of York's documents are executed and the Common Seal is used in a consistent and transparent manner.

Policy Scope:

This policy applies to all situations requiring execution of Council documents and application of the Common Seal of the Shire of York.

Policy Statement:

Introduction

Section 9.49A Local Government Act 1995 sets out the requirements in relation to the execution of documents and the affixing of the Common Seal to render certain documents official documents of the Shire of York. It is not essential to formally execute all Council documents but certain documents require to be formally executed in this way. It is the decision of the Council as to which documents should be formally executed. As a minimum normal practice is to require execution of deeds of agreement, leases, land sales and certain contracts. This policy specifies which documents are to be formally executed.

Principles

- (a) All relevant documents are properly executed according to the requirements of Section 9.49A of the Local Government Act 1995.

Provisions

1. General

- 1.1 Where legislation, the formal requirements of a Commonwealth or State Department authority or agency, or a Council decision, expressly specify a particular way a document is to be executed, that course of action is to take precedence over this policy.

2. Category 1 Documents

- 2.1 Category 1 documents require a specific resolution of Council to sell, lease or enter into an agreement as well as an authority to affix the seal.
- 2.2 The following list are Category 1 documents:
- (a) Deeds of Agreement and Release in respect of the sale, purchase or other commercial dealing relating to the Shire's assets, including equitable assets;
 - (b) Local Planning Schemes and Amendments;
 - (c) Lease documents:
 - a. variation of lease;
 - b. assignment of lease; and
 - c. surrender of a lease.
 - (d) Local Laws.
- 2.3 These documents will be executed by having the Common Seal affixed under the authorisation of Council with the affixing of the seal in the presence of and being attested to by the President and the CEO or pursuant to s9.49A (3) (b) of the Local Government Act, the President and a senior employee authorised by the CEO to do so.

3. Category 2 Documents

- 3.1 The following list of documents are Category 2 documents:
- (a) Agreements relating to grant funding, when the funder requires that the agreement be signed under the seal;
 - (b) Debenture documents for loans which the Council has resolved to raise;
 - (c) General and legal service agreement not already listed in this policy;
 - (d) Extension of lease under original lease clause or provision.
- 3.2 Category 2 documents are those of a general form or category which may be subject to time constraints for execution. These documents are to be sealed as part of a 'class of documents' authorised to be executed under Common Seal without a specific Council resolution to affix the seal.

Note: the document may not require a Council resolution to affix the seal but the decision to undertake a particular course of action may still require Council approval.

4. Category 3 Documents

- 4.1 Category 3 documents do not require the Common Seal to be affixed.
- 4.2 Under Section 9.49A (4) the Council authorises the following to sign documents on behalf of the Shire of York.

SHIRE OF YORK: POLICY MANUAL

Description	Authority to Execute
(a) Documents required in the management of land as a landowner.	Chief Executive Officer
(b) Documents required to enact a decision of Council or the Development Assessment Panel (i.e. contractual documents resulting from a tender process, transfer of land forms, notification on title as required by a condition of approval, memorandum of understanding etc.).	Chief Executive Officer
(c) Documents required to enact a decision under delegated authority or as a condition of approval given under delegated authority.	Chief Executive Officer The Responsible Senior Manager The officer exercising the delegated authority

5. Category 4 Documents

- 5.1 Category 4 documents are created in the normal course of business and are consistent with the Shire's policies and procedures. Category 4 documents are to be executed by a Shire officer where the authority has been extended through a policy or procedure.

Key Terms/Definitions

Not applicable.

Policy Administration	
Responsible Directorate/Division:	Deputy Chief Executive Officer
Contact Officer Position:	
Relevant Delegation:	
Relevant Legislation	
Date Adopted:	22 February 2016
Reviews/Amendments	



CP 1.2 USE OF SHIRE OF YORK CREST AND LOGO

Policy Objective:

To ensure the Shire of York's crest and logo is used for authorised purposes only.

Policy Scope:

This policy applies to situations where the Shire of York's crest and logo might be used.

Policy Statement:

Introduction

The Shire of York's crest and logo visually represent the Shire of York on its documents and correspondence, on its buildings and services, and at events which it might support or sponsor. It is important that they are used appropriately. This policy sets out the mechanism for ensuring these symbols and their use is protected.

Principles

- (a) The Shire of York's crest and logo is used only in relation to Shire of York business and activities.
- (b) No private use is made of the Shire of York crest and logo.

Provisions

- 1.1 The Council's logo and crest are copyright.
- 1.2 Their use is for administrative purposes as authorised by the Chief Executive Officer (CEO).
- 1.3 Private use for any purpose is not authorised.
- 1.4 Use of the crest or logo by external bodies working in partnership with the Shire of York may only occur with express permission of the CEO.

Key Terms/Definitions

Not applicable.

Policy Administration

Responsible Directorate/Division: Chief Executive Officer

Contact Officer Position:

Relevant Delegation:

Relevant Legislation

Date Adopted: 22 February 2016

Reviews/Amendments



CP 1.3 COMMISSIONING OF LEGAL ADVICE

Policy Objective:

To ensure that legal advice is sought in a consistent manner by the Shire of York.

Policy Scope:

This policy applies to situations where the potential for securing legal advice is being considered.

Policy Statement:

Introduction

The Shire of York organisation will from time to time need to seek legal advice on a matter. It is important that there is clarity about the many legislative duties and functions discharged on a daily basis by officers and that there is independent legal advice available to assist the organisation and the Council to make robust decisions.

This policy sets out who may commission advice on behalf of the Shire of York, guidelines as to the kind of issues where advice may be sought and the process for engaging advice. It should be read in conjunction with the Procurement Policy (F1.2) and the Councillors: Code of Conduct (G1.1).

Principles

- (a) A central role of the Chief Executive Officer (CEO) is to provide advice to the Council and as such, it is solely the role of the CEO to commission legal advice on matters relating to the business of the Shire.
- (b) The commission of legal advice follows the same procurement requirements as any aspect of Council business

Provisions

1. Procurement of Legal Advice

- 1.1 The Chief Executive Officer must approve the procurement of all legal advice sought by the Shire of York, other than advice relating to the performance of the CEO and/ or the relationship between the CEO and the Shire of York Council.

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- 1.2 The Council may via formal resolution commission advice relating to the performance of the CEO and the relationship between the CEO and the Council, provided that they have sought advice via a formal report from the appointed advisor to Council on CEO performance.
- 1.3 Procurement of legal advice must be obtained according to requirements set out under the Procurement Policy (F 1.1).

2. Recording of Legal Advice

- 2.1 A register of legal advice received by the Shire of York must be maintained. Prior to any decision to procure advice being made, this register must be reviewed to determine whether advice has previously been received.

Key Terms/Definitions

Not applicable.

Policy Administration

Responsible Directorate/Division: Chief Executive Officer

Contact Officer Position: Chief Executive Officer

Relevant Delegation:

Relevant Legislation

Date Adopted:

Reviews/Amendments



CP 1.4 LOCAL GOVERNMENT RESOURCE SHARING

Policy Objective:

To identify a general requirement to explore local resource sharing where these may assist in dealing with certain risks and issues facing the Shire, and identify a framework for considering opportunities, benefits and risks.

Policy Scope:

This policy applies to all aspects of the Shire of York business.

Policy Statement:

Introduction

There may be opportunities for the Council to discuss resource sharing with adjacent local authorities to address such issues as recruitment of staff. There may also be opportunities to significantly increase a level of service for the community at minimal additional costs.

This policy signals an intent to actively review these kinds of opportunities where there is a clear potential benefit to the community. It specifically excludes a focus on establishing new management structures or centralising services and focuses on opportunities to share resources on a case by case basis: for example, potential to share staff resources in the short and long term to address recruitment shortages.

Principles

- (a) Any local resource sharing should be in response to an identified issue rather than more theoretical concepts of delivery structures.
- (b) Local resource sharing will emerge most effectively where there is an active and positive relationship with local government neighbours

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- (c) Resource sharing will only occur where there is an identifiable benefit to the local community in terms of:
 - a. reducing risks
 - b. contributing to business continuity and resolving recruitment issues, including reliance on consultants to offset recruitment gaps
 - c. delivering an improved level of service at minimal cost.

Provisions

- 1.1 The Chief Executive Officer (CEO) working with the Shire President will actively build relationships with adjacent local governments.
- 1.2 The CEO will discuss local resource sharing where opportunities arise.
- 1.3 If opportunities arise which address risk issues, recruitment and business continuity issues and level of service improvement opportunities, these will be reported to the Council for information purposes and discussion.
- 1.4 The focus on any discussion with adjacent local governments will be on addressing issues and gaps and will not involve development of alternative management or delivery structures.
- 1.5 A cost/ benefit review must be undertaken prior to any final decision being taken.

Key Terms/Definitions

Not applicable.

Policy Administration

Responsible Directorate/Division: Chief Executive Officer

Contact Officer Position: Chief Executive Officer

Relevant Delegation:

Relevant Legislation

Date Adopted: 22 February 2016

Reviews/Amendments



CP 1.5 COMPLIANCE AND ENFORCEMENT

Policy Objective:

To:

- provide consistency in enforcement action in matters of non-compliance;
- ensure transparency, procedural fairness and natural justice principles are applied; and
- ensure that enforcement action is proportionate to the alleged offence in each case.

Policy Scope:

This policy applies to all enforcement activities under all legislation, including:

- enforcement of conditions set as part of a town planning or development approval
- environmental health
- emergency management
- responding to inquiries and complaints.

Policy Statement:

Introduction

Local government is charged with legislative responsibilities which protect individuals and the community as a whole. The Shire's customers include both those on whom the law places a duty and those whom the law protects. While it is ultimately the responsibility of individuals and other bodies to comply with the law, Council staff are required to carry out activities which enforce compliance.

This policy is an 'umbrella policy' which outlines the Council's approach to enforcement matters and provides staff with direction about the manner in which enforcement activities are to be undertaken.

The Council adopts a broad definition of enforcement which combines the provision of advice and assisting compliance with formal action where necessary. This is intended to encourage higher level of voluntary compliance with legal requirements by individuals, businesses and other bodies.

This policy should be read in conjunction with the Comprehensive Complaints Response Policy.

Principles

- (a) A 'good enforcement' philosophy underpins Council enforcement actions. This includes the following:
 - a. Proportionality. This means the nature of the enforcement response is in scale to the seriousness of any breach.
 - b. Consistency: this means there is a similar approach taken in similar cases to achieve similar outcomes.
 - c. Transparency. This means that the Council is open about the enforcement actions it takes and why.
- (b) Notwithstanding (a) immediate action is taken when required to ensure public health and safety and/or to protect the environment.
- (c) Firm action will be taken against those who act unlawfully when circumstances warrant.
- (d) Enforcement powers will never be used as a mechanism to address matters which are external to an enforcement matter.

Provisions

1. The Principles of Good Enforcement

Proportionality

- 1.1 The Council's enforcement actions will be scaled to the seriousness of the breach. The Council recognises that most individuals want to comply with the law and will assist compliance by being open and helpful, offering informal advice and providing the chance to discuss compliance problems.
- 1.2 Attention will be focused on those whose activities give rise to the most serious risks, or where potential hazards are least well-controlled. Depending on the seriousness and persistence of the infringement, Council will minimise the costs to the person or body infringing the law by enforcing minimum action necessary to secure future compliance.

Consistency

- 1.3 A similar approach will be taken in similar cases to achieve similar outcomes.
- 1.4 Where decisions on enforcement require the use of professional judgement and discretion to assess varying circumstances, officers will:
 - (a) follow standard operating procedures where applicable;
 - (b) ensure fair, equitable and non-discriminatory treatment; and
 - (c) record any deviation from standard operating procedures along with the reasons for the deviation.

Transparency

- 1.5 The Council will be open and transparent about the manner in which it undertakes enforcement and the law it enforces. Where practicable it will give notice of its intent to commence formal action. It will point out what action is required to achieve compliance and the timeframe for undertaking that action. Advice will be provided on the process for seeking a review of, or how to appeal against that decision.
- 1.6 Where it is not practicable to give notice, the reasons why will be recorded in accordance with the Shire's records management protocols. Complainants will be advised on what action has been taken and why that action has been taken.

2. Authorisation of Actions

- 2.1 Only officers competent by training, qualification and/ or experience will be authorised to take enforcement action. Officers will also have sufficient training and understanding of Council's policies and procedures to ensure a consistent approach to their duties.
- 2.2 Any decision to act other than in accordance with this policy must have approval from the relevant Manager and the reasons given for action recorded in accordance with the Council's Records Management protocols.
- 2.3 Officers are required to show their authorisations on demand or as required by the specific Act they are administering.

3. Decision-making

- 3.1 Where non-compliance is discovered as a result of enforcement activities, options available to the Council to seek or promote compliance include:
 - (a) explaining legal requirements and, where appropriate, the means to achieve compliance;
 - (b) providing an opportunity to discuss points of issue where appropriate;
 - (c) allowing reasonable timeframes to achieve compliance;
 - (d) facilitating mediation between parties
 - (e) issuing a verbal or written warning; or
 - (f) enforcement actions such as issuing an infringement, a notice or prosecution.
- 3.2 Enforcement decisions must be fair, consistent, balanced and relate to common standards that ensure the public is adequately protected. Where a decision is made not to investigate a complaint, the decision and reasons, will be recorded in accordance with the Council's Records Management protocols and the complainant will be advised in writing.

- 3.3 In coming to a decision on the most appropriate means of enforcement, the officer shall consider, amongst other relevant factors:
- (a) the seriousness of the offence
 - (b) the degree of wilfulness involved
 - (c) past history
 - (d) the consequences of non-compliance, including consequences to the integrity of the regulatory framework such as local planning schemes
 - (e) the likely effectiveness of various enforcement options
 - (f) deterrence
 - (g) the effect on the community and other people
 - (h) consistency of approach to similar breaches and offences.
- 3.4 The following factors are to be ignored when choosing an enforcement strategy:
- (a) any element of discrimination or bias against the person such as ethnicity, nationality, political association, religion gender, sexual orientation, beliefs;
 - (b) possible political advantage or disadvantage to a government, person holding (or a candidate for) public office, or any party of political group;
 - (c) previous interactions between the person alleged to be in breach and the Council and Shire administration on any matter other than enforcement matters.
- 3.5 Where a personal association or relationship with the alleged offender or any other person involved exists:
- (a) an alternative person will make decisions where possible; and
 - (b) the facts about any/ conflict/ relationship will be recorded in accordance with Council's record Management protocols and applicable statutory requirements.

4. Documentation

- 4.1 Written documentation will:
- (a) include all information necessary to make clear what needs to be done to comply with legal requirements
 - (b) the required time-frame and if necessary:
 - (c) the reasons for these actions and the potential penalties for failing to comply with the request;
 - (d) include the legislation contravened, measures necessary to ensure compliance and the consequences of non-compliance; and clearly differentiate between legal requirements and recommendations of good practice

5. Enforcement Options

No Action

- 5.1 No action will be taken when, after investigation, no breaches of the legislation are discovered. It may also be appropriate to take no action when:
- (a) the complaint is frivolous, vexatious or trivial in nature;
 - (b) the alleged offence is outside Council's area of authority; or
 - (c) taking action may prejudice other major investigations.

Informal Action

- 5.2 Informal action to achieve compliance with legislation may include:
- (a) offering verbal or written advice;
 - (b) verbal warnings and requests for action; or
 - (c) written warnings.
- 5.3 Advice from officers will be put clearly and simply and will be confirmed in writing.
- 5.4 The circumstances in which informal action may be appropriate include:
- (a) the act or omission is not serious enough to warrant formal action;
 - (b) the duty –holder's past history reasonably suggests that informal action will secure compliance;
 - (c) confidence in the individual/ other body is high;
 - (d) the consequences of non-compliance will not pose a significant risk; or
 - (e) where informal action may prove more effective than a formal approach.
- 5.5 Where statutory action is not possible but it would be beneficial in a wider public safety context to urge a particular outcome, such an action will be taken by a senior officer of Council and the reasons recorded in accordance with Council's Record Management protocols. The recipient will be made aware the requested actions are not legally enforceable.

Mediation

- 5.6 Where practical, Council will make mediation available. Mediation is a possible alternative where, after investigation, an officer determines that the problems being complained of are incapable of resolution through formal or informal means. The use of mediation services may also be appropriate where an aggrieved individual has no wish to pursue action to resolve a complaint by legal means.

Formal Action- Service of Orders, Notices and Directions

Various statutes specify the procedures which must be followed in order to:

- Advise of the intention to issue an Order or Notice
- Invite submissions with respect to the matter
- Order a person to do or refrain to doing a thing under specified circumstances; and/or
- Issue direction specifying how an Order or Notice can be complied with.

- 5.7 Council officers will use professional judgement and discretion to assess the variables relating to each matter under consideration, including the reasonableness of the actions required by an Order or Notice and the timeframe to comply.
- 5.8 Only in circumstances such as a threat to life , a threat to public health or safety will an Order or Notice be made without giving notice of intention. In these circumstances immediate compliance to resolve a situation can be required.
- 5.9 In most cases, the person receiving the Order or Notice has a right of appeal to the State Administrative Tribunal or in some cases, the courts. If an Order or Notice is served for which an appeal is possible, the Council will advise the recipient in writing of the right to appeal and relevant legal provisions at the time of serving the Order or Notice.
- 5.10 Where there is evidence that an offence has been committed, the Council may issue an Order or Notice, or launch a prosecution in addition to serving an Order or Notice. This will only be done when the conduct of the recipient justifies taking both steps.

Action in Regard to Default

- 5.11 Failure to comply with an Order or Notice will incur further enforcement actions such as launch of a prosecution.
- 5.12 Where action in regard to a default is provided for by legislation and the necessary work has not been carried out in the time allowed without good reason, the Council may undertake the required work. Before doing the work, the Council will consider whether there is realistic prospect that the person responsible will complete the work within a reasonable time. Where work is undertaken, the Council will seek to recover all costs over a fair period, using all statutory means available.
- 5.13 The decision to carry out action in default will be made by the Chief Executive Officer.
- 5.14 Where an offence has been committed, the Council may issue an Order or Notice, or launch a prosecution, in addition to taking action to fulfil an Order or Notice. This will only be done where the conduct of the recipient justifies taking such steps. Factors such as giving false information, the obstruction of Council staff and the harm, or risk of harm caused by the recipient's delay will be considered in determining additional enforcement actions.

Serving an Infringement Notice

A person who has received an Infringement Notice is entitled to elect to have the matter determined by the Courts (i.e. elect to be prosecuted for the alleged offence) Hence, there must be substantive, reliable and admissible evidence that an identifiable person or organisation has committed the alleged offence. In other words, there must be sufficient evidence on the face of it to enable a conclusion to be reached that there is a reasonable prospect of being able to prove an offence beyond reasonable doubt.

- 5.15 The following circumstances are likely to warrant an Infringement Notice
- certain breaches of the legislation administered by the Council
 - failure to correct an identified problem after having been given a reasonable opportunity to do so by the Authorised Officer
 - failure to comply with the requirements of a written or verbal direction;
 - confidence in the individual/ organisation is low; or
 - a written warning or caution has been given for the same or similar offence.

Prosecution

5.16 A prosecution will only proceed where there is a reasonable prospect that an offence can be proved beyond reasonable doubt.

- 5.17 The following circumstances are likely to warrant a prosecution:
- A flagrant breach of the laws such that public health, safety and welfare have been put at risk;
 - A flagrant breach of the laws such that the integrity of significant provisions in a regulatory document is put at risk;
 - an alleged breach is too serious or the risk too great to be dealt with by means of expiation;
 - a failure to correct an identified serious problem after having been given reasonable opportunity to do so;
 - a failure to comply with the requirements of an Order or Notice;
 - an established and recorded history of similar offences;
 - an unwillingness on the part of the individual or organisation or other body to prevent a recurrence of the problem; or
 - the recovery of costs of the investigation or remedial work or financial compensation that are required by the Council or an aggrieved party.

5.18 Where circumstances warrant a prosecution all relevant evidence and information will be considered to enable a consistent, fair and objective decision to be made.

5.19 Before a prosecution is recommended there must be substantive, reliable and admissible evidence that an identifiable person or organisation has committed the offence.

5.20 A decision to prosecute must be in the public interest. In considering whether prosecution is the public interest, the following additional factors will be considered:

- whether the offence was premeditated
- the need to influence the offender's future behaviour;
- the effect on the offender's or witness's physical or mental health, balanced against the seriousness of the offence;
- the availability and efficacy of any alternatives to prosecution;
- the prevalence of the alleged offence and the need for deterrence, both persona and general; and
- the likely length and outcome of a trial,

5.21 The final decision to prosecute will be made by the Chief Executive Officer.

6. Monitoring of Compliance and Enforcement Action

6.1 A report will be made annually to Council on the breaches occurring in the previous year across all statutory enforcement areas summarising the nature of the response taken for each breach ranging from no action through to prosecution (if any) according to the categories set out in Section 5. A commentary will be provided on the overall approach taken.

6.2 The annual report on enforcement will be used as information in any Integrated Planning and Reporting process and review to assess resourcing requirements in the short and long term.

6.3 The Chief Executive Officer (CEO) will provide a confidential monthly summary at the CEO's regular briefing to Councillors of all prosecution actions taken or proposed to be taken (if any).

Key Terms/Definitions

Not applicable.

Policy Administration

Responsible Directorate/Division: Chief Executive Officer

Contact Officer Position: Manager Development Services

Relevant Delegation:

Relevant Legislation

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Reviews/Amendments

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