

Public Exhibition - Councillors' Expenses and Facilities Policy

File No: S051923

Summary

In accordance with the Local Government Act 1993 (the Act), Councillors are entitled to be provided with the necessary resources and facilities and for expenses to be reimbursed in order for them to perform the role and undertake the duties of a Councillor.

To facilitate this, Council is required to adopt a policy, known as the Councillors' Expenses and Facilities Policy (the Policy), for the payment of expenses incurred by, and the provision of facilities to, the Lord Mayor and Councillors.

In accordance with the Act, the Policy must be reviewed and adopted within the first 12 months of the commencement of each term of a council.

The adopted Policy must be consistent with the relevant provisions of the Act (sections 252 and 253) and the Local Government (General) Regulation 2021. These provisions are further informed by the "Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW" (the Guidelines) issued by the Office of Local Government (OLG) in 2009.

Council last adopted this policy in August 2017 and a review of the existing Policy has been undertaken. The draft Policy does not propose the introduction of any new expense categories or facilities. It does propose an increase to the scope of some expenditure categories to better meet the needs of Councillors and an increase in the cap related to Councillor meeting expenditure. Other changes are largely administrative, procedural and to promote alignment with the provisions of the Code of Conduct.

The City of Sydney's existing Councillors' Expenses Policy will remain in force until Council adopts an updated Councillors' Expenses and Facilities Policy.

Council is required to exhibit a draft of the Councillors' Expenses and Facilities Policy for at least 28 days and provide at least 42 days for submissions.

This report seeks Council approval for the public exhibition of the draft Councillors' Expenses and Facilities Policy.

Recommendation

It is resolved that Council:

- (A) approve the draft Councillors' Expenses and Facilities Policy as shown at Attachment A to the subject report, for public exhibition for a period of 28 days and specifying a period of not less than 42 days during which submissions may be made; and
- (B) note that a further report will be submitted to Council following exhibition.

Attachments

Attachment A. Draft Councillors' Expenses and Facilities Policy (Additions in underline, deletions in ~~striketrough~~)

Background

1. Council is required to adopt a Policy for the payment of expenses incurred by, and the provision of facilities to, the Lord Mayor, Deputy Lord Mayor and Councillors within the first 12 months of each council term.
2. Council is required to review its Policy and publicly exhibit the proposed Policy, even if the Policy remains the same as the existing Policy.
3. The current version of the Policy has been in place since 2017. Following a review of the Policy in accordance with the provisions of the Local Government Act 1993 (the Act), the Local Government (General) Regulation 2021 and the Office of Local Government (OLG) Guidelines, some modifications and variations are recommended.
4. The revised draft Policy (as shown at Attachment A) includes the following amendments to the current Policy:

Item	Section	Provision	Proposed Change
a)	Chapter 1 - Guiding Principles	General principles for the Policy including Councillor fees	New entitlement - Additional clauses for superannuation contributions for Councillors given change in legislation and Council resolution.
b)	Chapter 2 - General Policy Provisions - Use of Council resources	Direction on appropriate use of Council resources	Administrative change - Minor update to wording to align with the current City of Sydney Code of Conduct.
c)	Chapter 3 - Payment of Expenses - Carer Expenses (\$6,000 cap)	Provisions for Carer Expenses	New entitlement - Coverage expanded for instances when Councillors are acting as a deputy chairperson for official meetings, for meetings with constituents and for preparation time for meetings of Council (up to 4 days per month)
d)	Chapter 3 - Payment of Expenses - Communications and Mobile Devices (\$5,000 cap)	Provisions for communications and mobile devices	New entitlement - Inclusion of a photographic camera and accessories. Administrative change - Removal of reference to outdated technology, noting Council provided iPhones provide wifi hotspot functionality.

Item	Section	Provision	Proposed Change
e)	Chapter 3 - Payment of Expenses - Conferences Interstate (\$3,000 cap)	Provisions for Councillors attending interstate conferences	Administrative change - Inclusion of environmental performance considerations for Councillor accommodation bookings.
f)	Chapter 3 - Payment of Expenses - Token gifts and benefits received by Councillors	Provision directs Councillors to the City of Sydney's Code of Conduct	Administrative change - Section renamed to: "Gifts and benefits received by (or offered to) Councillors". Direction to the City of Sydney's Code of Conduct maintained.
g)	Chapter 3 - Payment of Expenses - Insurance	Provisions for insurance	Administrative change - Alignment with the Office of Local Government's model code.
h)	Chapter 3 - Payment of Expenses - Newspapers	Provisions for newspapers and digital subscriptions	Administrative change - Removal of direction for Councillors to manage subscriptions themselves noting Secretariat can provide this service.
i)	Chapter 3 – Postage (\$1,500)	Provisions for postage services	Administrative change - Section renamed to: "Postage and Communication Tools" New entitlement – Inclusion of software as a service database management tool to manage electronic communications.
j)	Chapter 4 - Provision of Facilities - Office Accommodation and Equipment	Provisions for office accommodation and equipment	New entitlement - Inclusion of personal protective equipment (PPE).

Item	Section	Provision	Proposed Change
k)	Chapter 4 - Provision of Facilities - Refreshments for Council Related Meetings (\$3,000 cap)	Provisions for the provisions of food and beverage provisions for Council Related Meetings	Administrative change - Section renamed to: "Council Related Meeting Costs". New entitlement - Cap increased from \$3,000 per year to \$6,000 per year. New entitlement - Coverage expanded to explicitly include catering, audio visual equipment or personnel costs, in addition to food and beverage allowances.
l)	Chapter 4 - Provision of Facilities – Room Use – Other Venues	Conditions of use for City Venues other than Sydney Town Hall	New entitlement – Increase in the amount of people who may attend meetings arranged by Councillors in venues other than Sydney Town Hall, from approximately 50 people, to approximately 100 people.

5. Other changes are largely administrative, procedural and to promote alignment with the provisions of the Code of Conduct.
6. Following consideration by Council, the draft Policy will be placed on public exhibition.
7. If any submissions are received, they will be summarised and reported to Council for consideration together with the final Policy recommended for adoption.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

8. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible Governance and Stewardship - Councillors' Expenses and Facilities Policy has been designed to ensure Councillors have the appropriate tools and resources to meet the civic duties of their office and to ensure there is a transparent and well governed approach towards Councillor expenditure.

Financial Implications

9. The 2022/23 Budget already adopted by Council includes funding for the ongoing provision of services and facilities to Councillors, with new provisions made for the inclusion of superannuation contributions for Councillors . The limits applied to specific items of expenditure will be monitored to enable control of expenditure to avoid exceeding budget limits.
10. The draft Policy proposes to increase the cap for Council Related Meeting Costs from \$3,000 to \$6,000 as well as the provision's scope.

Relevant Legislation

11. Local Government Act 1993.
12. Local Government (General) Regulation 2021.

Critical Dates / Time Frames

13. Council is required to review its Councillors' Expenses and Facilities Policy within the first 12 months of the current term of Council.

Public Consultation

14. Following Council approval, the draft Code will be exhibited for a period of 28 days, with public submissions sought over a concurrent 42 days as required under the Local Government Act 1993.

MONICA BARONE

Chief Executive Officer

Jeremy Kelshaw, Executive Manager, Chief Executive Office