



TOWN OF
VICTORIA PARK



Policy Committee Agenda – 23 August 2021



WE'RE OPEN
VIC PARK

Please be advised that a **Policy Committee** will be held at **5.30pm** on **23 August 2021** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Anthony Vuleta – Chief Executive Officer
19 August 2021

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1 Declaration of opening

Acknowledgement of Country (by Presiding Member)

I am honoured to be standing on Whadjuk - Nyungar country on the banks of the Swan River.

Ngany djerapiny Wadjak – Noongar boodja-k yaakiny, nidja bilya bardook.

I acknowledge the traditional custodians of this land and respect past, present and emerging leaders, their continuing cultural heritage, beliefs and relationship with the land, which continues to be important today.

Ngany kaaditj Noongar moort keny kaadak nidja Wadjak Noongar boodja. Ngany kaaditj nidja Noongar birdiya – koora, ye-ye, boorda, baalapiny moorditj Noongar kaadijtin, moort, wer boodja ye-ye.

I thank them for the contribution made to life in the Town of Victoria Park and to this region.

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

2 Attendance

Mayor

Mayor Karen Vernon

Banksia Ward

Cr Wilfred Hendriks
Cr Claire Anderson
Cr Ronhhda Potter
Cr Luana Lisandro

Jarrah Ward

Cr Jesvin Karimi
Cr Brian Oliver (Presiding Member)
Cr Vicki Potter (Deputy Presiding Member)
Deputy Mayor Bronwyn Ife

Chief Executive Officer

Mr Anthony Vuleta

Chief Community Planner

Ms Natalie Martin Goode

Manager Place Planning

Mr David Doy

Manager Stakeholder Relations

Ms Rosslind Ellis

Principal Environmental Health Officer

Mr Steve Kipkurgat

Coodinator Governance and Strategy

Ms Jasmine Bray

Secretary

Ms Natasha Horner

2.1 Apologies

2.2 Approved leave of absence

3 Declarations of interest

Declarations of interest are to be made in writing prior to the commencement of the meeting.

Declaration of financial interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees can continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

Declaration of proximity interest

Elected members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are to declare an interest in a matter if the matter concerns: a) a proposed change to a planning scheme affecting land that adjoins the person's land; b) a proposed change to the zoning or use of land that adjoins the person's land; or c) a proposed development (as defined in section 5.63(5)) of land that adjoins the persons' land.

Land, the proposed land adjoins a person's land if: a) the proposal land, not being a thoroughfare, has a common boundary with the person's land; b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land. A person's land is a reference to any land owned by the person or in which the person has any estate or interest.

Declaration of interest affecting impartiality

Elected members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

4 Confirmation of minutes

Recommendation

That the Policy Committee confirms the minutes of the Policy Committee held on 26 July 2021.

5 Presentations

6 Method of dealing with agenda business

7 Reports

7.1 Review of Policy 403 - Management of noise emissions from events at Belmont Racecourse - Other than horse racing

Location	Town-wide
Reporting officer	Principal Environmental Health Officer
Responsible officer	Manager Development Services
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Policy 403 OCM minutes 20 August 2002 [7.1.1 - 8 pages]2. Policy-403- Management-of-noise-emissions-from-events-at- Belmont- Racecourse- Other-than-horse-raci [7.1.2 - 5 pages]

Recommendation

That the Policy Committee recommends that Council revokes 'Policy 403 - Management of Noise Emissions from Events at Belmont Racecourse – Other than Horse Racing'.

Purpose

To review 'Policy 403 - Management of Noise Emissions from Events at Belmont Racecourse – Other than Horse Racing' (Policy 403).

In brief

- Policy 403 was adopted as Council Policy HLTH4 on 20 August 2002, with the intent of providing a simplified process for music events held at Belmont Park Racecourse.
- The policy is redundant and no longer serves its originally intended purpose, and therefore it is recommended to be revoked.
- Noise control from events at Belmont Racecourse can be addressed under the provisions of the *Environmental Protection (Noise) Regulations 1997*.
- Policy 403 has been identified for review as part of Council's adopted policy work plan.

Background

1. Policy 403 was adopted as Council Policy HLTH4 on 20 August 2002. The policy was adopted to skimanage noise from "non horse racing" events more efficiently by adopting a policy that limited the number and type of events, and the inclusion of standard conditions that had been pre-approved by other surrounding local governments. This was considered to be more efficient than requiring the comments of the four adjoining local governments to be obtained for each event. The policy provided guidance to, rather than negating the authority of the *Environmental Protection (Noise) Regulations 1997*. Attachment 1 contains an extract of the Minutes of the Ordinary Council Meeting of 20 August 2002, and further explanation of the rationale for the adoption of the policy.
2. Policy 403 was last reviewed by Council on 20 August 2019 as part of the minor review of policies. Only minor administrative amendments were made at this time. A full review of the policy was not undertaken.

3. The policy was adopted as a result of Belmont Racecourse site's popularity with concerts and events in the early 2000s. With the completion of Northbridge Tunnel, increasing interest was expressed by promoters to use the Belmont Park Racecourse facilities. This was due to its accessibility with good road and rail connection and the site being located away from residential areas. In the period since Policy HLTH4, now Policy 403, was adopted, significant developments have occurred in and around Burswood Peninsula.
4. Belmont Racecourse is set to undergo redevelopment in the near future that will most likely lead to change in its operation.
5. The last major event held at Belmont Racecourse was on Australia Day 2019. The Town deals with all noise complaints using the provisions of the *Environmental Protection (Noise) Regulations 1997*.
6. At its meeting on 20 April 2021, Council adopted a work plan to complete the review of a number of policies. Policy 403 was one of the policies identified for review.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	The review of this policy ensures that policies set by Council support clear, consistent, and effective direction for both the Town and does not duplicate State legislation.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment, and entrepreneurship.	Revoking this policy will not have any impact on this strategic outcome. It will allow the Town additional flexibility to consider events on a case-by-case basis.

Engagement

Internal engagement	
Stakeholder	Comments
Environmental Health	Environmental Health Officers are supportive of the revocation of this policy.
Community Development- Events	Community Development- Events was contacted and they have no objection to revocation of the policy.
Place Planning	Place Planning supports the revocation of the policy.

External engagement	
Stakeholders	
	Perth Racing

Period of engagement	Nil
Level of engagement	Consult
Methods of engagement	Perth Racing was contacted by email to find out whether they thought there was value in keeping this policy.
Key findings	In 2020, Perth Racing indicated that they believed that there was value in keeping this policy as they we are looking at increasing their non race day events at both racecourses. Perth Racing have now indicated in writing on 7 August 2021 that they are happy to support revocation of the policy provided they still have the ability to host concerts in the future with the Town's approval through an event application.

Legal compliance

[Environmental Protection \(Noise\) Regulations 1997](#)

Section 18 of the *Environmental Protection (Noise) Regulations 1997*

(3) Where the CEO is satisfied that a proposed sporting, cultural or entertainment event that is to be open to the public —

(a) is likely to result in the emission of noise in contravention of the standard prescribed under regulation 7; and

(b) would lose its character or usefulness if it were required to comply with that standard,

the CEO may approve the event, subject to such conditions as the CEO thinks fit, for the purpose of this regulation.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Nil	Nil	Nil	Nil	Nil	Nil
Environmental	Increased noise emanating from public events and concerts at Belmont Racecourse	Moderate	Moderate	Moderate	Low	All events on this site should be assessed and approved in the same way as any other event within the Town.
Health and Safety	Nil	Nil	Nil	Nil	Nil	Nil
Infrastructure/ ICT system/	Nil	Nil	Nil	Nil	Nil	Nil

Utilities						
Legislative compliance	Duplication of legislation with Council Policy.	Moderate	Moderate	Moderate	Low	<i>Use Environmental Protection (Noise) Regulations 1997</i>
Reputation	Nil	Nil	Nil	Nil	Nil	Nil
Service delivery	Nil	Nil	Nil	Nil	Nil	Nil

Financial implications

Current budget impact	No impact.
Future budget impact	No impact.

Analysis

7. The *Environmental Protection (Noise) Regulations 1997* (the Regulations) operates as a prescribed standard under the *Environmental Protection Act 1986*. Regulation 7 of the Regulations sets assigned noise levels that should not be exceeded.
8. Regulation 18 contains provisions relating to noise emissions from sporting, cultural and entertainment events. This includes the power for the Chief Executive Officer of the local government to approve a proposed sporting, cultural or entertainment event where the likely noise levels are to exceed the assigned levels under Regulation 7. In doing so, the processes detailed in Regulation 18 are to be followed including the need for the relevant local government to consult with each adjoining local government who may experience noise emissions as part of each application.
9. As outlined above, it is understood that the purpose of Policy 403 was to negate the need to consult with each adjoining local government for each and every Regulation 18 application for an event at Belmont Park that would exceed the assigned noise levels, by instead having a policy in place, agreed to by the other adjoining local governments, outlining the conditions for approval of any events and without the need for consultation for each and every Regulation 18 application. This was at a time when it is understood that Belmont Park Racecourse was regularly hosting music events.
10. While Policy 403 was beneficial in achieving its intent at a previous time, there have not been regular music events at Belmont Park Racecourse for some time (the last event being Australia Day 2019).
11. Upon reviewing Policy 403 and noting that there are few music events now held at the Racecourse, it is considered that there is no need to retain Policy 403, and that any future applications can be processed in a normal fashion under Regulation 18, consistent with such events in other local government areas across the State.
12. While revocation of the policy may marginally increase the approval period for a Regulation 18 application at Belmont Park Racecourse, revocation will be in alignment with all Regulation 18 approvals for other sites in the Town and is supported by Perth Racing.

13. With the exception of Optus Stadium (subject to Regulation 19B approval), noise emissions from sporting, cultural or entertainment events elsewhere within the Town are dealt with under Regulation 18, rather than an area specific policy.

7.2 Review of Policy 404 - Fireworks management

Location	Town-wide
Reporting officer	Principal Environmental Health Officer
Responsible officer	Manager Development Services
Voting requirement	Simple majority
Attachments	1. Existing Policy-404- Fireworks-management [7.2.1 - 3 pages] 2. Draft Policy 404 - Fireworks management [7.2.2 - 4 pages]

Recommendation

That the Policy Committee recommends that Council:

1. Endorse the draft revised Policy 404 – Fireworks Management (as shown in Attachment 2) for public consultation.
2. Give local public notice for a period of 28 days that comprise a notice in a local newspaper for three consecutive weeks and notice via the Town of Victoria Park’s social media channels and Your Thoughts.

Purpose

To review Council Policy 404 - Fireworks Management (Policy 404).

In brief

- Policy 404 has been identified for review as part of Council’s adopted policy work plan.
- Applications for fireworks displays will continue to be assessed having regard to Policy 404.
- A number of amendments are proposed to the policy to provide greater clarity in the assessment of applications, to clarify the Town’s role in the process and to address issues that have arisen in relation to the current policy.
- Given that fireworks display can sometimes have negative impact upon the community, it is recommended that the draft revised policy be advertised for public comment.

Background

1. The Policy 404 was created to assist in the management of fireworks displays in the Town. As part of that process, public consultation took place with comments being sought from surrounding local governments and major entertainment, sporting, and educational establishments within the Town. All comments that were received were tabled for Council information and taken into consideration in forming the final version of the policy that was submitted to Council for endorsement.
2. On 28 September 2004, Council adopted Council Policy HLTH5 – Fireworks Management to assist in the control of fireworks displays in the Town, particularly at Graduation Ceremonies held at Curtin University. In previous years, complaints from residents located in the Town and surrounding local governments had been received with respect to fireworks noise.
3. Previously, some venues within the Town sought exemption from compliance with the policy with such applications being referred to Council for determination. At its meeting on 16 October 2008, Council delegated to the Town’s Chief Executive Officer the authority to approve exemptions without referral to

Council for determination and for applications to only be referred to Council where deemed necessary by the Chief Executive Officer.

4. Policy 404 was last reviewed and amended by Council on 20 August 2019 as part of the minor review of policies. Only minor administrative amendments were made at this time. A full review of the policy was not undertaken.
5. In the period since Fireworks Management Policy and Procedure HLTH5 was endorsed by Council on 28 September 2004, there has been significant built environment and demographic changes that necessitates a review of the policy.
6. The Department of Mines, Industry Regulation and Safety (DMIRS) is responsible for the approval of fireworks displays. When DMIRS receive an application to hold a fireworks display, support is sought from the local government responsible for the area in which the fireworks display is proposed. In considering whether or not to support an application to hold a fireworks display in the Town, applications are assessed against the requirements of Policy 404.
7. Since the adoption in 2004 of Policy 404, the following exemptions to the policy have been applied for in the Town:
 - a. Chinese New Year and Chinese Consulate National Day Celebration.
 - b. Graduation Ceremonies at Curtin University.
 - c. Crown Perth.
 - d. Private weddings.
8. At its meeting on 20 April 2021, Council adopted a work plan to complete the review of a number of policies. Policy 404 was one of the policies identified for review.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	Public notification of all fireworks activities that may cause a noise nuisance within the Town.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	Simplify the approval process easier for anyone that wants to do business in the Town. Increase tourism within the Town.
EC02 - A clean, safe and accessible place to visit.	Improved management of noise nuisances relating to fireworks displays.

Engagement

Internal engagement	
Stakeholder	Comments
Environmental Health	The Town's Environmental Health Officers have provided input into the revised draft policy.

Other engagement

Stakeholder	Comments
Place Planning	No comments to make.
Community Development	No comments as they have not had any request for fireworks as part of a booking.
Ranger Services	<p>Requested that in assessing an application for a fireworks event, consideration should be given to parking and traffic management. This is not considered necessary, as fireworks are normally associated with an event, already the subject of traffic management, rather than being the primary purpose of an event. ie. traffic and parking is generated by an event, not fireworks at the event.</p> <p>Also requested that in relation to the public notification provisions for a fireworks event, this include advice to residents to secure their dogs during events. While the sentiment is understood, in advising residents of an event the resident can already make an informed decision as to whether or not to secure their dogs.</p>

Legal compliance

[Environmental Protection \(Noise\) Regulations 1997](#)

[Local Government Act 1995](#)

[Dangerous Goods Safety Act 2004](#)

[Dangerous Goods Safety \(Explosives\) Regulations 2007](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Nil					
Environmental	Noise nuisances disrupting residents	Moderate	Likely	Low	Low	TREAT risk by ensuring that affected area is notified and noise modelling undertaken in problem areas.
Health and safety	Noise complaints	Moderate	Likely	Low	Low	TREAT risk by ensuring that affected area is notified and noise modelling

						undertaken in problem areas.
Legislative compliance	Noise complaints	Moderate	Likely	Low	Low	TREST risk by approving fireworks events in accordance with Regulation 18 of the <i>Environmental Protection (Noise) Regulations 1997</i> .

Financial implications

Current budget impact	This policy review will not result in any current budgetary changes.
Future budget impact	This policy review will not result in any future budgetary changes.

Analysis

9. A review of Policy 404 (as shown in Attachment 1) has been completed by Council officers. This review has considered:
 - a) the effectiveness of the current policy including any issues of interpretation, application, gaps or deficiencies.
 - b) similar policies of other local governments;
 - c) alignment with relevant State legislation, policy and guidelines;
 - d) greater clarity in the objectives of the policy;
 - e) improving the presentation and ease of use (for both the public and Council officers) of the policy.
10. The major issues identified with the current policy include:
 - a) The policy scope and policy objectives are very brief.
 - b) The policy scope is brief and does not clarify the Town's role in the approval process for a fireworks event.
 - c) There is no definition of important terms used;
 - d) There is no clarity regarding the assessment process for a fireworks application nor the assessment criteria used;
 - e) A lack of clarity as to what constitutes an event.
11. In view of the above, the policy has been amended inclusive of the following:
 - a) Re-arranged the sequence and flow of headings and sub-headings of the policy in a logical manner;
 - b) Improved and expanded the policy scope and policy objective.

- c) The policy scope clarifies the Town's role, and that of other agencies, in the approval process.
 - d) Provided definitions for important terms that are used in the policy.
 - e) Consistent with advice received from the Department of Water and Environmental Regulation (DWER), included clarification that if a fireworks event is likely to exceed the assigned noise levels under the *Environmental Protection (Noise) Regulations* then an approval under Regulation 18 will be required before the Town supports a fireworks application.
 - f) Provided clarity on the assessment process and the assessment criteria that will be considered by the Town when assessing an application (see clause 3).
 - g) In clause 4, outlined the circumstances where the Town will offer no objection to a fireworks application.
 - h) Outlined relevant conditions that will be applied to the Town's support of a fireworks event, including greater clarity on the public notification requirements (see clause 7).
12. The amended policy will ensure greater clarity and consistency in the approval process. The policy seeks to recognise the benefits that can arise from fireworks displays, while also considering the impact upon local amenities and surrounding communities.
13. In view of the above, it is recommended that Council consent to public advertising of draft amended Policy 404 as shown in Attachment 2, for 28 days to seek public comments. A further report will be presented to Council in the future following the conclusion of the public advertising period, reporting on any submissions received, and seeking a final decision from Council as to whether or not to adopt the amended policy (in its current form or in a further modified form).

7.3 Review of Policy 225 – Hire and use of Town banner and flag sites

Location	Town-wide
Reporting officer	Manager Stakeholder Relations
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	1. Policy-225- Hire-and-use-of- Town-banner-and-flag-sites [7.3.1 - 2 pages]

Recommendation	
That the Policy Committee recommends that Council repeals Policy 225 Hire and use of Town banner and flag sites as attached.	

Purpose

To repeal Policy 225 Hire and use of Town banner and flag sites.

In brief

- Policy 225 was identified for review as part of the Council adopted policy work plan.
- The policy sets out the option to hire of Town-owned banner and flag sites for promotion and recognition purposes.
- The flag poles managed by the Town are coordinated in line with Australian National Flag Protocol.
- The requirement to hire banners to external parties is not required by the Town.

Background

1. At its meeting on 20 April 2021, Council adopted a work plan to complete the review of a number of policies. Policy 225 was one of the policies identified for review.
2. Policy 225 was last reviewed by Council on 20 April 2021 as part of the minor review of policies. The only amendment made at this time was a change to the responsible officer.

Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The banners on Albany Hwy are regularly utilised to celebrate key periods of acknowledgement or destination campaigns.

Environment	
Strategic outcome	Intended public value outcome or impact
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	The requirement for the banner pole facilities to be hired is deemed unnecessary by administration in the management of the banner poles.

Social	
Strategic outcome	Intended public value outcome or impact
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	<p>The banner poles within the Town will be utilised by the Town as part of recognition during key periods of the year.</p> <p>Where an international or flag of recognition is sort to fly on a Town managed flagpole, it would be in line with a Council decision and align the of the Australian Flag Protocols.</p>

Engagement

Internal engagement	
Stakeholder	Comments
Community Development	<p>Banner poles will be utilised for periods of significance that aligns to Council decisions (NADIOC, Reconciliation week).</p> <p>Flag raising ceremonies can be requested by the Council for particular days of significance or recognition, as a civic ceremony hosted by the Mayor.</p>
Place Planning	The Town would support the delivery of campaigns to support destination marketing, where an external organisation wishes to partner with the Town in the use of banners it would be part of a broader agreement.

Legal compliance

[Section 2.7 of the Local Government Act 1995](#)

[Australian Flags \(pmc.gov.au\)](http://pmc.gov.au)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	N/A					ACCEPT The banner poles have not been hired in the last financial year.
Environmental	The banner poles used on Albany Hwy are single use	Low	Low	Low	Low	TREAT Future review of the poles to offer a

	vinyl plastic.					more sustainable option.
Health and safety	Banners left on the poles after bad weather can cause a hazard.	High	Med	Med	Low	AVOID The Town manages banner poles and removes them as soon as any damage is sustained.
Infrastructure/ ICT systems/ utilities	N/A					
Legislative compliance	Flag poles cannot be hired for commercial use as they are aligned to Australian Flag Protocol.	Low	High	Med	Low	SHARE fly flags as per the requirements for a government building.
Reputation	Incorrect flying of flags.	Low	Med	Med	Med	SHARE fly flags as per requirements for a government building.
Service delivery	High administration requirement to manage the hire of banner poles.	Low	Med	Med	Med	TREAT partner with organisations, include as part of sponsorship support if requested and receive acknowledgement

Financial implications

Current budget impact	Not applicable.
Future budget impact	Not applicable.

Analysis

3. The flying of national flags and flags of recognition is dealt with by Council resolution or included in a corporate strategy (RAP).
4. The flying of national flags must be in line with the protocols set by the Department of the Prime Minister and Cabinet.

5. Where banner poles were requested for use, by an external agency, it would form part of an in-kind support sponsorship that is dealt with by Council resolution.
6. The administration level required to actively promote and utilise the policy as described is not financially feasible.

Relevant documents

Not applicable.

7.4 Draft Policy 105 - Advocacy

Location	Town-wide
Reporting officer	Manager Stakeholder Relations
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	1. Policy 105 Advocacy [7.4.1 - 4 pages] 2. Policy 105 Advocacy highlighted updates [7.4.2 - 4 pages]

Recommendation

That the Policy Committee recommends that Council adopts Policy 105 Advocacy as attached.

Purpose

This report seeks Council endorsement for the proposed Policy 105 Advocacy (Policy 105), in response to a Council resolution in December 2020.

In brief

- At the December 2020 Ordinary Council Meeting, Council resolved to request an Advocacy Policy be developed and reported to May Policy Committee.
- There has been concern raised by Council on the management of advocacy activity and reporting.
- In undertaking this review, the Town has looked holistically what advocacy seeks to achieve in comparison to the systems of government and private grants, donations and subsidies.
- At the May 2021 Policy Committee meeting, the committee resolved that the item was referred back to the Chief Executive Officer for presentation at the June 2021 concept forum, in accordance with section 89 of the Meeting Procedures Local Law 2019.
- At the June Concept forum the Manager Stakeholder relations presented to Council on the policy and asked questions to progress the policy.
- Council advised that inclusion of Public, Legislative and Social Policy should be included, that timeframes within the policy should align to Federal and State budget periods, and that a reporting mechanism should be included.

Background

1. Under Policy 001 Policy management and development, a policy response was identified as required as a result of Council resolution (576/2020), *Requests the Chief Executive Officer to develop a draft Advocacy Policy and present a report to the Policy Committee by May 2021.*
2. A core function of Council is advocacy. As the Town's population continues to grow so does the demand for supporting infrastructure, services and programs. The Town aims to directly and indirectly influence and ultimately collaborate with decision-makers and key stakeholders to realise its advocacy priorities, to effect change for the benefit of the community.
3. Advocacy priorities should reflect the community's needs and desires. Councils are ideally placed to undertake advocacy on behalf of and alongside their communities. Advocacy efforts in the local government context are increasingly focused on transformative policy and projects that have a whole of district impact.

4. As a general principle, advocacy projects have been endorsed by the Council annually.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	When projects, programs or strategies are adopted they can include a level of rigor and consideration relating to funding and partnership models.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The Town may not need to deliver certain projects or programs but can find ways to partner with community organisations. Town projects can be delivered in a sustainable way that is not dependant on rates.
CL07 - People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.	Advocacy outcomes and strategy is all of Council and Administration and is aligned to the right person doing the advocacy at the right level.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	In order to be effective advocacy needs to engage the correct people as both advocates and audience. This means that the advocate must be the 'right inviter'; this is the person(s) who has the requisite knowledge, authority and tools. Our role is to provide and facilitate an environment in which the right people are empowered to be advocates.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	We recognised the imperative to innovate, problem solve and create new opportunities to remain relevant in a global environment that is marked by rapid social and technological change.

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	This includes programmed activities such as making public submissions, direct lobbying, delegations, face to face meetings, correspondence, media activities and public campaigns.

Engagement

Internal engagement	
Stakeholder	Comments
CEO	Scope and inclusions

Governance	Legislation
Exe Assistants	Process changes
IT	Process change to CRM and records management future system reporting
Communications	Media, framework development, roles and responsibilities

Other engagement

Stakeholder	Comments
Andrew Hammond Consultant	Independent policy review and benchmarking against similar organisations.
Elected Members	Concept Forum June 2021

Legal compliance

[Section 2.7 of the Local Government Act 1995](#)

[Section 1.3 of the Local Government Act 1995](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not having a focus advocacy approach could result in the Town not benefitting from finance support.	Low	Likely	Med	Low	TREAT risk by adopting an annual advocacy focus that is resourced and supported.
Environmental	Not Applicable					
Health and safety	Not Applicable					
Infrastructure/ ICT systems/ utilities	Not Applicable					
Legislative compliance	Conflicts of interest relating to advocacy	High	Low	Med	Low	TREAT risk with effective systems managed effectively
Reputation	Unfocussed	Low	Low	Low	Low	TREAT risk with

	approach to advocacy					clarification on expectations and focus projects, report accordingly.
Service delivery	Project delivery could be at risk without the support of external stakeholders.	Med	Med	Med	Med	TREAT with management of community expectations and transparent reporting on advocacy reporting activity

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Not applicable.

Analysis

5. The proposed Advocacy Policy builds on the principles of Policy 103 Communications and Engagement and aims to align advocacy activity with stakeholders is proactive and targeted towards a mutual outcome.
6. The attached policy sets to provide details of each agreed advocacy project including:
 - a) the identified problem and proposed solution;
 - b) intended courses of advocacy action over the forthcoming year;
 - c) the resources required; and
 - d) identified lead personnel.
7. The policy outlines progress reporting based on the agreed direction that is then reported on quarterly, to align to the intent of the December Council resolution.
8. The policy acknowledges that success in the pursuit of Advocacy Projects rests with external decision makers amid a competing array of stakeholder groups and interested parties.
9. Actions and activities contained within the Annual Advocacy Program will be used as an indicator of performance.
10. The Town will need to invest in resources and technology to accurately report on Advocacy activities. These funds have been included in the 2021/2022 draft budget.
11. Australia wide bench marking was completed in the development of this policy.
 - a) Wyndham – Victoria; keep the execution of advocacy internal as part of a governance and strategy model. The Council created a prioritisation framework and campaigns are run to support the

advocacy efforts. Their challenge is a disengaged and socially disadvantaged community. The focus of their efforts is based on resources for socially disadvantaged and education. The City is a safe seat area at Federal and State level. You can see project specific content here:

<https://www.wyndham.vic.gov.au/advocacy>

- b) Broken Hill – New South Wales; The Council advocacy efforts are focussed on the diversification of economy in the area (to move away from mining) and to attract new residents to live in the Town. You can see project specific content here [Broken Hill: A Blueprint – Advocating For Our Future | Broken Hill City Council \(nsw.gov.au\)](#)
- c) Mitchell Shire – Victoria; The Council's focus on advocacy efforts is related to public policy influence policy decisions, directions and resourcing assistance by State and Federal Government, to deliver services and assets to our existing and emerging communities. It ensures that Council's advocacy is aligned with Mitchell Shire Council vision for the community, Council Plan and any other relevant strategic documents or policies. [Mitchell Shire Council Advocacy Policy](#)
- d) City of Perth – Western Australia; The Council includes advocacy efforts and focus areas into the Strategic Community Plan. The focus of the SCP is on forming partnerships, platforms and facilitation efforts to provide a collaborative approach to meeting community expectations with a focus on business.
- e) The City of Swan – Western Australia; The Council has set a number of strategically significant priorities to enrich the lifestyle of our residents and ratepayers with a focus on roads and transport. These priorities are set and approved by Council at the beginning of each calendar year [Advocacy Priorities \(swan.wa.gov.au\)](#)

Relevant documents

[Policy 021 – Fees, expenses and allowances - Elected members and ICMs](#)

[Policy 024 – Event attendance](#)

[Policy 103 – Communications and engagement](#)

7.5 Draft Policy 117 Business Grants

Location	Town-wide
Reporting officer	Place Leader (Strategic Planning)
Responsible officer	Manager Place Planning
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Draft Policy 117 Business Grants [31 C V] [7.5.1 - 5 pages] 2. City of Perth Small Business Grants Program Information Pack 2019-2020 [7.5.2 - 13 pages] 3. City of Perth COVID-19 Rebound Grants and Sponsorship Program Information Pack 2020-2021 [7.5.3 - 46 pages] 4. Quarterly Report EDS- Apr- Jun [7.5.4 - 9 pages]

Recommendation from the Policy Committee:

That Council adopts Policy 117 Business Grants as attached; subject to:

1. Remove the words 'Auspice organisation; Incorporated organisation; Small business; and Medium Business' from policy definitions.
2. Insert a new clause 13 – Ineligibility criteria as follows:

“The Business Grants will not support recurrent operational funding, including but not limited to, wages, salaries or administrative overheads.”
3. Insert a new clause 14 – Ineligibility criteria as follows:
 - a. "Applicants must not lobby, seek to influence or canvass the decision-making of elected members or employees, in relation to their applications other than by way of an authorised presentation and/or deputation at a Council meeting. Any applicant who does so will have their application rejected."
 - b. That all remaining clauses be renumbered accordingly.
4. Amend existing Clause 17 to read as follows:

"The Town will convene a panel to assess all applications received, which will:

 - a. consist of at least three suitably qualified and experienced people, none of whom shall be elected members, appointed by the Chief Executive Officer;
 - b. assess grant applications against the requirements and Assessment Criteria set out in this policy; and
 - c. provide recommendations of which grant applications should be accepted or rejected to the Council."
5. Delete existing clause 23 and substitute as follows:

“The final decision whether a grant application is to be approved or rejected will be made by Council following receipt of a recommendation from the assessment panel.”

Purpose

For Council to adopt a policy framework for an ongoing Town of Victoria Park Business Grants program in support of the Town's Economic Development Strategy.

In brief

- At its meeting of 18 August 2020, Council adopted Policy 121 COVID-19 Business Grants which establishes the Town's inaugural business grants program. The program is a COVID-19 recovery project, funded by the COVID-19 recovery fund, and has supported several local businesses under two categories - the Economic Development Grant, which provides up to \$8,000 for strategic projects with broad economic and business benefits, and the Small Business Resilience Grant, \$1,000 micro-grants to help individual small businesses with COVID-19 recovery initiatives.
- Policy 121 COVID-19 Business Grants includes a sunset clause and will be revoked in September 2021. This is in keeping with the conclusion of COVID-19 Business Grant funding from the COVID-19 recovery fund.
- Feedback received from staff, elected members and the Business Advisory Group indicates that there is interest in an ongoing, non-COVID-19 related business grants program. This program could potentially support a broad range of economic development objectives and needs, both under the Town's Economic Development Strategy and broader strategic program.
- Policy 117 Business Grants provides an overarching policy to establish a highly flexible business grants program, with project objectives and grant categories being reviewed on an annual basis in response to current trends and needs. The policy does not obligate Council to deliver the program every year, acknowledging that availability of grants will be in accordance with availability of budget.

Background

1. Under Policy 001 Policy management and development, a policy response was identified as required to meet:
 - the Town's strategic objectives
 - community need or expectation.
2. The Economic Development Strategy: Pathways to Growth 2018-2023 (the "EDS") provides several pathways to build on local identity and develop a diverse and resilient local economy. Pathway 4 focuses on supporting innovation and entrepreneurship and Pathway 5 focuses on creating an enabling business environment. While the EDS does not specifically include business grants in its recommendations, such a program can be crafted as a strong tool to deliver EDS actions such as:
 - a) 4.3 Enable strategic interaction with start-ups, entrepreneurs and innovators to leverage and promote entrepreneurial thinking within Council.
 - b) 4.5 Actively develop the regional innovation ecosystem's capacity to nurture businesses, artists, creatives and innovators and generate economic growth in key industry sectors.
 - c) 5.7 Build the reputation of the Town as a great place for investment by identifying and promoting its business success stories.
 - d) Various actions in Pathway 6 and Pathway 7 targeting high-value industry sectors and high-value precincts, such as 7.11 Explore and promote programs to help businesses integrate technology into the retail and hospitality offering and 7.18 Implement a Shopfront Improvement Grant scheme.

3. The Town's inaugural business grants program was launched in 2020 as a COVID-19 recovery project. The project specifically targeted building resilience and invigorating the local economy during the pandemic recovery phase. Funding of the program is finite under the COVID-19 recovery fund and the governing Policy 121 COVID-19 Business Grants will be revoked in September 2021. In total there were 28 Small Business Grant applications submitted, with 13 of these awarded a grant. A total of 14 Economic Development Grants applications were submitted, with seven awarded a grant. For more detailed information on the individual applications, see pages 3 and 4 of the EDS Quarterly Reporting from the July OCM which is attached.
 4. A small internal review was undertaken to assess the efficacy of the COVID-19 Business Grants program and make recommendations for a future ongoing program of business grants. During this process, the business grants concept was discussed at a meeting of the Town's Business Advisory Group ("BAG"). The BAG was largely supportive of a business grants program.
 5. In addition to discussion with the BAG, the review considered feedback from staff involved in the program and case studies of business grant policy frameworks from other local governments. Engagement with individual recipients of COVID-19 Business Grants was not included as many of these projects are still ongoing.
 6. The review of the COVID-19 Business Grants program identified four key themes relevant to any future program:
 - a) *Flexibility* – Policy 121 was developed for a very specific purpose in a unique context. As the recovery phase has progressed, it has become apparent that some of the policy requirements have become outdated or are overly limiting on new and interesting ideas. For example, the program attempts to prevent Small Business Resilience Grants being used for "standard operating costs", a term which is defined in the policy. This has led to some confusion for applicants who want to use a grant for costs such as marketing, disbursements and staff hours where these are necessary to support a specific recovery or resilience project. More broadly, as the recovery phase has progressed, the Policy 121 conceptualisation of 'recovery' for small businesses has not evolved.
 - b) *Ambivalence or stagnation of grant themes* – broad themes for grants can provide flexibility to applicants but can also create confusion or uncertainty. For COVID-19 Business Grants, staff observed that some applicants or potential applicants were uncertain what was meant by terms such as "recovery" and "resilience". Policy 121 themes were at the same time, both overly restrictive and too abstract. Feedback received from the community via the BAG or informal conversations with staff indicates that business prefer clear, specific grant themes so that they can quickly determine their level of interest and relevance. Similar issues have been observed by Councils running "innovation" business grants, where there is a need to clearly define innovation without unduly limiting potential grant projects.
 - c) *Resourcing impacts* – running the COVID-19 Business Grants program required substantial staff hours and resourcing, this must be considered in the planning stages of any future program. In particular, the Small Business Resilience Grants have required substantial staff hours with limited uptake, and the value-point of these grants must be considered. Micro-grants should not be dismissed entirely but should only be utilised where there is a very specific and significant need.
 - d) *Information and access* – the Town have administered community grants for many years and has a well-established suite of informational tools and processes as well as a highly-informed target market. However, the target market for COVID-19 Business Grants is not generally highly experienced with a program of this nature and this was reflected in the application paperwork received and overall program uptake. Further consideration should be given to how the program is marketed and the informational tools provided to potential applications, including specific consideration of the Town's substantial culturally and linguistically diverse business community. Improved informational and educational tools may also assist in reducing the administrative burden
-

if applicants are better positioned to complete paperwork and deliver projects with minimal staff assistance.

7. Overall, the review of the program concluded that a Business Grants program has benefit to the Town’s business community and is consistent with the EDS but must be carefully formulated to provide specific benefits while not stifling creativity or failing to respond to changing priorities and conditions. A new Council policy to guide an ongoing Business Grants program has therefore been developed.

Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The Business Grants program can support local businesses or projects that deliver local economic development benefits. The program can both target these strategic outcomes directly and create a broader environment of business vibrancy.

Engagement

Internal engagement	
Stakeholder	Comments
Economic Development (Place Planning)	<ul style="list-style-type: none"> Two informal workshops were held: <ul style="list-style-type: none"> Workshop 1 focused on experiences with the COVID-19 Business Grants program, Policy 121, and broad ideas for future programs Workshop 2 focused on Draft Policy 117 Business Grants Staff were invited to complete a short survey on the COVID-19 Business Grants Program Staff were invited to provide feedback on Draft Policy 117 Business Grants
Place Planning	<ul style="list-style-type: none"> Staff were invited to complete a short survey and/or provide feedback on their experiences with the COVID-19 Business Grants program Staff were invited to provide feedback on Draft Policy 117 Business Grants
Community	<ul style="list-style-type: none"> Staff were invited to complete a short survey and/or provide feedback on their experiences with the COVID-19 Business Grants program Staff were invited to provide feedback on Draft Policy 117 Business Grants
Business Services	<ul style="list-style-type: none"> Staff were invited to complete a short survey and/or provide feedback on their experiences with the COVID-19 Business Grants program Staff were invited to provide feedback on Draft Policy 117 Business Grants
Business Advisory Group	<ul style="list-style-type: none"> Members were invited to provide feedback on the COVID-19 Business Grants program and their views on a future program at a BAG meeting

Legal compliance

[Section 2.7 of the Local Government Act 1995](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Business Grants program is over or under-funded.	Insignificant	Possible	Low	Low	TREAT risk by reviewing the program annually and utilising learnings in the budget planning process.
	Successful projects/recipients fail to deliver the project or expected economic benefit.	Minor	Unlikely	Low	Low	TREAT risk through preparing a management practice to guide project delivery, including a robust acquittals process; utilise a cross functional panel for grants assessment to thoroughly consider likelihood of project success; review program annually. ACCEPT that a range of unforeseen factors may limit project success.
	Businesses become overly reliant on grant funding.					TREAT risk by including conditions within the policy around future funding and project eligibility.
Environmental	Not applicable				Medium	
Health and safety	Not applicable				Low	
Infrastructure/ ICT systems/ utilities	Not applicable				Medium	

Legislative compliance	Not applicable					Low
Reputation	Community perceives that business grants are administered unfairly or inefficiently.	Minor	Rare	Low	Low	AVOID the risk by preparing a management practice, communication tools and engagement strategy to demonstrate the program is being well managed; ensuring appropriate resourcing to enable efficient management of the program.
	Delivery of grant projects is unsuccessful or triggers events that could reflect badly on the Town.	Minor	Unlikely	Low	Low	TREAT the risk through preparing a management practice and establishing strong guideline's for the Town's role in projects.
	Community does not understand the benefit of a business grants program or how to access the program.	Insignificant	Possible	Low	Low	TREAT the risk through preparing informational tools and communication strategy.
Service delivery	Administration of business grants exceeds staff capacity.	Minor	Likely	Moderate	Medium	TREAT the risk through considering resourcing at all stages of program planning and budget planning. ACCEPT the risk if administration needs exceed staff capacity.

Financial implications

Current budget

Sufficient funds exist within the annual budget to address this recommendation.

impact	
Future budget impact	Adoption of Draft Policy 117 Business Grants does not obligate the Council to fund and run a business grants process, however, it does create a reasonable expectation for such a program. Place Planning is advocating for a budget of \$80,000 in the 2021/22 annual budget. This is consistent with the budget allocated from the COVID-19 Recovery funds in 2020/21, of which \$51,120 (ex GST) was awarded to seven Economic Development Grant recipients, and \$10,506 (ex GST) was awarded to twelve Small Business Recovery Grant recipients. The amount allocated to business grants will be reviewed each year.

Analysis

8. Following the internal review of the COVID-19 Business Grants program, draft Policy 117 Business Grants has been developed to address review findings and establish an ongoing business grants program in support of the EDS. Development of a new policy is preferable to a review of the existing Policy 121 COVID-19 Business Grants policy as the latter and its programs remain current until September 2021, and the existing provisions should be retained until the operation of the program concludes. The highly specific approach of Policy 121 conflicts with the broad, flexible approach of draft Policy 117 and it is difficult to reconcile these two approaches within a single policy.
9. A number of policy and program approaches from other local governments were considered through the review. The City of Perth model was found to be highly advantageous in addressing the issues identified in the review, particularly in relation to flexibility and ambivalence or stagnation of themes. The City of Perth model utilises a brief, generic policy to establish the fundamentals of the grant program. The policy does not attempt to establish specific program themes or grant categories. Instead, these are regularly reviewed and published in the City's grants information pack. This approach allows the City to be highly nimble and efficient in the delivery of its grant programs, responding to changing priorities as they arise, as observed with its ability to swiftly establish a COVID-19 response grants program. The 2019/20 and 2020/21 information packs are attached to this report to demonstrate the breadth of potential programs that can be delivered under the same overarching policy.
10. Draft Policy 117 Business Grants has been based on the City of Perth approach. The ongoing review of the business grants program will be broadly undertaken as follows (timings are by financial year):
 - a) Staff will review the previous year's themes and provide summary information to elected members (Target timeframe – late Q3).
 - b) Elected members will provide guidance on strategic objectives, target themes, audiences and categories, and broad funding allocation. The strategic direction should primarily reflect the EDS but can also draw on needs or actions in other adopted Council strategies where there is mutual benefit. For example, a shopfront improvement grant program could also meet heritage preservation or Economic Development Program objectives; or an accessibility building works grant program can also meet Disability Access and Inclusion Plan objectives. (Target timeframe – late Q3 to early Q4).
 - c) Staff will prepare information packs, any program-specific assessment criteria, and media collateral to deliver the program in keeping with the strategic direction set by elected members (Target timeframe – Q4).
 - d) Staff will include business grants in the budget advocacy process, reviewed to accommodate the scope envisioned (Target Timeframe – Q3/Q4).

e) Launch of the new information packs, website content and business grants program (Target Timeframe – Q1).

11. This process will be outlined in a management practice to support draft Policy 117, which staff will prepare following elected member consideration of the draft policy.
12. This approach has the advantage of being highly flexible to changing needs and priorities. This might include urgent and unforeseen needs that arise outside of the review process (similar to the COVID-19 pandemic and recovery effort), where the Town is able to quickly adapt or broaden the program pending availability of budget and elected member support. It also provides a simple process for the grant objectives to be changed each year, if desirable, without the need for amending the Council policy. The approach offers a sound balance of flexibility and structure.
13. A summary of the draft Policy 117 Business Grants components is provided below.

Clause	Reason
Administration of Business Grants, clauses 1-6	These clauses are largely taken from Policy 121. They establish the program and Town’s reporting requirements. Notably, clause 2 states that the Council may review program funding or suspend the program if funding is not available.
Conflicts of Interest, clauses 7-10	These clauses are standard clauses largely taken from Policy 121.
Eligibility, clauses 11-12	These clauses establish the basic eligibility requirements for any business grants recipient. These are broad requirements, largely taken from Policy 121 and similar to the community grants program eligibility requirements, intended to protect the Town’s reputational and financial interests.
Business Grants Categories and Assessment Criteria, clauses 13-15	<p>Clauses 13 and 14 establish the basic requirements for annual review of the program categories and assessment criteria, in keeping with the description provided in this report.</p> <p>Clause 15 provides a series of basic assessment criteria that will apply to any program delivered under draft Policy 117. These include theme-specific criteria to be identified during the annual review process, and general criteria intended to ensure that projects funded by the program are consistent with the EDS and likely to succeed in delivering an economic benefit.</p>
Approval Process, clauses 16-23	These clauses provide the most basic requirements for assessing and approving a business grant, which remain unchanged regardless of the strategic themes or categories. These are largely taken from Policy 121. These clauses are intended to facilitate ongoing transparency and consistency in the assessment process. The future management practice will augment these requirements with additional guidance for staff on routine administration of the program.
Acquittal Terms, clauses 24-25	These clauses provide the most basic requirements for acquittal of a business grant. The future management practice will augment these requirements with additional guidance for staff on routine administration of

Relevant documents

[Town of Victoria Park Economic Development Strategy: Pathways to Growth 2018-2023](#)

[Town of Victoria Park Policy 121 COVID-19 Business Grants](#)

[City of Perth Policy 18.13 Sponsorship and Grants](#)

Further considerations

14. At the 26 July 2020 meeting of the Policy Committee, a question was asked about 'closely associated persons' and the position the Town has taken on this matter in the past. The draft Business Grant Policy replicates Clause 7d of Policy 114 – Community Funding by stating that Town employees and elected members are ineligible to access the Community Funding Program. The clause seeks to deal with the ineligibility of persons closely associated with the local government, and the clarity of the clause assists the administration identify ineligible applicants during the assessment process.

15. If Council wanted to elaborate on this ineligibility criteria through the definition of a 'closely associated person' under the *Local Government Act 1995*, they could do so by amending the draft Business Grants Policy to more closely reflect section 5.62(1) of the Act which states:

(1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if—

(a) the person is in partnership with the relevant person; or

(b) the person is an employer of the relevant person; or

(c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or

(ca) the person belongs to a class of persons that is prescribed; or

(d) the person is a body corporate —

(i) of which the relevant person is a director, secretary or executive officer; or

(ii) in which the relevant person holds shares having a total value exceeding —

(I) the prescribed amount; or

(II) the prescribed percentage of the total value of the issued share capital of the company, whichever is less; or

(e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or

(ea) the relevant person is a council member and the person —

(i) gave an electoral gift to the relevant person in relation to the election at which the relevant person was last elected; or

(ii) has given an electoral gift to the relevant person since the relevant person was last elected; or

(eb) the relevant person is a council member, and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last elected; or

(ec) the relevant person is a CEO and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last employed (or appointed to act) in the position of CEO; or

(f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

16. The draft Business Grants Policy is therefore capable of being amended accordingly:

12. The following ineligibility criteria apply to all Business Grants:

e. The applicant is a Town employee, Elected Member or closely associated person (as defined by the Local Government Act 1995) of a Town employee or elected member.

17. It is important for Council to consider the administration's ability to uncover and assess the information referred to in Clause 5.62(1) of the Act. The administration would need to build the characteristics of a 'closely associated person' into the grant application process via a series of self-disclosure questions rather than a reactive case by case investigative process by staff, which would be an unrealistic and potentially ineffective administrative task.

18. The below considerations with respect to the Policy Committees amendment to Clause 23 of the Business Grants Policy, which requires all grants to be presented to Council for determination, are outlined below:

- a. Having all grants determined by Council does not align with the Economic Development Strategy's (EDS) objectives/actions of reducing red tape for the local business community and will result in an extended timeframe for determination (from 30 days as outlined in the original Clause 22 to between 60 to 90 days). See Action 5.4 of the EDS which states: '*Remove unnecessary regulatory barriers, simplify application processes and actively promote improvements to the local business community.*'
- b. A lengthened assessment timeframe may result in a reputational risk for the Town (i.e. difficult to do business with/or not responsive).
- c. The Business Grants program would need to be structured into set funding rounds rather than some funding categories potentially being accessible all year round. This reduces the flexibility of the grants program and makes it more difficult for the business community to align their projects with available funding now and in the future.
- d. A process in which Council endorsement is required for grants means there is also the chance that grant categories that have been organised to respond to an emergent need or an emergency might be redundant/too late by the time Council approval is finalised.
- e. An amendment to Clause 23 would provide additional administrative reporting and coordination to what is currently undertaken, which will therefore impact on the capacity to deliver other projects in the Economic Development Program. To understand the impact on the broader Economic Development Program, the additional time to administer all the grants through to

Council for final determination is roughly the equivalent amount of time taken to prepare and deliver a business networking event. Administration would need to consider which part of the Economic Development Program would need to be reduced/removed to cater for the additional resourcing to administer the Business Grants through to Council.

19. At the 17 August 2021 OCM, Council determined to refer the Business Grants Policy back to the 23 August 2021 Policy Committee for further consideration.

8 Motion of which previous notice has been given

9 Meeting closed to the public

9.1 Matters for which the meeting may be closed

Nil.

9.2 Public reading of resolutions which may be made public

10 Closure