



MAKING OF COUNCIL POLICY

Responsible Officer	Group Manager Governance and Executive Services
Contact Officer	Group Manager Governance and Executive Services
Authorisation	Port Macquarie-Hastings Council
Effective Date	25 February 2009
Modifications	
Superseded Document(s)	Proposing New Policy, Amending Existing Policy and Rescinding Obsolete Policy Policy
Review	Group Manager Governance and Executive Services
File Number	D2015/118330
Associated Documents	Nil

1. INTRODUCTION

The establishment of policy reduces risk, provides for consistency in decision making and guides the promotion of operational efficiencies. Procedures, guidelines and similar documents sit under policy, provide the “how to” and assist in the implementation of policy.

A council will typically divide its policy suite into what is termed public ‘Council’ Policy and internal ‘management’ policy. There is no Local Government industry standard terminology used to separate Council Policy from management policy, however the differentiation is commonly formed on the basis of who completes the final authorisation, either the Council or the General Manager.

Commonly used terminology:

Policy approved by Council	Policy approved by the General Manager
Council Policy	Management policy
Big ‘P’ Policy	Little ‘p’ policy
Externally focused Policy	Internally focused policy
	Organisational policy

2. POLICY OBJECTIVE

This Policy on the making of Council Policy provides an open and transparent statement as to how the Council will establish, amend and rescind its Policy.

3. POLICY SCOPE

In general, Council Policy covers strategic matters and external relationships, whilst management policy covers operational matters and legislative requirements on staffing.

It should be noted that a particular policy (either Council or management) may have a deliberately defined scope of coverage. For example, an adopted Council Policy may only apply to a specific location of the Local Government area or a management policy may apply to a specific staff group or groups.

This Policy sets the Policy making and review process for ‘Council’ Policy.

4. DEFINITIONS

Policy	<p>Is a concise statement of governing principles, intentions and values that mandate or constrain the performance of activities undertaken to achieve Council's objectives.</p> <p>Policy provides an approved way of operating in relation to a particular matter.</p> <p>A policy is general in nature, has broad application and helps to ensure compliance with:</p> <ul style="list-style-type: none">• Council objectives.• Applicable legislation and regulations.• Contract requirements; and• Delegation of authority by the Council and General Manager.
Procedure	<p>Is a mandated way of undertaking a particular activity.</p> <p>A procedure is the "how to" document, it is a written, approved specification for the execution of an activity - often composed of steps, using established methods or forms - designed to achieve a consistent approach to compliance with applicable policies.</p>
Guideline	<p>Is a document that contains information about acceptable methods for implementing requirements found in policies and procedures that have been adopted.</p> <p>Guidelines do not mandate the actions that are to be taken, rather they offer suggested steps to follow in implementing a particular policy or procedure.</p>
Council official	<p>A Councillor, Council staff, Administrator, Council Committee, Sub-Committee or Advisory Group member, Conduct Reviewer or any person or body to whom a function of Council has been delegated.</p>

5. LEGAL & POLICY FRAMEWORK

This Policy, once adopted, will provide Council and Council staff with a process for the development of all new Council Policy, the amendment of existing Council Policy and the rescission of redundant Council Policy.

6. POLICY STATEMENT

Please refer to Policy Statement following.

7. IMPLEMENTATION

7.1 Roles and Responsibilities

The following Council officers are responsible for the implementation and adherence of this Policy:

- General Manager.
- Directors.
- Group Manager Governance and Executive Services.

7.2 Support and Advice

The following Council officers are available to provide support and advice on this Policy:

- Group Manager Governance and Executive Services.

7.3 Communication

Policy will be communicated utilising the Making of Council Policy Procedure.

7.4 Procedures and Forms

7.4.1 Making of Council Policy Procedure.

7.5 Guidelines

Nil.

8. REVIEW

Review of this Policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

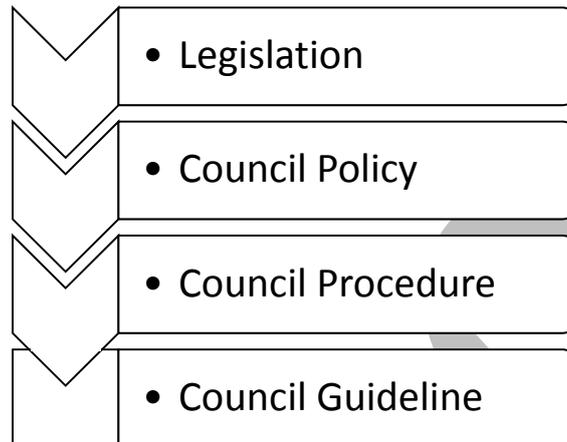
The Group Manager Governance and Executive Services is responsible for the review of this Policy.

This Policy will be reviewed within 12 months after any scheduled Ordinary Local Government Election and as a minimum, once every four (4) years.

A review of this Policy can be initiated at the discretion of the General Manager.

POLICY STATEMENT

PART 1: COUNCIL POLICY FRAMEWORK



Council's Policy Framework is hierarchical and consists of this Policy and the Making of Council Policy Procedure.

Council cannot adopt Policy that is contrary to any applicable Act or Regulation.

Similarly, Policy takes precedence over a Procedure and Procedure takes precedence over a Guideline.

In the event of any inconsistency within Council's Policy Framework, the document of precedence will prevail to the extent of the inconsistency.

1.1 Legislation

Legislation is passed by the Commonwealth (Federal) and/or State Government.

The NSW State Government is specifically responsible and has oversight of Local Government.

1.2 Council Policy

Council Policy is formally adopted by resolution of Council.

Council Policy is a concise statement of governing principles, intentions and values that mandate or constrain the performance of activities undertaken to achieve Council's objectives.

Policy provides an approved way of operating in relation to a particular matter.

A Policy is general in nature, has broad application and helps to ensure compliance with:

- Council objectives.
- Applicable legislation.
- Contract requirements; and
- Delegation of authority by the Council and General Manager.

1.3 Procedure

Procedures can be adopted at various levels, by Council and within the organisation. The level of adoption will dictate precedence. For example, a Council adopted Procedure will take precedence over a procedure adopted by an authorised Council staff member.

A procedure is a mandated way of undertaking a particular activity. It is the “how to” document, it is a written, approved specification for the execution of an activity - often composed of steps, using established methods and/or forms - designed to achieve a consistent approach to compliance with applicable policies.

1.4 Guideline

Guidelines can be adopted at various levels, by Council and within the organisation. The level of adoption will dictate precedence. For example, a Council adopted Guideline will take precedence over a guideline adopted by an authorised Council staff member.

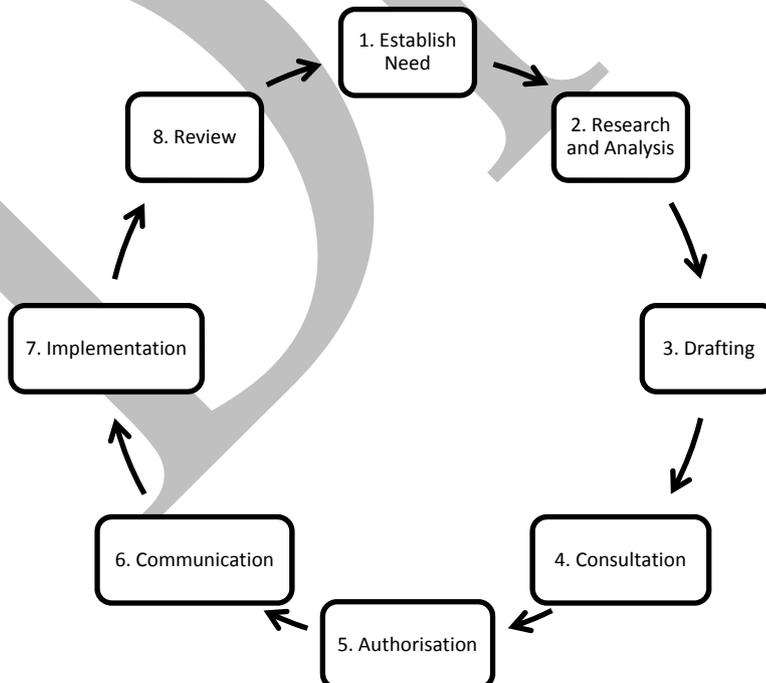
A guideline is a document that contains information about acceptable methods for implementing requirements found in policies and/or procedures that have been adopted. Guidelines do not mandate the actions that are to be taken, rather they offer suggested steps to follow in implementing a particular policy and/or procedure.

There may be situations where a guideline is more appropriate to use than a procedure, for example, where a degree of flexibility is required to ensure the efficient and effective operation of an activity.

It is permissible for a guideline to exist in the absence of a procedure.

PART 2: NEW COUNCIL POLICY

Proposed Council Policy will use the approved Council Policy template and will adhere to the Making of Council Policy Procedure:



2.1 Establish Need

This phase incorporates considerations of the following:

- Why has the issue/matter been identified?
- Do any precedents or already established Policy exist?
- Does the issue/matter require a Policy to be established?
- What are (if any) the implications?
- Can the issue/matter be addressed appropriately in another manner? Such as the establishment of a procedure or guideline.

At the conclusion of this phase, a clear and documented course of action will exist. If that action is the creation of Council Policy, continue through to Phase 2: Research and Analysis.

2.2 Research and Analysis

This phase incorporates the following:

- Examine how the issue/matter is currently managed.
 - Identify strengths and weaknesses of current approach(es), etc.
- Identify any areas of Council Policy overlap.
- Investigate legislative and regulatory requirements.
- Does any 'best practice' exist?
- Research and benchmark how the issue/matter is handled by other organisations.
- Evaluate different options, including the impact of the options.
- Assess implementation constraints.

Documented quality Policy option(s) that are appropriate and operationally feasible is the targeted outcome of this phase, so as to ultimately avoid inappropriate and unworkable Policy decisions.

2.3 Drafting

Policy should be drafted in plain English and formatted using the adopted Council Policy template. The Policy author is required to ensure that the new Policy is consistent with current legislation and any existing Policy.

During this phase the Policy author should also consider any financial and administrative implications and seek input from appropriate Council staff.

Draft Council Policy will be presented to the Executive Group and the Council prior to any external consultation.

2.4 Consultation

External consultation of all Council Policy is to be completed as per the Council adopted Community Engagement Policy and associated documents.

Draft Council Policy will be publicly exhibited for a minimum period of 28 days - unless a statutory exhibition period is required. During the exhibition period Council will accept submissions from the public.

2.5 Authorisation

Council Policy is required to be formally adopted by resolution of Council.

2.6 Communication

Whilst communication occurs throughout the entire Council Policy development process, specific communication of an adopted Council Policy is mandatory.

Appropriate communication will be undertaken, lead by the identified Council Policy responsible officer. Communication will include consideration of:

- Stakeholders (both external and internal).
- Liaison with appropriate Council staff to ensure inclusion of Council Policy in induction programs, etc.
- Education and training for relevant Council officials.

2.7 Implementation

Each Policy will have an identified Council officer responsible for that Policy and its development. The identified officer will develop a plan to effectively implement the Policy including the assignment of specific implementation responsibilities to appropriate Council staff.

2.8 Review

Periodic review of the content, communication, implementation and effectiveness of each Council Policy must occur every two (2) years, unless otherwise stated in the Policy document.

A regular review of Policy assists in ensuring that relevant and effective Policy is retained, Policy gaps identified and redundant Policy rescinded.

During any review, the Council Policy intent and implementation will be revisited and the effectiveness of the Policy's deployment and any unexpected outcomes will be considered.

Policy review continues the life cycle of a Policy, returning to a reconsideration of Phase 1: Establish Need. This ensures that Policy is regularly considered for removal based on changing legislation, Council needs or the creation of competing Policy.

PART 3: AMENDING COUNCIL POLICY

Amendments to existing Council Policy must follow the Making of Council Policy Procedure, unless the amendments are minor in nature.

Minor amendments include:

- Changes to the format of the Policy, grammar or spelling.
- Changes to the Policy number or changes to Policy owners or those responsible for implementing the Policy.

The General Manager has authority to approve minor amendments to Council Policy if, in the General Manager's opinion, the amendment does not:

- Change the intent of the Policy, or
- Impact on the community, or
- Result in conflict with an existing Policy; or
- Have legal and/or financial implications.

PART 4: RESCINDING COUNCIL POLICY

Council Policy can only be rescinded by a specific resolution of the Council to do so.

Prior to Council passing a motion to rescind a Council Policy (a resolution), the Council will place on public exhibition its intention to rescind the Policy.

During the public exhibition period the Council will call for and accept submissions from the public.

PART 5: REPORTING ON STATUS OF COUNCIL POLICY

An annual Council report will be presented to the Council outlining the status of all current Council Policy.

The Council report will include (as a minimum):

- Policy adoption date.
- Policy last reviewed date.
- Outcome of last review (No change, administrative amendments, Council approved).
- Policy next review date.

Draft