



muswellbrook
shire council

Muswellbrook Shire Council

ORDINARY COUNCIL MEETING

BUSINESS PAPER

THURSDAY 14 MARCH 2024



MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
11 March, 2024

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the Loxton Room / Teams, Administration Centre, Campbell's Corner 60-82 Bridge St, Muswellbrook NSW 2333 on **Thursday 14 March 2024** commencing at **4:00pm**.

Derek Finnigan
GENERAL MANAGER



Council Meetings

Meeting Principles

Council and committee meetings should be:

- Transparent:* Decisions are made in a way that is open and accountable.
- Informed:* Decisions are made based on relevant, quality information.
- Inclusive:* Decisions respect the diverse needs and interests of the local community.
- Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:* Councillors, staff and meeting attendees treat each other with respect.
- Effective:* Meetings are well organised, effectively run and skilfully chaired.
- Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Public Forums

The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.

To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by no later than 9.00 am two (2) days prior to the day of the meeting before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than 3 days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.

Each speaker will be allowed 2 minutes to address the council. This time is to be strictly enforced by the chairperson.



Declarations of Interest

Statement of Ethical Obligations

Councillors are reminded of their oath or affirmation of office, made under section 233A of the NSW Local Government Act 1993, to undertake the duties of the office of Councillor in the best interests of the people of Muswellbrook Shire and Muswellbrook Shire Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them, under the Local Government Act 1993 or any other Act, to the best of their ability and judgment. Pursuant to the provisions of the Muswellbrook Shire Council Code of Meeting Practice and the Muswellbrook Shire Council Code of Conduct, Councillors are reminded of their obligations to disclose and appropriately manage conflicts of interest.

Section 451 of the Local Government Act requires that if a Councillor or Member of a Council or committee has a pecuniary interest in any matter before the Council or Committee, he/she must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of financial gain or loss (see sections 442 and 443 of the Local Government Act).

A non-pecuniary interest can arise as a result of a private or personal interest which does not involve a financial gain or loss to the councillor or staff member (eg friendship, membership of an association, or involvement or interest in an activity). A Councillor must disclose the nature of the interest to the meeting as soon as practicable.

Council's Model Code of Conduct now recognises two forms of non-pecuniary conflict of interests:

- Significant
- Less than significant

A Councillor must make an assessment of the circumstances and determine if the conflict is significant.

If a Councillor determines that a non-pecuniary conflict of interests is less than significant and does not require further action, they must provide an explanation of why it is considered that the conflict does not require further action in the circumstances.

If the Councillor has disclosed the existence of a significant non-pecuniary conflict of interests at a meeting they must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.



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- 5. Disclosure of any Pecuniary or Non-Pecuniary Interests**
- 6. Mayoral Minute**

Nil

- 7. Public Participation**



8. Business

8.2. Corporate Services

8.2.1. Grants Review Committee Terms of Reference for ADOPTION

Attachments:	1. Grants Review Committee Terms of Reference [8.2.1.1 - 5 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Ivan Skaines (Grants and Community Engagement Advisor), Chloe Wuiske (Business Improvement Officer), Kim Manwarring (Manager Community Services)
Community Plan Issue:	6 - <i>Community Leadership</i>
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.5 - Implement a comprehensive and targeted business improvement program. 6.2.5.2 - Develop and review policies in accordance with statutory operational requirements.

PURPOSE

To submit for consideration the revised *Grants Review Committee Terms of Reference* for adoption by Council.

OFFICER'S RECOMMENDATION

Council ADOPTS the revised *Grants Review Committee Terms of Reference*.

Moved: _____ **Seconded:** _____

BACKGROUND

Following the adoption of the *Awarding of Sponsorship, Grants and Contributions Policy* at the Ordinary Council Meeting held on 27 February 2024, the Grants Review Committee is now required to review and decide upon all applications across Council for sponsorship, grants, and contributions as a Committee of the Whole.

CONSULTATION

General Manager

Chief Financial Officer

Business Improvement Officer

Director Community and Economy

Director Environmental and Planning Services

Director Infrastructure and Property



Manager Governance and Risk

Manager Community Services

Grants and Community Engagement Advisor

EA General Manager & Mayor's Office

Councillor Workshop conducted 17 October 2023.

MANEX Meetings, 9 October 2023, 13 November 2023 and 26 March 2024.

Policy drafts were provided to a wide range of staff with responsibility for, or interest in, sponsorship, grants, and contributions, and feedback was invited and received.

Community via public exhibition on Council's website from 30 November 2023 to 4 January 2024.

REPORT

The *Grants Review Committee Terms of Reference* has been updated to include the provision for the Committee to make decisions regarding the awarding of sponsorship, grant, and contribution applications. Staff position titles have also been updated.

Since this is a significant change in the role and responsibility of the Committee, and the value of having all Councillors involved in the decision-making about the awarding of sponsorship, grants, and contributions, it is proposed that the membership of the Committee be expanded to include all Councillors, who will comprise the decision-making function of the Committee. This change will ensure that all Councillors have input into the awarding of grants and to allow timely responses to applicants.

The amendments are shown as tracked changes in Attachment 1

Applications for Council's Community Grants and Sponsorships opened on 29 February 2024 and will close on 29 March 2024. Following the close of applications, the Grants Review Committee to be held on 11 April 2024 will be tasked with reviewing the applications and making recommendations to Council for approval or refusal.

OPTIONS

Council may:

1. Resolve to adopt the *Draft Grants Review Committee Terms of Reference*; or
2. adopt the *Draft Grants Review Committee Terms of Reference* with amendments.

CONCLUSION

It is recommended that the Grants Review Committee adopts the *Draft Grants Review Committee Terms of Reference*.

SOCIAL IMPLICATIONS

The provision of an equitable and transparent process of awarding and seeking sponsorship from Council will ensure that all community groups have access to sponsorships, grants, and contributions that may benefit the community.

FINANCIAL IMPLICATIONS

The *Awarding of Sponsorship, Grants and Contributions Policy* is intended to regulate all of the sponsorship, grant, and contribution programs available from Council, therefore assisting with budget planning and implementation.



POLICY IMPLICATIONS

The policy was reviewed in line with Council's Policy Management Framework.

STATUTORY IMPLICATIONS

Local Government Act 1993.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

6.2.5.2 Develop and review policies in accordance with statutory and operational requirements (2023-2024 Operational Plan – Muswellbrook Shire Council).

RISK MANAGEMENT IMPLICATIONS

Muswellbrook Shire Council is committed to providing equitable, open, and transparent sponsorships, grants, and contributions by implementing the *Awarding of Sponsorship, Grants and Contributions Policy* with a clear communications plan and procedure.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil.

Grants Review Committee Terms of Reference

1. **Objective**

The objectives of the Grants Review Committee (the Committee) are to:

- ~~to~~ provide an enhanced level of Councillor engagement in the grant submission and review process;
- ~~to~~ enable Councillors and ~~s~~Senior staff to consider upcoming grant opportunities and to review the status of proposed and submitted grant applications; ~~and~~
- ~~to~~ ensure Council's grant application efforts are aligned with the Community Strategic Plan goals and Council's priorities, as articulated in the Delivery Program; ~~and~~
- ~~to ensure Council's awarding of sponsorship, grants and contributions programs are timely, fair, and equitable to the community.~~

In fulfilling its objectives, the ability of the Committee to maintain strategic and objective judgement is vital.

The Committee will report to Council and provide advice and recommendations on matters relevant to gGrants and funding applications prepared by Council and sponsorship, grants and contributions provided by Council.

2. **Authority**

Muswellbrook Shire Council authorises the Committee, within the scope of its role and responsibilities to:

- Request information required to inform decision making (subject to their legal obligations to protect information and with prior consultation with the General Manager);
- Request information from employees (with approval of the General Manager) or Councillors. The Committee may request these persons to present information at Committee meetings to assist in understanding any matter under consideration;
- Obtain external legal or other professional advice, as considered necessary, to meet its responsibilities (in accordance with Council Budget and procurement arrangements and subject to prior consultation with the General Manager); ~~and~~
- ~~Make decisions~~ recommendations regarding the submission of projects under grant programs submitted for the consideration of the Committee; ~~and~~
- To review and make decisions ~~recommendations to Council on the awarding of sponsorship, grant and contribution applications received by Council.~~

3. **Composition and Tenure**

The members of the Committee shall be ~~three Councillors~~ all Councillors.

3.1 **Members (voting)**

All ~~appointed~~ members of the Committee (Councillors) are entitled to one vote.

3.2 **Attendees (non-voting)**

The following Council ~~for~~ officers will act as liaison officers to the Committee:

- General Manager
- Chief Financial Officer
- Grants and Community Engagement Advisor
- Director Community and Economy
- Director Infrastructure and Property ~~and Place~~
- Group Manager Infrastructure and Operations
- ~~Manager Roads, Drainage and Technical Services~~
- Technical Officer, Recreation & Property

| • Innovation Co-ordinator

Invitees (non-voting) for specific Agenda items

Other officers ~~or Councillors~~ may attend by invitation as requested by the Committee ~~or the General Manager.~~

3.3 Responsibilities of Members

Members of the Committee are expected to:

- Agree that they are bound by Council's Code of Conduct ~~in the same way that a Councillor would be bound;~~
- Understand the relevant legislative and regulatory requirements appropriate to Muswellbrook Shire Council;
- Contribute the time needed to study and understand the papers provided;
- Apply sound analytical skills, objectivity and judgement;
- Express opinions frankly, ask questions that go to the fundamental core of the issues, and pursue independent lines of enquiry;
- Act, and be seen to act, properly and in accordance with the requirements of the law and the terms of Council's Code of Conduct;
- Act in good faith and fidelity in the interests of Council and the community;

4. Reporting

Following each meeting the Committee shall provide a report to Council.

5. Administrative Arrangements

5.1 Meetings

The Committee will meet ~~at least four times per year~~ monthly except for January.

The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members may make requests to the Chair for additional meetings.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee. The forward meeting plan will cover all Committee responsibilities as detailed in this Terms of Reference.

The Committee shall comply with Council's adopted Code of Meeting Practice and Code of Conduct.

5.2 Attendance at Meetings and Quorums

A quorum will consist of a majority of Committee members. ~~Mm~~ Meetings can be held in person, by telephone or by video conference.

5.3 Voting

The Committee is expected to make decisions by consensus, however if voting becomes necessary, then the details of the vote are to be recorded in the minutes. Each member of the Committee shall be entitled to one vote only.

5.4 Secretariat

The General Manager will ensure that appropriate secretariat support is provided to the Committee. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated at least one week before the meeting and ensure minutes of the meeting are prepared and maintained.

Minutes shall be approved by the Chair and circulated to all Committee members within one week of the meeting and filed in accordance with Council's Records Management Policy.

5.5 Conflicts of Interest

Members of Council committees must comply with the applicable provisions of Council's Code of Conduct in carrying out their functions as Council officials. It is the personal responsibility of Council officials to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.

Committee members must declare any conflict of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflict of interest should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

5.6 Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

5.7 Review of Committee Terms of Reference

At least once every two years the Committee will review this Committee's Terms of Reference and make recommendations on any changes to Council for its determination.

Any changes to the Committee Terms of Reference must be approved by Council.

MUSWELLBROOK SHIRE COUNCIL

P.O.Box 122
MUSWELLBROOK

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Cr S. Reynolds (Chair)
Cr D. Douglas
Cr L. Dunn
Mr D. Finnigan
Mr J. Hogan
Ms S. Welchman
Mr M. Lysaught
Ms K. Scholes
Mr I. Skaines

You are hereby requested to attend the {meeting-type} to be held in the {meeting-room}, {meeting-location} on {meeting-date} commencing at {meeting-time}.

Josh Hogan
ACTING CHIEF FINANCIAL OFFICER



9. Notices of Motion

Nil

10. Adjournment into Closed Council

11. Closed Council

Nil

12. Resumption of Open Council

13. Closure

Date of Next Meeting: {use-custom-field-next-meeting-do-not-delete}