

Bayside City Council's Governance Charter

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Purpose

This Governance Charter is an overarching framework that articulates the various roles, responsibilities and authorities of the Council and the administration in developing the vision for the future of our community and the management of Council operations and performance.

Definitions

Council	Bayside City Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989.
Councillors	An elected representative of Bayside City Council holding the office of a member of Bayside City Council.
Council Officer	The Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.

Scope

The Governance Charter applies to all Councillors and Council officers and provides a good understanding of the governance structure that underpin the Council and the organisation.

Context

Good governance is integral to the operations and performance of every organisation. The role of governance is to ensure that an organisation can deliver in both compliance and performance, but also awareness of the influences both internally and externally.

CPA Australia, in its document 'Excellence in Governance for Local Government' defines Governance as:

...The process by which decisions are taken and implemented, the process by which organisations go about achieving their goals and producing their outputs, and the process by which organisations are directed, controlled and held to account.

Good governance also underpins the level of confidence the community has in local government and is a strong reminder of ultimate accountability of Council and the community it serves.

This Governance Charter is a demonstration of Council’s commitment to transparency and accountability at all levels and supports the Council by:

- Assisting Councillors in partnership with the Chief Executive Officer and the Executive Team in delivering good governance on behalf of the community;
- Providing clear guidelines for Councillors and Executive Team in relation to their roles and responsibilities, and what is expected of them in relation to performance;
- Providing clear advice on the authorising environment of Council;
- Providing clear information on the decision making process of Council and the administration;
- Acting as a point of reference for disputes; and
- Acting as an induction tool for new Councillors and Executive Officers.



The Charter

The Governance Charter is divided into three key pillars: Vision and Values, Authorising Environment, and Decision Making and Accountability. Each pillar has a number of contributing elements. Over the course of this Charter each element is explained including how they are put into practice at Bayside City Council.

Pillars of Good Governance

Vision and Values	Authorising Environment	Decision Making & Accountability
<ul style="list-style-type: none"> • Clear vision and Council Plan 	<ul style="list-style-type: none"> • Clarity of roles and responsibilities 	<ul style="list-style-type: none"> • Effective decision making
<ul style="list-style-type: none"> • Values and behaviours 	<ul style="list-style-type: none"> • Understanding and agreement of roles 	<ul style="list-style-type: none"> • Effective management
<ul style="list-style-type: none"> • Positive Culture 	<ul style="list-style-type: none"> • Working relationships 	<ul style="list-style-type: none"> • Risk Management
	<ul style="list-style-type: none"> • Legal Framework 	<ul style="list-style-type: none"> • Financial responsibility
		<ul style="list-style-type: none"> • Transparency and disclosure
		<ul style="list-style-type: none"> • Accountability
		<ul style="list-style-type: none"> • Performance management
		<ul style="list-style-type: none"> • Consultation and engagement

Pillar 1: Vision and Values

Clear Vision and Council Plan

In order to excel you need to have a clear vision of what you want to achieve and a plan which helps you to achieve the vision.

At the beginning of each new term of office the Council is required to develop a vision for the municipality. With all 7 Councillors representing 3 wards, the development of a clear vision for the organisation helps to create a shared sense of purpose. The vision clearly articulates what Council wants Bayside to become in the future. It is a high level, aspirational goal that shapes everything Council does in following years to work towards achieving the vision.

The vision for Bayside City Council is:

“Council will work with the community to make Bayside a better place”

This vision is supported by the development of a four year Council Plan. The Council Plan 2017-2021 was developed by the Councillors with support and advice from the Executive Management Team (ET).

The Council Plan identifies eight key focus areas knowns as Goals. These are:

- Goal 1** Infrastructure
Council will work together with the Bayside community to plan and deliver community infrastructure that responds to the changing needs of the Bayside community.
- Goal 2** Transport
Sustainable transport is the mode of choice, facilitated through the creation of a well-connected, safe, accessible and convenient transport system that positively contributes to a strong economy, the health and wellbeing of the community and a low-carbon future within Bayside.
- Goal 3** Housing and neighbourhoods
Neighbourhood housing development across Bayside will respect and enhance Bayside’s valued built and natural heritage and neighbourhood character. New housing growth will be focused on identified activity centres, demonstrating strong environmental credentials and providing a range of housing types to accommodate changing community needs.
- Goal 4** Open Space
We will work together to build our open space network to support biodiversity, improve health and wellbeing and community connections, and provide access for current and future generations.

- Goal 5* *Environment*
Council and the Bayside community will be environmental stewards, taking action to protect and enhance the natural environment, while balancing appreciation and use with the need to protect natural assets for future generations.
- Goal 6* *Local Economy and activity centre*
Bayside will be an attractive place to live and work, with new growth and investment in the local economy and business community increasingly structured around innovative, knowledge and service oriented enterprises.
- Goal 7* *Community health and participation*
Bayside’s community will be supported and engaged to live an active and healthy lifestyle regardless of age, geographical location, personal circumstances or physical ability.
- Goal 8* *Governance*
Bayside will enjoy strong and effective democratic representation from its council and responsive and financially-responsible services and facilities that meet community needs.

A number of Strategic Objectives and strategies are developed to support end Goal. Each service, policy and activity developed or delivered by the organisation aligns with one of the Council Plan Goals and helps Council to achieve its vision as set out in the Council Plan.

Section 125(1) of the Local Government Act 1989 requires Council to develop and approve a Council Plan within six months of taking office, or by 30 June the following year whichever is later.

The Local Government Act 1989 also requires Council to review the Council Plan at least annually. The annual review is an opportune time for Councillors to ensure that the Council Plan still enables them to meet the changing needs of the community, and that it continues to support the achievement of their vision for the future.

Council’s Values and Behaviours

In order for the Council and the organisation to deliver on objectives of the Council Plan it is important that strong values and behaviours of the Councillors and the organisation truly reflect the leadership priorities that contribute to a well-functioning and community driven organisation.

The Councillor's adopted values and behaviours are as follows:

- Working together **constructively**. This will be achieved by:
 - *Keeping each other in the loop on important issues;*
 - *Communicating openly, honestly and being open-minded to new ideas and consider change;*
 - *Actively listen to each other, and ask questions to understand the different views;*
 - *Respecting confidentiality of Councillor discussions at Assemblies of Councillors; and*
 - *Where possible provide no surprises to each other in the public domain.*

- Treating all people with **courtesy, respect and professionalism**. This will be achieved by:
 - *Treating members of the community with dignity and positive intention to be heard;*
 - *Being approachable, and responsive and professional at all times;*
 - *Treating fellow councillors with respect and when disagreeing with opinions and views, challenge in a constructive manner;*
 - *Debating contentious issues without resorting to personal acrimony or insult; and acting with courtesy towards Council staff; and*
 - *Fostering an environment where frank advice is offered without fear or favour by the organisation and received respectfully.*

- Appreciating our **differences and diversity**. This will be achieved by:
 - *Accepting and respecting differences in diversity including, age, culture and religion: and*
 - *Respecting differences in opinions, abilities and skills during debate but respecting Council's decision even when in disagreement.*

- Always acting with **integrity and honesty**: This will be achieved by:
 - *Being honest in all dealings with the community, with other councillors and with Council staff;*
 - *Abiding by the governing Council policies and the local government sector legislation;*
 - *Always acting with impartiality and in the best interest of the community as a whole; and*
 - *Avoid situations that might create a conflict between public duties of a councillor and personal interests and obligations.*

These values and behaviours of the Councillors represent how Council will act in seeking to fulfil its role and vision for the future.

Organisation's Values and behaviours

The organisation has developed four fundamental values and behaviours to operate in an effective and efficient organisation. These are as follow:

Respect each other

- I value others and their contribution
- I ask and listen to understand
- I treat others with fairness, dignity and care

Own it

- I take responsibility for my actions
- I see it through
- I make it happen

Work together

- We collaborate within and across teams
- We set each other up for success
- We share information generously
- We care about the flow-on impact of our work

Find better ways

- We are curious about our community's changing needs
- We encourage break- through ideas and new approaches
- We make courageous decisions
- We are open to learning

These organisational values and behaviours shape the culture of the organisation and drive employee development and performance and form a key element of the Code of Conduct for Employees.

Positive Culture

Bayside City Council strives to cultivate a positive culture with an open and collaborative environment, this includes:

- **Open communication** – an environment where people are encouraged to ask questions and seek out information;
- **Positive intention** – encouraging good will between individuals with a shared understanding that each person is trying to act in the best interest of the organisation and the community; and
- **Support and Training** – thorough induction processes, opportunities for further education and ongoing investment in skills and professional development through attendance at workshops and conferences.

A positive organisational culture promotes honesty and encourages debate on important issues which can help the organisation to achieve better outcomes for the community.

Organisations with a positive culture are also more likely to retain high quality employees who can help drive the activities to assist Council in achieving its visions and pursuit of excellence in governance.

Pillar 2: Authorising Environment

Clarity of roles and responsibilities

Clearly articulating the division of responsibilities between the Councillors and management helps manage expectations and avoid misunderstandings about the respective roles and accountabilities.

The key roles at Bayside City Council are outlined below:

Role of Council

The Council of Bayside City Council is comprised of 7 Councillors who are democratically elected by the community in accordance with the Local Government Act 1989.

The primary role of the Council is to provide leadership for the good governance of the city of Bayside.

This includes:

- Acting as a representative government by taking into account the diverse needs of the local community in decision making;
- Providing leadership by establishing strategic objectives and monitoring their achievements;
- Maintaining the viability of the council by ensuring that resources are managed in a responsible and accountable manner;
- Advocating the interests of the local community to other communities and governments;
- Fostering community cohesion and encouraging active participation in civic life; and
- Making all decisions impartially and in the best interests of the whole community.

Council has a statutory responsibility to represent all people that live, participate in and invest within the municipality.

The elected Council appoint and review the performance of the Chief Executive Officer of the organisation, determine Council policies and set the strategic direction of the organisation.

Role of a Councillor

A Councillor's role is to act in the best interest of the municipality, faithfully and impartially carrying out the functions, powers, authorities and discretions provided to them under the Local Government Act 1989 to the best of their ability.

Councillors play a key role in facilitating communication with the community and encouraging engagement with the activities of Council.

Role of the Mayor

The Mayor is the elected leader of the Council and is the key formal representative of Council. Usually the Mayor is usually elected for a one year term and can be re-elected at the end of that term if the Council resolves accordingly.

The Mayor, or Councillor acting in the position, has a key role to facilitate good relationships between Councillors, and between Councillors and the Chief Executive Officer and Executive Management Team. The role of the Mayor is one that requires both commitment and leadership. The role can be defined under three headings, these being:

- a) Community Leadership (governance, external relations and media management) – the Mayor is the principal Council spokesperson. The Mayor becomes involved with promotion and development and works closely with the Chief Executive to achieve the Council's objectives;
- b) Chairperson and Leader of the Council – the Mayor is required to chair all Council meetings at which he/she is present. As chairperson, the Mayor should preside without fear or favour and encourage Councillors to participate effectively in all aspects of the Council's decision making. It is a convention that the Mayor remains impartial during consideration of matters before the Council. This convention involves the Mayor not moving or seconding motions, however the Mayor must, as must all Councillors, participate in a vote unless excluded because of a conflict of interest; and
- c) Civic Role (supporting the community and ceremonial) – the Mayor performs an important social role and takes precedence at all municipal functions. The Mayor is invited by community groups to officially open events etc.

The Mayor is elected by Council to represent the views and directions of Council in performing various roles and duties on behalf of Council. These duties include:

Governance

1. To provide a source of leadership for Council and community.
2. To provide a symbol of democracy to the community.
3. To lead, inspire and support the team of elected Councillors.
4. To ensure effective communication and respectful relationships between Councillors and the organisation.
5. To ensure there is effective communication and respectful relationships between Councillors and the organisation.
6. To ensure there is effective communication between Council and the Chief Executive Officer in pursuit of Council's goals.
7. To respect, support and promote the statutory responsibilities of the Chief Executive Officer toward staff of the organisation.
8. To promote the interests of the local government and the community.

9. To maintain political stability and community credibility of Council.
10. To generate community cohesion and inclusiveness.
11. To model high standards of behaviour and practice.
12. To project values and standards into the community.
13. To govern for all members of the community.
14. To articulate collective aspirations of the community and promote collective endeavour.
15. To defend the interests of the community and the local government of the community.
16. To represent and advocate the policy approaches and decisions of the elected Council and to distinguish these from the personal or individual views of the mayoral incumbent.

Chair of Council and Principal Spokesperson

1. To preside efficiently, firmly and fairly over Council meetings.
2. To promote high standards of democratic governance and internal governance.
3. To provide guidance at meetings to ensure respectful conduct at all times.
4. To facilitate participation and inclusion of all Councillors.
5. To exercise the casting vote where a Council vote is tied.
6. To develop and maintain positive working relationships with the media
7. To provide information to and to be accessible for the media.
8. To speak publicly about the local government's role.
9. To act, as public spokesperson for the Council in accordance with Council's Media Policy.

External Relations

1. To develop and maintain relations with other governments.
2. To develop and maintain relationships with peak local government organisations, in association with Councillor delegates.
3. To develop and maintain relationships with other peak organisations.
4. To develop and maintain relationships with community groups and local businesses.

Supporting the community

1. To advocate on behalf of community programs, needs and wellbeing.
2. To attend community functions on a fair and equitable basis.
3. To be knowledgeable about community programs and activities.
4. To promote community development.

Ceremonial

1. To ensure that the mayoralty (as an institution rather than the individual person) is promoted as a position of respect within the community.
2. To maintain a strong presence within the city and ensure the city is appropriately represented on all important occasions.
3. To preside over key civic functions.
4. To welcome visitors to the city.
5. To confer citizenship and preside over citizenship ceremonies.
6. To represent the local government and the community.
7. To use the mayoralty to promote the team of elected leaders and staff.
8. To establish conventions (political, legal and administrative) appropriate to the community.

Role of Deputy Mayor

Council appoints a Deputy Mayor annually at the Annual Meeting of Council. The role of the Deputy Mayor is very simple, in the absence of the Mayor, the Deputy Mayor may perform any function or exercise any power conferred on the Mayor. Therefore in the absence of the Mayor at an Ordinary or Special Meeting of Council, the Deputy Mayor shall in most instances chair the meeting, noting that a vote must be taken to elect an acting Chairperson.

Additional duties of the Deputy Mayor include:

- Attend social and other engagements at the request of the Mayor.
- Communicate with the media in the Mayor's official absence.
- Assist the Mayor generally in the carrying out of his/her duties as requested by the Mayor from time to time.

Role of Chief Executive Officer

The Chief Executive Officer (CEO) has a number of statutory responsibilities and is accountable to the elected council for delivering Council's strategies and services. As the head of the organisation, the CEO's role is to provide professional, relevant and timely information and support to the Council.

Section 94A of the Local Government Act 1989 identifies the CEO as being responsible for a number of activities including:

- Establishing and maintaining an appropriate organisational structure;
- The day to day management of the Council's operations in accordance with the Council Plan;
- Providing timely advice to Council; and
- Appointing, directing and managing staff.

Role of the Executive Team (ET)

The Executive Team (consisting of all 3 Directors and 2 Executive Managers together with the CEO) provides a whole of organisation perspective to ensure strategic alignment between the organisation's operations and the achievement of the Council Plan.

This includes

- Contributing to policy development through recommendations to Council;
- Operational decision making;
- Providing advice / assistance to Councillors;
- Generating discussion;
- Encouraging problem solving;
- Leading performance management;
- Interpreting and understanding the current and future operational and political environment; and
- Driving organisational leadership/culture.

Role of the Director / Executive Managers

Directors and Executive Managers are responsible for overseeing the efficient operations of the departments within their Division to assist Bayside City Council in achieving its visions and objectives.

They play a key role in supporting the CEO and providing advice and information to the Mayor and councillors. This includes:

- Providing advice and recommendations to Councillors on issues raised by the community and stakeholder groups on matters relating to the Directors area of management.
- Providing guidance on matters which, for reasons of community interest and benefit, require immediate action and may be advanced under delegated authority of the Chief Executive Officer.
- Providing advice and information on emerging issues and opportunities relating to the Division.
- Providing direction and advice on matters before Council through the review and approval of reports to Council.

Understanding and agreement of roles

A clear understanding and agreement of roles and responsibilities as outlined above contribute to Councillors and ET acting as an effective leadership team. This agreement ensures each individual is aware of the boundaries of their role and of the shared areas.

This effective team of Councillors and the Executive Team works best when there is mutual trust, discussions rather than assumptions and frank and robust communication.

Working relationships

Strong and respectful working relationships are essential for Council to achieve its vision. Effective working relationships promote a positive culture and provide the organisation with the freedom to focus on opportunities and delivering great outcomes, rather than spending effort overcoming problems associated with negative relationships.

The key working relationships at Bayside City Council are between the:

- Mayor and Councillors
- Mayor and CEO
- Mayor and Directors
- Councillors and CEO
- Councillors and Directors
- Councillors and Senior Managers
- CEO and Directors
- CEO and Senior Managers

Many Council officers hold positions that require specialised knowledge and skills and are required to provide information, advice and recommendations to the best of their professional ability. Sharing this information with Councillors is a key part of ensuring that Council has the information it needs to make informed decisions.

It is important to note that Councillors cannot direct or improperly influence, or attempt to direct or improperly influence, the functions, duties, actions, recommendations or advice provided by council officers. Improper direction and improper influence are covered under Section 76E of the Local Government Act 1989.

To facilitate the efficient functioning of Council, and ensure timely responses, the CEO has put in place a protocol which requires Councillors to direct all their enquiries to the CEO, the appropriate Director or Manager or the Councillor Support staff.

Legal Framework

Victoria's 79 Councils operate within a legal framework established by the Victorian Parliament through the Victorian Local Government Act 1989. This defines the purposes and functions of local government as well as providing the legal framework for establishing and administering councils.

The other most significant piece of legislation affecting local government is the Planning and Environment Act 1987.

The following list identifies some of the various pieces of legislation that Council acts in accordance with, or enforces, in the delivery of more than 80 different services to the community. Included in many of the Acts below are a variety of Regulations which Council must also act in accordance with:

- Aboriginal Heritage Act 2006
- Building Act 1993
- Catchment and Land Protection act 1994
- Children Youth and Families Act 1995
- Conservation, Forests and Land Act 1987
- Climate Changer Act 2010
- Country Fire Authority Act 1958
- Cultural and Recreational Lands Act 1963
- Dangerous Goods Act 1985
- Disability Act 2006
- Domestic Animals Act 1994
- Educations and Care Services National Law Act 2010
- Education and Training Reform Act 2006
- Electrical Safety Act 1998
- Emergency Management Act 1998
- Environment Protection Act 1970
- Fences Act 1968
- Filming Approval Act 2014
- Fines Reform Act 2014
- Fire Services Property Levy Act 2012
- Flora and Fauna Guarantee Act 1988
- Food Act 1984
- Freedom of Information Act 1982
- Gambling Regulations Act 2003
- Graffiti Prevention Act 2007
- Health Records Act 2001
- Heavy Vehicle National Law 2012
- Heritage Act 1995
- Housing Act 1983
- Impounding of Livestock Act 1994
- Independent Broad Based Anti-corruption Commissions Act 2011
- Infringements Act 2006
- Land Act 1958
- Land Acquisition and Compensation Act 1986
- Liquor Control Reform Act 1998
- Local Government Act 1989
- Magistrates Court Act 1989
- Major Transport Projects Facilitation Act 2009
- Mineral Resources (sustainable Development Act 1990
- National Parks Act 1975
- Pipelines Act 2005
- Planning and Environment Act 1987
- Privacy and Data Protection Act 2014
- Public Health and Wellbeing Act 2008
- Public Records Act 1973
- Road Management Act 2004
- Road Safety Act 1986
- Second Hand Dealers and Pawnbrokers Act 1989
- Sex Work Act 1994
- Sheriff Act 2009
- Sport and Recreation Act 1997
- Subdivision Act 1988
- Summary Offences Act 1966
- Transfer of Land Act 1958
- Transport Integration Act 2010
- Transport (Safety Schemes Compliance and Enforcement) Act 2014
- Urban Renewal Authority Victoria Act 2003
- Valuation of Land Act 1960
- Victorian Grants Commissions Act 1976
- Victoria State Emergency Services Act 2005
- Victorian Inspectorate Act 2011
- Water Act 1989

Integrity agencies

In Victoria there are a number of integrity agencies that ensure local government is operating in a fair and efficient manner. These include:

- **The Independent Broad-based Anti-corruption Commission (IBAC)** – educates the public sector and community about corruption and how to prevent it, and investigates and exposes serious corruption in the public sector.
- **The Victorian Ombudsman** – investigates administrative actions or the conduct of staff in government departments, statutory authorities and local government.
- **The Local Government Investigations and Compliance Inspectorate** – investigates alleged breaches of the Local Government Act 1989 by any Victorian local council.
- **The Victorian Auditor-General's office (VAGO)** – examines the management of resources through financial and performance audits within the public sector on behalf of Parliament and Victorians.

Delegations

Each day Council is required to make hundreds of decisions. In order to facilitate the smooth and efficient operations of the organisation, and to allow Council to focus on strategic matters and major developments, Section 98 of the Local Government Act 1989 allows Council to delegate to any staff member any power, duty or function of Council under the Local Government Act or any other Act other than:-

- A) This power of delegations;
- B) The power to declare a rate or charge;
- C) The power to borrow money;
- D) The power to approve any expenditure not contained in a budget approved by the Council;
- E) Any power, duty or functions of the Council under section 223; and
- F) Any prescribed power.

In turn the CEO can delegate authority to an appropriately qualified staff member or contractor. However, the Chief Executive must not delegate a power delegated by Council if Council has directed the Chief Executive Officer not to further delegate the power.

All decisions made under delegated authority are binding and represent a 'Council decision'.

Local Laws

Local Laws are statutory instruments adopted by Council to assist in governing the municipality. They enable Council to regulate matters to better serve the local community.

The Local Government Act 1989 provides Council with the power to make local laws. Where Council has an obligation under the Act or other Acts of Parliament it can make local laws.

Bayside City Council has two Local Laws:

Local Law No: 1 – Governance Local Law (2013)

This Local Law is made for the purposes of:

- Governing the conduct of meetings of Council and Committees, as required by section 91(1) of the Local Government Act 1989;
- Regulating and controlling the procedures regarding the conduct of meetings of Council, Special Committees and Advisory Committees, with particular regard to the notice required and the keeping of minutes;
- Regulating the use of the common seal of Council and prohibiting any unauthorised use of it, as required by section 5(3)(c) of the Local Government Act;
- Setting out the rules of behaviour for those participating in or present at Council meetings and Special Committee meetings, and Advisory Committee meetings; and
- Electing the Mayor and Deputy Mayor and Chairs of various Committees.

Local Law No: 2 – Neighbourhood Amenity (2012)

The objectives of this Local Law are to:

- Secure community safety;
- Protect public assets;
- Enhance neighbourhood amenity;
- Embrace best practice local law making principles of accessibility, accountability, compliance, consistency, currency, efficiency, enforceability, necessity and transparency; and
- Be consistent with the Council's overall objectives and policies having regard to:
 - Maintaining neighbourhood character,
 - Preserve built and natural heritage,
 - Provide equitable access to services and facilities;
 - Provide equity in access to open space and foreshore;
 - Maintain suitable infrastructure;
 - Provide a sense of community in local villages and activity centres.

Policies and Strategies

Council has adopted a range of Policies and Strategies that provide guidance and clear direction to the organisation to delivery services, and projects to the community. An annual review of policies is undertaken to ensure each policy is current and effective.

All Council adopted policies and strategies are located on Council's website.

Pillar 3: Decision Making and Accountability

Effective decision making

One of the most important functions undertaken by the Mayor and Councillors is to attend and participate in the decision making process at Council meetings. Councils are empowered by law to make decisions on many matters of importance to their local communities.

Decisions may be made in formally constituted Council meeting, or under delegations approved by the Council.

Individually neither the Mayor nor Councillors have the legal authority to act or make decisions on behalf of the Council.

Decisions made at a formal Council meeting provide the direction and authority for the ongoing operation of the Council. The decisions give directions to the CEO and are implemented by staff.

It is also at Council meetings that the Mayor and Councillors decide the policy direction of the Council and make decisions on other statutory matters.

Council is a corporate body and as such it can only make decisions by resolution, ie: a motion has to be put to a properly convened meetings and passed by the required majority of members. A Council can only make decisions and pass resolutions about matters falling within its jurisdiction, otherwise it will be deemed to be acting “ultra vires” – acting beyond its powers.

Formal meeting procedures are followed. The Mayor chairs the meetings and has a casting vote if there is an equality of votes.

An agenda, listing the issues and relevant reports for discussions at the meeting is made available to the public in advance so that everyone has the opportunity to be aware of matters before Council. Copies are available through Council’s website, and by visiting the Corporate Centre.

Members of the public are encouraged to attend meetings. Meetings are only closed to the public when topics of a confidential nature are discussed, such as an individual’s financial circumstances, a particular staff member, proposed developments or legal matters.

Assembly of Councillors

Councillors often attend briefings or workshops which are considered to be an ‘assembly of Councillors’. Under the Local Government Act 1989, an assembly of Councillors is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be the subject of a decision of the Council; or an action completed under delegation.

It is important to note that an assembly of councillors does not have any decision making authority.

Access to information

Bayside City Council encourages thorough debate and evidence based decision making to deliver great outcomes for the community. The CEO ensures that Councillors are briefed on complex or contentious issues at Councillor Briefings.

In order to fulfil their role to the best of their ability Councillors are provided access to a range of information. Councillors must at all times adhere to the provisions of the Local Government Act 1989 relating to confidentiality and/or inappropriate use of information. Section 77 of the Act makes it lawful for a Councillors or former Councillor to release information that the person knows, or should reasonable know, is confidential information.

Effective Management

The CEO is responsible for putting in place a management structure that meets the goals and needs of Council with a focus on the efficient and effective use of human resources.

The organisation has 4 Divisions, 14 Department, 40 Service areas, and approximately 765 employees, 432 EFT.

The organisational structure is available on Bayside City Council's website.

Service Delivery

From footpaths and local laws to immunisation and events, Bayside City Council provides a range of more than 80 different services to residents every day.

Council has a comprehensive suite of Customer Service Commitments. These service commitments inform the community of what they can expect when dealing with Council.

The organisation is committed to being a leading customer focussed organisation which delivers excellent customer services consistently. By engaging with the community, delivering simplified processes and exceeding expectations, we will provide customer services that is:

- Easy to deal with – we are accessible and friendly, willing to offer options and we will do what we say and when we say well do it.
- Empathetic – we listen to our customers and are willing to explain in language the customer understands;
- Effective – customer service is delivered by skilled staff who manage interactions in a timely way;
- Trusted – we are willing to offer a solution with the customer's best interest at heart.

Complaints

Bayside City Council is committed to having a Complaint Handling Procedure that reflects the needs, expectations and right of customers. The Customer Complaint Handling Procedure aims to outline how Council will effectively manage complaints and feedback from our customers. The procedure guides staff in handling complaints effectively and appropriately.

Council recognises that at times it is not possible to meet customer expectations due to policy position or legislative requirements. However, Council is committed to ensuring that customers are able to effortlessly communicate feedback on their experience through the provision of a Customer Complaint Handling Procedure which ensures complaints are managed in an efficient and timely manner.

For some issues, complaints and appeals are governed by other processes outside the jurisdiction of Council. Where this is the case, complainants will be referred to the appropriate process or authority. This includes decisions and processes relating to:

- Privacy and health records
- Freedom of Information
- Protected Disclosures
- Decisions made under legislation which provides for separate avenues of appeal (eg: infringements issued by Local Laws and decisions under the Building Act).
- Decisions made at Council and Special Committee meetings
- Complaints against Councillors.

Risk Management

Council is responsible for providing a wide and diverse range of services to its community. All of these activities involve some form of risk, which must be managed to ensure that aims and objectives are achieved, services are delivered and that opportunities to deliver better and more cost effective services are realised.

If Council is not aware of, or has not adequately assessed or managed some risks, it could result in financial loss, threats to public or employee safety or lead to substantial adverse publicity.

Bayside City Council has a comprehensive risk management program embedded within all functional areas of Council.

Risk management is not a stand-alone function that is separate from the main activities and processes of the organisation. It is an integral part of all organisational processes, including strategic planning, project and change management processes.

Council regularly reviews and considers both its operational and strategic risks to ensure that these are being appropriately managed, mitigated or accepted.

Council's Risk Management Policy clearly documents the organisation's commitment to risk management principles.

Financial responsibility

Council is responsible for the sound financial management of public money and takes this responsibility very seriously.

The organisation is committed to the principles of sound financial management set out in section 136 of the Local Government Act 1989 which state that Council must:

- Manage financial risks faced by the Council prudently, having regard to economic circumstances;
- Pursue spending and rating policies that are consistent with a reasonable degree of stability in the level of the rates burden;
- Ensure that decisions are made and actions are taken having regard to their financial effects on future generations; and
- Ensure full, accurate and timely disclosure of financial information relating to the Council.

In 2018/19, Bayside City Council has a total annual budget of \$131 million, to continue to provide services to 104,030 residents, including and investment of \$52 million in community infrastructure.

Council conducts community consultation prior to the adoption of the annual budget to ensure that the community has the opportunity to provide input and shape the way that their rates work for them.

Council's financial documents are publicly available on Council's website and include the:

- 2018/19 Annual Budget inclusive of the Capital Works Program – which provides a list of all proposed capital works projects over the next four years.
- 2018/19 – 2022/23 Strategic Resource Plan – a high level planning and general direction document which covers the financial and non-financial resources required by Council to achieve its strategic objectives.

Transparency and disclosure

It's important that the community has confidence in Council's decision making and ability to plan for the future. One way that the local government sector helps to encourage confidence is by making information available for public inspection.

In accordance with Regulation 12 of the Local Government (General) Regulations 2015, Council is required to make a comprehensive amount of information available for public inspection including:

- A document containing details of overseas or interstate travel (other than interstate travel by land for less than 3 days) undertaken in an official capacity by any Councillor or member of Council staff in the previous 12 months, including Name, dates of travel, destination of travel, purpose of travel, and total cost to council;

- The agendas for and minutes of ordinary and special meetings held in the previous 12 months;
- The minutes of meetings of special committees established under section 86 of the Local Government act and held in the previous 12 months;
- A register of delegations kept under section 87 and 98 of the Act, including the dates on which the last review under sections 86(6) and 98(6) of the Act took place.
- Details of all leases involving land which were entered into by Council as lessor, including the lessee and the terms and the value of the lease;
- A register of authorised officers appointed under section 224 of the Act.
- A list of donations and grants made by the Council during the financial year, including the names or persons or bodies which have received a donation or grant and the amount of each donation or grant.

Council officers prepare reports to assist Councillors in making decisions on behalf of the community. As much as possible Council makes these reports available to the community so that they can see the evidence base which Councillors are using to make decisions.

Members of the public are also encouraged to attend Council meetings to listen to debate and the responses to any questions asked by Councillors, which often provide further information. Members of the public can also view Council meeting via the web stream.

Council is not able to make all reports available to the public. Some reports are confidential and dealt with in closed Council meetings. This information can only be released to the public by resolution of Council. Closed Council reports cover matters such as:

- Personnel matters;
- The personal hardship of any resident or ratepayer;
- Industrial matters;
- Contractual matters;
- Proposed developments;
- Legal Advice;
- Matters affecting the security of Council property; and
- Any other matter which the Council or special committee considers would prejudice the Council or any person.

Accountability

An important aspect of good governance is accountability. Council holds itself accountable to the community through regular reporting, community consultation and open and transparent decision making processes.

Councillors and Council officers are also held accountable for their actions through their respective Codes of Conduct. The Councillor Code of Conduct and the Code of conduct for Staff are available on Council's website.

Performance Management

Just as it's important for Council to have a vision for the future and a plan on how we'll get there, it's also important for Council to report to the community on progress against the Council Plan.

Each quarter Council provides the community with an update on its performance against each goal of the Council Plan, including major initiatives and strategic indicators. A quarterly financial report on the standard financial statements is also completed in line with the quarterly report to the community to provide an update on Council's financial performance. These reports are included in the Council agenda and can also be accessed on Council's website.

In addition to the Quarterly Report to the Community, Council prepares a comprehensive annual report. The Annual Report also includes the performance statement which Council is required under section 132 of the Local Government Act 1989 to prepare. The Performance Statement includes key strategic activities, performance measures and targets including in the Budget, results, and an explanation where there has been a substantial failure to achieve the target.

Council is also required to participate in the Local Government Performance Reporting Framework (LGPRF). The LGPRF ensures that all councils are measuring and reporting on their performance in a consistent way.

This framework is made up of 66 measures and a governance and management checklist of 24 items which together build a comprehensive picture of council performance. The LGPRF enables the community, councils and the State Government to benchmark and compare similar councils.

Audit program

Council has appointed an Audit & Risk Management Committee in accordance with section 139 of the Local Government 1989, and this Committee is charged with monitoring, reviewing and advising the Council on the standard of its financial control, risk management and corporate governance. The Audit & Risk Management Committee membership consists of five people appointed by Council. Two members are Councillors and the remaining three committee members are suitably qualified external independent members, one of who is appointed as the independent Chairperson.

Council engages an independent internal auditor to conduct internal audits on specific focus areas within the organisation. The audits identify areas of improvement to assist Council to improve performance and manage risk. The results of the audits are reported to, and monitored by, Council's Audit & Risk Management Committee.

Council also participates in a range of external audits conducted by the Victorian Auditor General's Officer (VAGO). These fall into two categories – financial audits and performance audits. The Local Government Act 1989 requires Council to prepare a financial report and submit it to the Auditor-General for audit each financial year. Council also participates in a range of performance audits as required.

When Council participates in an external audit, the Audit & Risk Management Committee play a key role in understanding the major focus areas of the audit, monitoring matters arising from the audit and monitoring the implementation of the external auditor's recommendations which are adopted by Council.

Council's participation in audit programs demonstrates its commitment to accountability and provides the community with confidence that the organisation is using resources in an efficient and effective manner.

Consultation and engagement

Bayside city Council is committed to community consultation as a way of ensuring Council provides services and programs in line with the needs and aspirations of the community. Council's community consultation program allows people to become involved in Council's decision making processes so they can help shape decisions that affect them and their community.

Community consultation is defined as any process that Council undertakes to involve the public in decision making by communicating with them by email, post, social media, phone, public notice or in person to find out their views about a particular issue, service or Council matters prior to making decisions.

Examples of community consultation include asking the community for feedback on Council policies, service delivery performance or involving the community in the progress or review of specific projects or developments.

One of the most fundamental roles of all councils is to advocate on behalf of their communities for the improvements, services and funds they need, where these are the responsibility of the state and federal governments or other third parties.

Council undertakes extensive research to understand community expectations and the external influences and environmental challenges it is facing. To assist this process Council has adopted a Community and Stakeholder Engagement Policy, which its purpose is to improve the quality and effectiveness of Council's decision making and enhance community satisfaction with Council by undertaking the following:

- Creating genuine opportunities for members of the Bayside community to participate in matters that interest and affect it;
- Ensuring transparency and accountability in Council decision making;
- Ensuring the diverse needs of the local community are taken into account in decision making; and
- Encouraging and supporting the community to participate in civic life.

Administrative updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively.

Review

This Charter will be reviewed every two years. The next review will be completed in June 2020 in line with the adoption of the next Council Plan