

# Warringah Council Policy

## Policy No. PL 910 Policy

### Policy Development and Management

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#### 1 Purpose of Policy

To document the process for proposing new policies, amending existing policies and rescinding obsolete policies.

#### 2 Policy statement

A policy is a formal statement of Council's position covering the principles it will adopt in administering its statutory responsibilities and promotes consistency of approach and administrative efficiency.

A policy is established by the resolution of Council.

A policy can be distinguished from

- a strategy, which records Council's long term needs and wants (often including an intended course of action to achieve them and an allocation or identification of resource needs), and
- an Operational Management Standard (OMS), which is an internal organisational procedure approved by the General Manager, who is empowered under Section 335 of the Local Government Act to carry out the 'day to day' management of Council, and
- a procedure, which is a set of rules and processes designed to facilitate Council operations at a team, service unit or divisional level.

This policy does not apply to strategies, OMS or procedures; however these could be treated in a similar way.

#### 3 Principles

The following principles will be followed when proposing new policies, and amending or rescinding policies.

##### 3.1 New policies or amending existing policies

The Director of the Council division that is primarily responsible for carrying out a policy, or the Director otherwise nominated by the General Manager, shall be responsible for the development of a policy or the amendment of an existing policy ('the responsible Director'). The responsible Director will generally become the owner of the document.

The responsible Director will ensure that the Manager, Strategic Planning is promptly alerted about an intention to develop a new policy or to amend an existing policy. Strategic Planning officers will advise the responsible Director or their staff if similar or complementary policies are being developed in other areas of Council.

The responsible Director will ensure that any proposed amendment to an existing policy (except for minor amendments to existing policies), or a proposal for a new policy:

- is concise and clearly worded
- is presented in the standard Warringah Council policy template format

- does not conflict with any existing policy, and if it does, recommends the necessary amendments, rescissions or rationalisation of all affected policies
- considers any legal and any financial or administrative implications

Council will determine whether to make a resolution to place the draft policy on exhibition (with or without amendment) or reject the amendments or new policy, or adopt the amendments or new policy.

Council's decision whether or not to place a draft policy on exhibition will be based on whether, in Council's opinion, the benefit likely to be realised from the exhibition would justify the costs of the exhibition and the delay in adopting the amendments or new policy.

Draft policies adopted for exhibition must be exhibited for public comment for a minimum period of fourteen (14) days unless a statutory exhibition period is provided. At a minimum, public exhibition must consist of advertising in the Manly Daily, exhibiting the policy at the Civic Centre and Warringah libraries and online on Council's website. However, a higher-level consultation may be appropriate and therefore due regard must be given to Council's Community Consultation Matrix and Tool Kit.

At the closure of the exhibition period a report detailing the submissions received will be made to Council. Council by resolution will adopt or reject the amendments or new policy.

### **3.2 Minor Amendments to Policies**

Amendments to existing policies must accord with clause 3.1 of this policy, unless the amendments are minor in nature.

Amendments minor in nature include the following:

- changes to the format of the policy
- changes to the policy number or policy name
- changes to policy owners or those responsible for implementing the policy as a result of an organisational restructure/realignment
- correction of errors, grammar and punctuation in the policy, including but not limited to incorrect references to other policies or documents or legislation.

The General Manager can approve minor amendments to policies if in their opinion the amendment does not:

- change the intent of the policy
- impact upon the community
- result in a conflict with any existing policy
- have legal or financial implications.

Councillors are to be informed as soon as practicable of minor amendments to policies approved by the General Manager.

### **3.3 Conflicting Policies**

Where policies conflict, prima facie the later policy will prevail to the extent of any inconsistency.

The responsible Director shall act to resolve all conflicts that arise as a result of the passing of a policy as soon as practicable, including recommending to Council the necessary amendments, rescissions or rationalisation of all affected policies necessary to resolve all conflicts.

### **3.4 Rescinding Policies**

A policy can only be rescinded by a formal resolution of Council.

### **3.5 Owners and Responsible Officers**

A policy owner is to be a Director or the General Manager. A person responsible for implementing a policy may be any member or members of Council staff, but must include at least one Director, Manager or Team Leader.

### **3.6 Timing of Review**

Every policy shall contain a review date. A review date is a date or a month and year in which the policy is to be reviewed to determine whether it is likely to remain appropriate for Council's activities until the next review date. A review date will generally be calculated by a whole number of years from the month that the policy, or its latest amendment, has been adopted by Council.

A review does not necessarily require amendment to a policy. However, the responsible Director shall ensure that a policy is reviewed on or before the review date, and that Strategic Planning officers are informed that a review has taken place and whether or not amendments will be proposed.

The criteria to determine review dates are as follows:

- Where legislation requires a review of the policy within a certain period or by a certain date, the review date shall be no longer than that period or that date.
- Policies without specific legislative requirements shall be reviewed within four (4) years of their adoption or their last amendment.

Notwithstanding the above criteria, Council may decide to stipulate a different review date in special circumstances. A stated review date does not prevent a policy being reviewed at an earlier date.

Where a policy becomes inappropriate to the operations of Council or non-compliant due to a change in legislation, the policy shall be amended as soon as practicable to render it appropriate or comply with the legislation as the case may be.

## **4. Who is responsible for implementing this policy?**

Executive Management Team, Managers, Strategic Planning officers, and Councillors.

## **5. Document owner**

Director, Strategic and Development Services.

## **6. References**

### Definitions

N/A

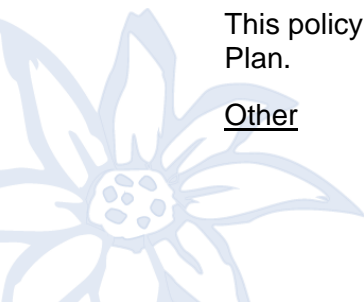
### Legislation

There are references to 'policy' in the *Local Government Act 1993*, Sections 12 and 232 and the *Freedom of Information Act 1989*, Section 6.

### Council

This policy supports the service of Good Governance under Council's Strategic Community Plan.

### Other



Policy No.

N/A

## **7. Review**

This policy is to be reviewed within five (5) years of its last amendment.

## **8. Document History**

1.0:

14 August 1984 - Council authorised this policy as number 1.3.22.

2.0:

24 May 2005 - Council amended the policy. It was re-numbered as GOV-PL910.

3.0:

19 October 2010 - Council amended the policy. It was re-numbered as PL 910 POLICY and name changed.

