



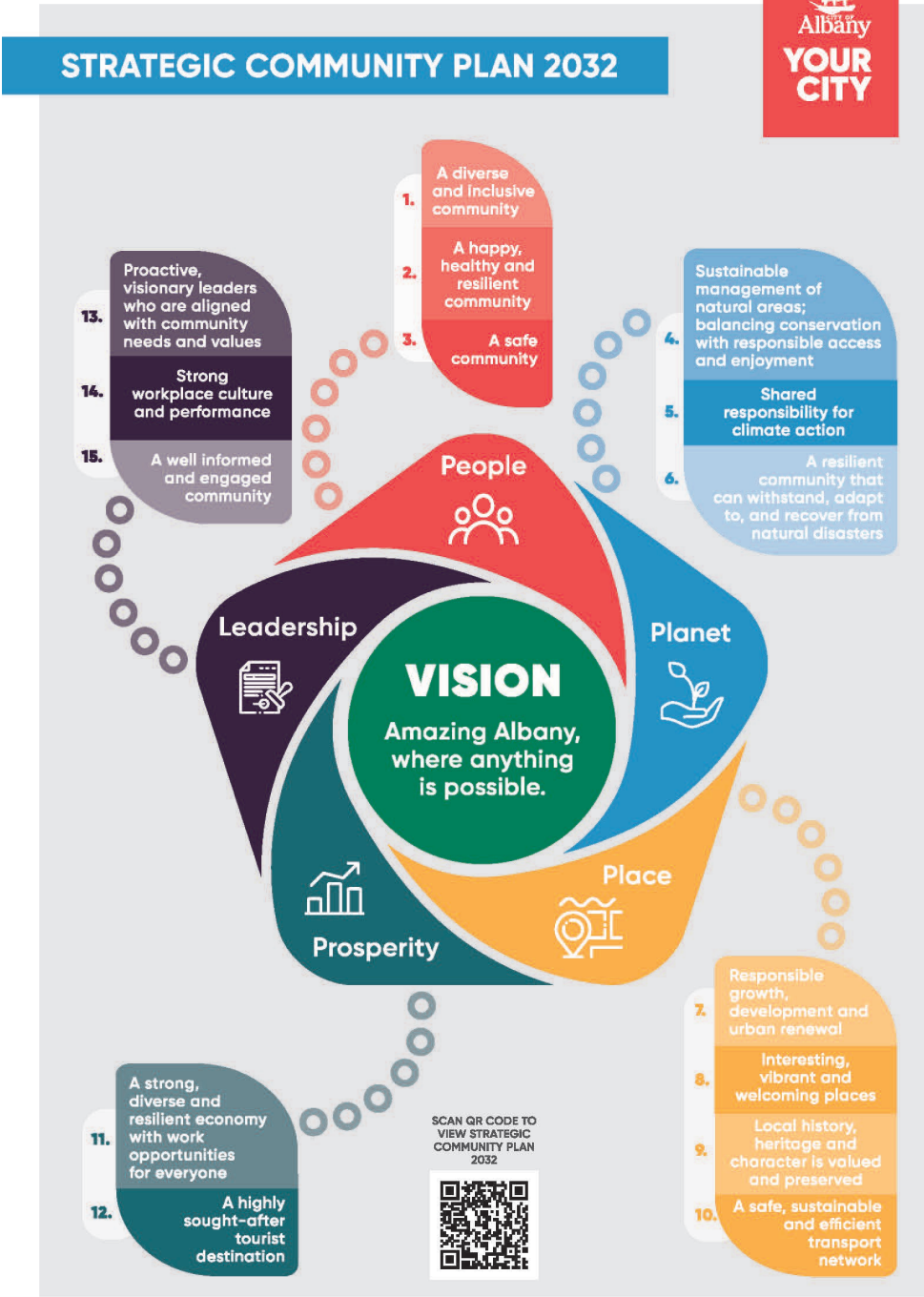
AGENDA

COMMUNITY AND CORPORATE SERVICES COMMITTEE

Tuesday 14 March 2023

6.00pm

Council Chambers



Community & Corporate Services Committee
Terms of Reference

Functions: The Committee is responsible for the following functions:

The Community and Corporate Services Committee is responsible for the following functions:

- **Community Services** – delivery of the outcomes defined in the Strategic Community Plan 2032 under the **People Pillar** and the **Leadership Pillar**:
 - Diverse and inclusive community;
 - Happy, healthy and resilient community; and
 - A well-informed and engaged community.
- **Corporate Services** – delivery of the outcomes defined in the Strategic Community Plan 2032 under the **Leadership Pillar** and **Prosperity Pillar**:
 - A safe community;
 - A resilient community that can withstand, adapt to and recover from natural disasters;
 - A strong diverse and resilient economy with work opportunities for everyone;
 - A highly sought after tourist destination;
 - Proactive, visionary leaders who are aligned with community needs and values; and
 - Strong workplace culture and performance.
- Monitoring and commenting on the financial health and strategies of the City.
- Service Complaint Internal Review.

It will achieve this by:

- Developing policies and strategies;
- Establishing ways to measure progress;
- Receiving progress reports;
- Considering officer advice;
- Debating topical issues;
- Providing advice on effective ways to engage and report progress to the Community; and
- Making recommendations to Council.

Membership:	Open to all elected members
Meeting Schedule:	Monthly
Meeting Location:	Council Chambers
Directorates:	Corporate & Community Services
Executive Officer(s):	Executive Director Corporate & Commercial Services, Executive Director Community Services
Delegated Authority:	None

COMMUNITY AND CORPORATE SERVICES COMMITTEE
AGENDA – 14/03/2023

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COMMUNITY AND CORPORATE SERVICES COMMITTEE
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1. **DECLARATION OF OPENING**

2. **PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

“Heavenly Father, we thank you for the peace and beauty of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.

We would also like to pay respect to Elders past, present and emerging”.

3. **RECORD OF APOLOGIES AND LEAVE OF ABSENCE**

Mayor

D Wellington

Councillors:

Breaksea Ward

A Cruse

Breaksea Ward

P Terry (Chair)

Frederickstown Ward

G Stocks

Frederickstown Ward

M Traill

Kalgan Ward

T Brough

Kalgan Ward

M Benson-Lidholm JP

Vancouver Ward

J Shanhun

Vancouver Ward

D Baesjou

West Ward

S Smith (Deputy Chair)

West Ward

S Grimmer

Yakamia Ward

R Sutton

Yakamia Ward

C Thomson

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

M Gilfellon

Executive Director Community Services

N Watson

Meeting Secretary

H Bell

Apologies:

COMMUNITY AND CORPORATE SERVICES COMMITTEE
AGENDA – 14/03/2023

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

6. PUBLIC QUESTION TIME

In accordance with *City of Albany Standing Orders Local Law 2014* (as amended) the following points apply to Public Question Time:

- Clause 5) The Presiding Member may decide that a public question shall not be responded to where—*
- (a) the same or similar question was asked at a previous Meeting, a response was provided and the member of the public is directed to the minutes of the Meeting at which the response was provided;*
 - (b) the member of the public asks a question or makes a statement that is offensive, unlawful or defamatory in nature, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the question or statement in a manner that is not offensive, unlawful or defamatory.*

7. PETITIONS AND DEPUTATIONS Nil.

8. CONFIRMATION OF MINUTES

DRAFT MOTION

THAT the unconfirmed minutes of the Community and Corporate Services Committee meeting held on 14 February 2023, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS Nil.

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.

CCS513: FINANCIAL ACTIVITY STATEMENT – JANUARY 2023

Proponent / Owner	: City of Albany
Attachments	: Financial Activity Statement – January 2023
Report Prepared By	: Manager Finance (S van Nierop)
Authorising Officer:	: Executive Director Corporate & Commercial Services (M Gilfellon)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** Strong workplace culture and performance

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare on a monthly basis a statement of financial activity that is presented to Council.
- The City of Albany's Statement of Financial Activity for the period ending 31 January 2023 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.
- The financial information included within the financial activity statement for the period ended 31 January 2023 is preliminary and has not yet been audited.

RECOMMENDATION

CCS513: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 January 2023 be RECEIVED.

DISCUSSION

2. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
3. In order to fulfil statutory reporting obligations, the Financial Activity Statement prepared provides a snapshot of the City's year to date financial performance. The report provides:
 - (a) Statement of Financial Activity by Nature or Type;
 - (b) Explanation of material variances to year to date budget;
 - (c) Net Current Funding Position;
 - (d) Investment Portfolio Snapshot;
 - (e) Receivables; and
 - (f) Capital Acquisitions.
4. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS457, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2022/2023.

5. The Statement of Financial Activity may be subject to year-end adjustments and has not been audited by the appointed auditor.
6. It is noted that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The 'errors' may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect."

STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
 - 34(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
 - 34(2) Each statement of financial activity is to be accompanied by documents containing:
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
 - 34(3) The information in a statement of financial activity may be shown –
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
 - 34(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
 - 34(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances

POLICY IMPLICATIONS

8. The City's 2022/23 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 January 2023 has been incurred in accordance with the 2022/23 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

LEGAL IMPLICATIONS

12. Nil.

ENVIRONMENTAL CONSIDERATIONS

13. Nil.

ALTERNATE OPTIONS

14. Nil.

CONCLUSION

15. The Authorising Officer's recommendation be adopted.
16. It is requested that any questions regarding this report are submitted to the Executive Director Corporate & Commercial Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.7 - All Wards

CCS514: LIST OF ACCOUNTS FOR PAYMENT – FEBRUARY 2023

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Manager Finance (S Van Nierop)
Authorising Officer: : Executive Director Corporate and Commercial Services (M Gilfellon)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar/Priority:** Leadership.
 - **Outcome:** Strong workplace culture and performance.

IN BRIEF

2. Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

RECOMMENDATION

CCS514: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 February 2023 totalling \$6,585,870.83 be RECEIVED.

DISCUSSION

3. The table below summarises the payments drawn from the municipal fund for the period ending 15 February 2023. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$10,106.09
Payroll	\$1,898,234.07
Cheques	\$26,178.20
Electronic Funds Transfer	\$4,651,352.47
TOTAL	<u>\$6,585,870.83</u>

4. The table below summaries the total outstanding creditors as at 15 February 2023.

Current	\$738,622.98
30 Days	\$182,042.52
60 Days	\$38,146.38
90 Days	\$22,102.13
TOTAL	<u>\$980,914.01</u>
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

5. Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996*, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

POLICY IMPLICATIONS

8. Expenditure for the period to 15 February 2023 has been incurred in accordance with the 2022/2023 budget parameters.

FINANCIAL IMPLICATIONS

9. Expenditure for the period to 15 February 2023 has been incurred in accordance with the 2022/2023 budget parameters.

LEGAL IMPLICATIONS

10. Nil

ENVIRONMENTAL CONSIDERATIONS

11. Nil

ALTERNATE OPTIONS

12. Nil

CONCLUSION

13. That the list of accounts have been authorised for payment under delegated authority.
14. It is requested that any questions on specific payments are submitted to the Executive Director Corporate Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.2 – All Wards

CCS515: DELEGATED AUTHORITY REPORTS – 16 JANUARY 2023 to 15 FEBRUARY 2023

Proponent / Owner	: City of Albany
Attachments	: Executed Document and Common Seal Report
Report Prepared By	: PA to the ED Corporate & Commercial Services (H Bell)
Authorising Officer:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** A well informed and engaged community.

RECOMMENDATION

CCS515: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 January 202.3 to 15 February 2023 be RECEIVED.

BACKGROUND

2. In compliance with Section 9.49A of the *Local Government Act 1995* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:
 - **Delegation: 006** – Sign Documents on Behalf of the City of Albany (Authority to Executive Deeds & Agreements and apply the Common Seal)
 - **Delegation: 009** – Provide Donations, Sponsorship, Subsidies & Authority to Apply for Grant Funding (Including the provision of sponsorship through the waiver of fees & charges)
 - **Delegation: 018** – Award Contracts (Supply of Equipment, Goods, Materials & Services)

CCS516: THREE MONTH TRIAL PERIOD FOR BODY WORN CAMERAS BY CITY RANGERS

Proponent / Owner	: City of Albany
Attachments	: Body Worn Camera Policy – Draft Standard Operating Procedure (SOP) - Draft
Report Prepared By	: Manager Public Health and Safety (S Reitsema)
Authorising Officer:	: Executive Director Corporate & Commercial Services (M Gilfellon)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** People
 - **Outcomes:** A safe community
 - **Objectives:**
 - Improve community safety.
 - Encourage responsible animal management.
 - **Pillar:** Leadership
 - **Outcomes:** Strong workplace culture and performance

In Brief:

- Council is requested to consider the endorsement of an initial three-month Body Worn Camera trial for the purpose of training, evaluation and testing of administrative policy and associated procedures.

RECOMMENDATION

CCS516: AUTHORISING OFFICER RECOMMENDATION

THAT Council NOTE the introduction of Body Worn Cameras (BWC) for use and evaluation by City of Albany Authorised Persons (Rangers).

BACKGROUND

2. The nature of complaints investigated by City of Albany Rangers (Authorised Persons), where they are required to ensure compliance with state legislation and local laws, from time to time brings them face to face with persons who may become confrontational and aggressive.
3. In acknowledging that aggression in the workplace is a serious hazard that requires management, the City of Albany engaged a consultant to undertake an assessment of risks faced by the Ranger Team in undertaking their day-to-day duties.
4. The “*Albany Rangers OSH Risk Review Report*” (the Franklyn Report) was produced in 2018.
5. The consultant recommended that body worn cameras be used as they have been proven to reduce the risk of verbal and physical abuse directed at Rangers and other authorised City staff undertaking their duties in the wider community.

6. Body worn cameras may also improve the safety of community members by ensuring transparency and accountability of authorised officers in their interactions with members of the community.
7. The use of body worn cameras by local government officers is becoming increasingly prevalent, providing an independent and objective resource to capture incidents and interactions between officers and members of the community.

DISCUSSION

8. Body worn cameras, which are attached to the front of an officer's uniform and are capable of capturing audio, video and photos, are recognised to aide in reducing the risk of verbal and physical abuse directed at Rangers and other authorised City staff undertaking their duties in the wider community.
9. Body worn cameras also ensure transparency and accountability of authorised officers in their interactions with members of the community.
10. The use of body worn cameras by local government officers is becoming increasingly prevalent, providing an independent and objective resource to capture incidents and interactions between officers and members of the community.
11. Local governments in WA that have adopted the use of body worn cameras include the City of Perth, Town of Claremont, Shire of Toodyay and Shire of Wyndham/East Kimberley.
12. Rangers and other authorised officers can record footage in certain circumstances that concern their safety, the safety of another person, in a violent incident or if the officer suspects that a violent incident will occur, or to gather evidence in relation to a breach of an Act, Legislation, Regulation or Local Law.
13. Body worn cameras are intended to capture specific incidents, minimising collateral intrusion to those not directly involved in particular situation.

Administrative Policy (Proposed)

14. A proposed administrative policy position has been developed and a Standard Operating Procedure (SOP) has been developed to ensure that body worn cameras are used in an appropriate, effective, auditable (accountable) and legislatively compliant manner.
15. In summary the draft Policy and SOP documents set out clearly the intent, purpose, when to use, storage and retrieval of data.
16. It is proposed that the decision to start or stop recording with a body worn camera, will rest with the Authorised Officer, having due regard to all the circumstances, guiding policy and the supporting SOP.

Privacy and Responsible Information Sharing

17. This is addressed in the Risk Identification and Mitigation and Legal Implication sections of this report.

Evaluation

18. At the completion of an initial evaluation period, feedback received from the Ranger Team and community will be reviewed. That feedback will inform any changes to the policy and procedures governing the use of BWCs by City staff.
19. Audits will be also conducted on the audio-visual recordings and the suitability of the data storage and software used.
20. it is the intention of the City to deploy the body worn camera's on a permanent basis and to provide the opportunity to other authorised persons within the City to utilise body worn camera's whilst fulfilling their duties.

Advantages

21. The ability to record events electronically as they occur has a range of benefits specifically relating to the safety of City officers including:
 - Moderated behaviour of people present at incidents;
 - Increased officer accountability, transparency and professionalism;
 - Increased public trust;
 - Reduction in complaints against officers;
 - Use as a training tool; and
 - Improved collection of evidence.
22. Body worn camera footage may:
 - Enable the City to efficiently process any incident reported by the community or authorised officers of the City;
 - Allow for the review of interactions with community members by authorised officers whilst undertaking their day to day duties; and
 - Provide the means and opportunity to capture evidence related to reportable incidents by recording visual and audio evidence.
23. Overall, with the use of body worn cameras, community members should feel protected, and staff feel secure in performing their duties.

Disadvantages

24. Body worn cameras may be unsafe in certain situations, particularly when in a public place where people may be under the influence of drugs and/or alcohol.
25. Recording of footage which is not in compliance with City of Albany policies and procedures or relevant legislation is possible; however it should be noted that this would result in disciplinary action if required.

Storage of Body Worn Camera Footage

26. The storage of body worn camera footage must be a secure system, in accordance with evidence management requirements and relevant legislation.
27. Recorded data that is required (or potentially required) as evidence must be retained in accordance with the State Records Act 2000. This is currently seven years.
28. Footage may not be edited or altered, however in very specific circumstances, for example, irrelevant footage can be removed if not required or where it has been captured in error.

29. Body worn camera footage is to be released or distributed only upon application and in accordance with relevant legislation. Access to body worn camera footage should be restricted, monitored and audited.
30. A member of the public has the right to apply for access to their personal information held by the City of Albany under the *Freedom of Information Act 1992*.
31. Any applications for access to body worn camera footage under Freedom of Information legislation will be processed in accordance with the provisions of that Act.

STATUTORY IMPLICATIONS

32. Statutory implications are the application of the following legislation on BWC use and the subsequent audio-visual record (data):
 - a. *Surveillance Devices Act 1998*
 - b. *State Records Act 2000*
 - c. *Freedom of Information Act 1992*
 - d. *Evidence Act 1906*
 - e. *Criminal Procedures Act 2004*
33. The *Privacy Act 1988* is a federal law which does not cover local, state or territory government agencies, and therefore does not apply in this instance. However, the City of Albany does adhere to the principles of the *Privacy Act 1998*.
34. The Office of the Information Commissioner (WA) administers the *Freedom of Information Act 1992* which includes some privacy principles related to the disclosure and amendment of personal information held by Western Australian State and local government agencies.
35. The voting requirement for this item is **Simple Majority**.

POLICY IMPLICATIONS

36. The use of body worn cameras by authorised officers will be in accordance with the *City of Albany Body Worn Camera Policy*.
37. The Policy and Procedures related to BWCs also address the Standard Operating Procedure (SOP) to ensure that body worn cameras are used in an appropriate, effective, auditable (accountable) and legislatively compliant manner.
38. The decision to start or stop recording with a BWC will rest with the Authorised Person/s, having due regard to all the circumstances including information contained within the City BWC Policy document and Standard Operating Procedures.
39. The draft Policy and Standard Operating Procedure documents set out clearly the intent, purpose, use of a body worn camera and the storage and retrieval of data.

RISK IDENTIFICATION & MITIGATION

40. The risk identification and categorisation relies on the City's Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal and Compliance: <i>Unauthorised use of a body worn camera.</i>	<i>Rare</i>	<i>Major</i>	<i>Low</i>	<i>Policy and procedures are in place to govern the use of body worn cameras, including monitoring and auditing of footage.</i>
People Health and Safety: <i>Risk of verbal or physical abuse or assault on Rangers or other authorised City Officers in the course of their work.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Body worn cameras may reduce the risk of physical injury or psychological harm to City of Albany authorised officers.</i>
<p>Opportunity: <i>The ability to record events electronically as they occur has a range of benefits specifically relating to the safety of City officers including:</i></p> <ul style="list-style-type: none"> <i>• Moderated behaviour of people present at incidents;</i> <i>• Improved officer conduct and professionalism;</i> <i>• Reduction in complaints against officers; and</i> <i>• Improved collection of evidence.</i> 				

FINANCIAL IMPLICATIONS

41. The City purchased five body worn cameras, associated hardware, software and licencing at a cost \$11,866 in 2020. The body worn cameras have not yet been used, due to delays with the establishment of the Policy and Procedure documents.
42. Whilst the Milestone CCTV server provides a digital storage and playback capacity, it is a limited platform for the management of digital evidence.
43. A Digital Evidence Management System would be the preferred method of storing and managing the digital evidence and will incur an annual subscription cost.

LEGAL IMPLICATIONS

44. The Surveillance Devices Act 1998 regulates the use of listening devices and optical surveillance devices in respect of private activities and conversations.
45. BWC audio-visual recordings will be stored and retained in accordance with the *State Records Act 2000*.
46. Applications for access to audio-visual footage from a BWC can be made in accordance with the *Freedom of Information Act 1992*.
47. Audio-Visual recordings may be tendered as evidence in the event of a prosecution.

CONCLUSION

48. The evaluation period will provide an opportunity to ensure that policies and procedures related to the use of body worn cameras are appropriate.

Consulted References	:	<ul style="list-style-type: none"> <i>• Surveillance Devices Act 1998</i> <i>• State Records Act 2000</i> <i>• Freedom of Information Act 1992</i> <i>• Evidence Act 1906</i> <i>• Criminal Procedures Act 2004</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	N/A

11. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN: Nil.**
12. **MEETING CLOSED TO THE PUBLIC**
13. **CLOSURE**