



LITHGOW CITY COUNCIL

9. GOVERNANCE

Policy 9.7

GIFTS & BENEFITS – COUNCILLORS & STAFF

DRAFT Version 3

Maintained by Department:	Finance	Approved by:	Council		
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Attachments:					

9. GOVERNANCE

9.7 GIFTS & BENEFITS - COUNCILLORS & STAFF

OBJECTIVE:

To ensure the reputation for integrity and professionalism of Council officials (Councillors, employees and volunteers) is achieved and maintained through community confidence that Council officials are not influenced by gifts, benefits or bribes.

POLICY:

1. OBLIGATION:

Council officials should not accept or seek any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence the Council official:

- to act in a particular way (including making a particular decision),
- to fail to act in a particular circumstance, or
- to otherwise deviate from the proper exercise of their Council official duties

Always consider who is making the offer, why the offer is being made and how that could be perceived by a member of the public.

Consider the degree of openness of the occasion, gift or benefit, and if the giver attempts to conceal the gift or benefit, it should be refused.

2. POLICY / SWP / LEGISLATION / STANDARD IMPLICATIONS:

Code of Conduct

Business Ethics Policy 9.3

Local Government Act 1993

Local Government (General) Regulations 2005

Crimes Act 1900 (NSW)

3. PROCEDURAL DEFINITIONS:

The following definitions apply:

3.1 Gifts or benefits:

Include, but are not limited to, free (or less than market value) hospitality including accommodation, entertainment such as tickets to major sporting events, concerts, hospitality such as meals, alcohol, travel, personal items, gift cards etc

Cash, or gift cards which may be redeemed as cash or goods or services, must not be accepted at any time.

3.2 Bribery:

Defined as receiving or offering any undue reward, by or to, any person in a public office in order to influence his or her behaviour in that office, and to incline that person to act contrary to the know rules of honesty and integrity.

3.2 Hospitality:

The provision of meals, refreshments and other forms of entertainment.

3.4. Nominal Value:

The value of gifts and benefits of nominal value that will not create a sense of obligation to influence, or appear to influence, the receiver in exercising their official duties.

3.5 Council officials

Include employees, councillors and volunteers

3.6 Cumulative Gifts

A gift or benefit may be considered nominal/token when viewed on a standalone basis but when all gifts or benefits are taken into account on a cumulative basis, and total many, they may exceed policy requirements.

4. GIFTS & BENEFITS PROCEDURES:

4.1 Register

Council officials are required to record gifts and benefits received where it cannot reasonably be refused or returned, excluding token gifts or benefits, as follows:

- For designated persons in an annual disclosure of interest written returns within three months after 30 June in any year pursuant to Section 9(3) of the Local Government Act 1993; and/or
- The Gifts and Benefits Register established for the purpose

4.2 Guidelines:

You must not:

- seek or accept a bribe or other improper inducement
- by virtue of your position acquire a personal profit or advantage which has a monetary value, other than one of a token value
- you must not accept cash or a gift card that can be redeemed for cash. You should immediately decline the offer and report to the General Manager

You must not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence you or others to:

- act in a particular way (including making a particular decision)
- fail to act in a particular circumstance
- deviate from the proper exercise of your official duties or the official duties others

4.3 Token Gifts & Benefits:

You may accept gifts or benefits of a nominal or token value that is less than \$30 that does not create a sense of obligation on your part.

Generally speaking, token gifts and benefits less than \$30 may include:

- Council officials attending end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
- free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business
- free meals, of a modest nature, and/or beverages provided to Council officials who formally represent their Council at work related events such as training, education sessions, workshops
- refreshments, of a modest nature, provided at conferences where you are a speaker
- Invitations to appropriate out of hours social functions organised by groups, such as, Council committees and community organisations
- Ceremonial gifts given as a token of appreciation from a visiting party such as a visitors from another country

4.4 Gifts of Value:

You must never accept an offer of money, or gift cards that can be redeemed for cash, goods or services, regardless of the amount and if offered you or any other Council employee, Councillor or volunteer should immediately report to your Supervisor or the General Manager.

Council employees regarded as being employed in areas of 'high risk' include rangers, building inspectors, inspectorial staff, plant or machinery purchase officers. Positions such as these must be especially aware that they cannot accept gifts and benefits.

Officers must not accept gifts and benefits that have more than a nominal or token value. These include tickets to major sporting events, corporate hospitality at a corporate facility at a sporting venue, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel and free training excursions, gift cards and personal items including alcohol.

If you receive a gift of more than token value in circumstances where it cannot reasonably be refused or returned, you should accept the gift and disclose this promptly in the Gifts and Benefits Register then to your supervisor, the Mayor or the General Manager. The supervisor, Mayor or General Manager will ensure that any gifts received are correctly recorded in the Lithgow City Council Gifts and Benefits Register.

You must avoid situations in which the appearance may be created that any person or organisation, through the provision of hospitality or benefits of any kind, is securing or attempting to influence or secure a favour from you or the Council.

You must also take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure a favour. Immediate family members may

include parents, spouses, children and siblings. If this is the case it is in your best interest to report it to your supervisor or the General Manager for consideration.

Councillors and designated persons must by law disclose a description of any gift or gifts totalling a value exceeding \$50 made by the same person during a period of 12 months, or less, to be disclosed in their annual 'Disclosure of Interest Return'.

4.5 Improper & Undue Influence:

You must not take advantage of your position to improperly influence other Council officials in the performance of their public or professional duties to secure a private benefit for yourself or for somebody else.

You must not take advantage (or seek to take advantage) of your status or position with, or functions performed for, Council in order to obtain unauthorised or unfair benefit for yourself or for any other person or body.

4.6 Prizes & Incentives Schemes:

A Council official may receive a gift or prize as a result of entering a competition while engaging in official duties such as at a conference. Gifts received should be considered taking into account the nature of the Councils relationship with the prize giver. If Council has business dealings with the organisation that provided the prize, or discretionary power that could be exercised in the prize givers favour, accepting the prize may lead to perceptions of improper influences, therefore all prizes or incentives should be recorded in the Gifts and Benefits Register.

4.7 Gifts that Cannot be Returned:

Circumstances where a gift, that is unacceptable under this policy, is accepted by a Council official must be recorded and managed through the Gift and Benefit Register for example:

- a wrapped gift that the recipient does not open in the presence of the gift giver;
- Gifts accepted for cultural, ceremonial or protocol reasons, where returning it would be inappropriate;
- Anonymous gifts received through the mail or left for the Council official without a return address;
- A gift received in a public forum where attempts to refuse or return it would cause significant embarrassment

4.8 Procurement & Disposal of Goods & Services:

Council officials involved in procurement, tendering or sales activities for Council should NOT accept a gift from a potential or current supplier. A contract to supply goods, in effect a Council order, can be highly profitable to the supplier. Suppliers may attempt to influence procurement processes by offering gifts and benefits to Council officials who are responsible for making the decisions.

4.9 Hospitality & Work Related Functions:

Council officials may attend work related functions as a representative of Council. As a general rule an offer of tea, coffee and biscuits, or a light modest luncheon during a meeting as simple courtesy not a gift.

A useful measure of acceptable hospitality is the type of hospitality Council itself would provide representatives from other Councils or agencies when conducting official duties.

Hospitality that extends beyond courtesy, such as invitations to participate in golf days, attending professional sporting events, attendance in corporate boxes, are to be treated as a gift and must be managed through the Gifts and Benefits Register.

4.10 Disposal of Gifts:

If a gift is accepted and cannot be returned a Council official must dispose of the gift in some way. It may be appropriate to keep the gift within Council to provide benefit to the general public.

Gifts from visiting delegations or personalised gifts such as plaques are to be kept within Council.

Some options to manage gifts may include:

- Sharing the gift amount all staff and / or
- Donation the gift to appropriate charity

4.11 Reporting the Offering of Bribes or Incentive to Self & Others:

A Council official who believes that they have been offered a bribe, or are aware another staff member may have been offered a bribe or an incentive must:

1. Refuse the bribe or incentive
2. Inform your supervisor and / or the General Manager
3. Make notes as clearly as possible including:
 - date, time and place of incident
 - to whom the offer was made
 - who offered the possible bribe
 - the response to the offer
 - any other relevant details of the offer
 - sign and date the notice

4.12 Cumulative Gifts:

More than two gifts or benefits, given for a nominal or token value, from an individual supplier or a supplier's representative, over a 12 month period, must be declared as gifts which have a cumulative value.

5. NON COMPLIANCE WITH GIFTS & BENEFITS POLICY:

Failure to comply with the terms of this policy may result in one or more of the follow:

1. disciplinary action
2. dismissal
3. criminal prosecution
4. investigation by ICAC

6. ATTACHMENTS:

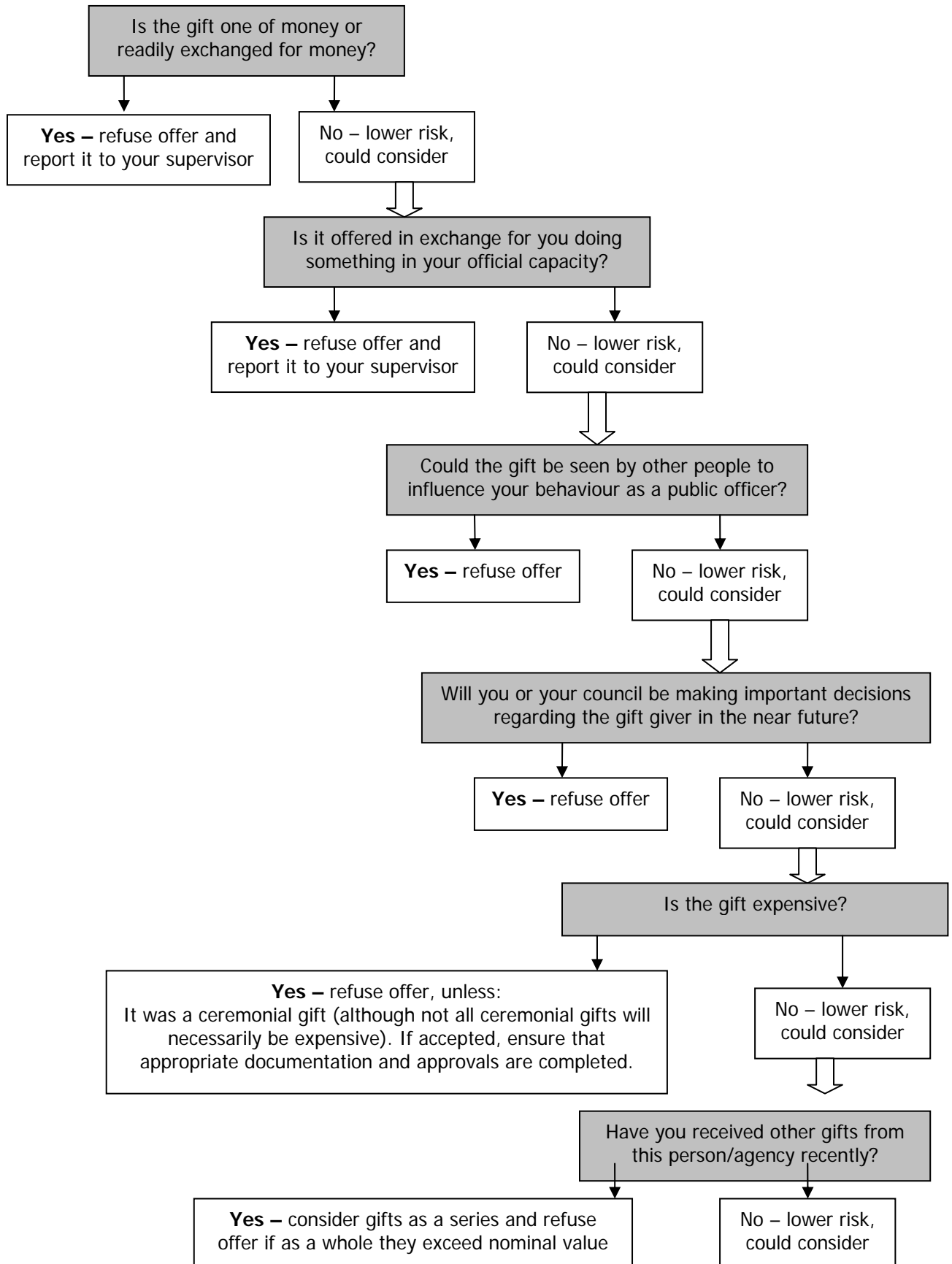
Decision making guide

7. REVIEW:

This Policy will be reviewed as required and at a minimum at least once during the term of Council.

DECISION-MAKING GUIDE

*Always check and comply with Council's gifts and benefits policy.
In addition, it may be useful to consider the following general issues:*





LITHGOW CITY COUNCIL

8. FINANCE

Policy 8.8

MAIN ST FACADE RESTORATION PROGRAM

DRAFT Version 2

Maintained by Department:	Finance	Approved by:	Council		
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8. FINANCE

8.7 MAIN ST FACADE RESTORATION PROGRAM

OBJECTIVE:

To provide financial assistance to the owners of properties, within the Lithgow, Wallerawang and Portland CBDs, by assisting in the restoration of the external facade of their premises which will in turn restore and highlight the town centre precincts.

GENERAL:

The Facade Restoration Program will provide financial assistance to the owners of properties within the CBD areas of Lithgow, Wallerawang and Portland to assist in the restoration of building facades. It is envisaged that this will uplift the image of the areas by restoring and highlighting some of the impressive buildings in the town centre precincts.

The program applies to all commercial properties in Main St Lithgow, from the intersection of Lithgow and Main Sts to the intersection of Bridge and Main Sts, business rated properties in Railway Pde Lithgow and Mort st, Lithgow, Main St Wallerawang from the Black Bridge to the Railway Station and Wolgan St Portland from Wallerawang Rd to Williewa St. It was developed by Council, as a key initiative of the Economic Development Shop Front Committee in September 2010.

Works likely to be funded as part of the program include repair, maintenance, or reinstatement of traditional windows, awnings or decoration as well as reinstatement of colour schemes. Works that would not meet the requirements of the program would include additions or alterations, internal decoration and the construction of new buildings.

A Development Application must be submitted to Council if the works are identified as a heritage item or if works include structural alteration, demolition or construction of new building elements.

A property is defined under this program as either a lot with a Torrens Title or a Strata Title unit.

The funds will be allocated to successful applicants on a dollar for dollar basis, following completion and inspection of pre approved works by the Economic Development Shop Front Committee to a maximum of \$2,500. Council will cap its total expenditure as per the budget allocation in the Management Plan.

Applications will be considered on an individual property only once every five years or sooner if Councils total allocation for the year has not been fully expended and the project is considered a high priority on its merit.

The project may also receive support from Council's Heritage Advisor who could provide specific advice on colour schemes and / or the external façade of a building at no cost to the property owner.

To be considered for the project a formal application must be submitted to Council's Economic Development Shopfront Committee detailing the project, description of the colours or materials to be used, written quotations from suppliers or licensed tradesperson, a timeframe of when the work will be undertaken and written owners consent if applicable.

If the project is successful formal written advice will be provided by Council and payment will be made after satisfactory completion and inspection of the works and upon the supply of a valid GST Tax invoice supplied by the applicant.

POLICY:

1. The Facade Restoration Program will provide financial assistance to the owners of commercial properties within the CBD areas of Lithgow, Wallerawang and Portland, defined as follows to assist in the restoration of the external building facades:
 - a) Main St Lithgow from the intersection of Lithgow and Main Sts to the intersection of Bridge and Main Sts, business rated properties in Railway Pde Lithgow and Mort st, Lithgow
 - b) Main St Wallerawang from the Black Bridge to the Railway Station
 - c) Wolgan St Portland from Wallerawang Rd to Williewa St.
2. Works likely to be funded as part of the program include repair, maintenance, or reinstatement of traditional windows, awnings or decoration as well as reinstatement of colour schemes. Works that would not meet the requirements of the program would include additions or alterations, internal decoration and the construction of new buildings.
3. A Development Application may be required depending on the work to be undertaken.
4. A property is defined under this program as either a lot with a Torrens Title or a Strata Title unit.
5. Funds will be allocated to a successful applicant on a \$2 spent for a \$1 to be granted, following completion and inspection of pre approved works to a maximum of \$2,500 (GST Inc) and Council will cap its total expenditure as per the value allocated by Council in the Management Plan.

6. Applications will be considered on an individual property only once every five years or sooner if Councils total allocation for the year has not been fully expended and the project is considered a high priority on its merits.
7. The project may also receive support from Council's Heritage Advisor who may provide specific advice on colour schemes and / or the external façade of a building at no cost to the property owner.
8. A written application must be completed and submitted to Councils Economic Development Shopfront Committee detailing the project, description of the colours or materials to be used, written quotations from suppliers or licensed tradesperson, a timeframe of when the work will be undertaken and written owners consent if applicable.
9. Successful applicants will be formally advised in writing from Council
10. Payment will be made after satisfactory completion and inspection of the work and upon the supply of a valid GST Tax invoice from the applicant.

REVIEW:

This Policy will be reviewed as required and at a minimum at least once during the term of Council.