



**RICHMOND SHIRE COUNCIL
LATE AGENDA**

FOR

**ORDINARY MEETING
TUESDAY 15 FEBRUARY 2022
COMMENCING AT 8:00AM**

Item 2. Reports for Consideration – Office of the Chief Executive Officer

Item 2.5 Inwards Correspondence

EXECUTIVE SUMMARY

Received request for permission to drive council vehicle home after working hours.

OFFICER'S RECOMMENDATION

That Council: *Review and discuss an outcome to the request.*

Budget & Resource Implications

NIL

Background

011 – Vehicle Policy

Consultation (Internal/External)

Internal: Kerrod Scott

Attachments

Attachment A – Letter from Kerrod Scott

Attachment B – Vehicle Policy

Report prepared by **Peter Bennett (CEO)**



17 January 2022

Dear Peter,

RE: PERMISSION TO DRIVE COUNCIL VEHICLE HOME AFTER WORK

As per our conversation earlier today (17/01/22) I would like to address several reasons as to why I believe it will be beneficial to council if I were to drive my work vehicle home after work.

- For the purpose of being available in case of a call out to the airport. This may include for flights arriving at night, on the weekend or in the case of an emergency.
- Increased responsiveness to incidents on our project sites that may be occurring over the weekend or after my work hours. If an incident were to occur with one of our workers/contractors, I need to be on site ASAP to ensure the proper medical attention is given to anyone who is injured. I am also required to quickly secure the scene and gather evidence before it deteriorates, as part of my investigations.
- As part of any duties as an authorised officer, and especially when the Local Laws Officer is absent, I am required to be on call in the case of an incident occurring and to tend to any impounded animals.

Yours faithfully

A handwritten signature in black ink, appearing to read "Kerrard Scott", written in a cursive style.

Kerrard Scott

Safety & Compliance Officer



COUNCIL POLICY

POLICY TITLE: MOTOR VEHICLE USE POLICY

POLICY NUMBER: 011

INFOPERT REF: 76292

DATE OF ADOPTION: 24 March 2015

TIME PERIOD OF REVIEW 2 Year

DATE OF NEXT REVIEW: March 2022

1. OBJECTIVE

This policy is to outline the conditions under which a vehicle is used by identified employees of Richmond Shire Council (Council) and the obligations of employees who have been provided with a vehicle.

2. SCOPE

This Policy applies to all employees, contractors and volunteers, who perform work for or on behalf of Council. It applies to any other person who may be authorised to utilise a Council vehicle.

This policy does not apply to the entitlements of employees, such as the Chief Executive Officer (CEO), whose terms and conditions are governed by their Contract of Employment.

3. PRINCIPLES

The principles governing this policy include:

- That any private or commuter use of a Council owned vehicle is a material benefit to the recipient employee;
- That all vehicle use is provided is equitable and is applied consistently across the organisation;
- That the policy balances the benefit to the employee with the cost and benefit to ratepayers;
- Council vehicles are visible assets in the community and as such are part of the corporate image of Council;
- Any person who is authorised to utilise a Council vehicle must hold the appropriate licence to operate the vehicle;
- Smoking, or operating Council vehicles under the influence of drugs or alcohol is strictly prohibited.

- That the policy for allowing motor vehicle use is transparent and will stand up to public scrutiny;

4. POLICY

Council provides a diverse range of Council owned motor vehicles to allow employees to undertake their work effectively and efficiently.

4.1 Depot Garaged Vehicles

Depot garaged vehicles are marked council vehicles which are garaged at a Council depot or facility outside of normal working hours. No commuter or private use of the vehicle is permitted. The vehicle may or may not be allocated to a responsible officer.

4.2 Commuter Use

Commuter use of a marked Council vehicle is deemed as approval by the CEO for an employee to drive a Council owned vehicle directly to and from work and is generally assigned on the basis of operational requirements. The incumbents of the following positions have commuter use of a Council vehicle:

- Civil Works Foreman
- RMPC Foreman
- Rural Lands Officer
- Town Services Supervisor
- Plumber
- Water / Sewerage Officer
- Local Laws Officer

Vehicles allocated to employees for commuter use and as such shall only be driven by these employees. No spouse or family members are to drive these vehicles. Failure to comply could result in the vehicle being removed for commuter use from the employee and / or may lead to disciplinary action.

4.3 Private Use

Private use of a marked Council vehicle is deemed as approval by the CEO for an employee to drive a Council owned vehicle around town. The incumbents of the following positions have private use of a Council vehicle:

- Workshop Foreman
- Director of Community Development and Services
- Director of Corporate Services

Private use of a Council vehicle is deemed as approval by the Council for an employee to drive a Council owned vehicle with unlimited private use within the bounds of their employment contract. The incumbents of the following positions have private use of a Council vehicle:

- Chief Executive Officer
- Director of Works

5. USE OF VEHICLES

5.1 Maintaining Council's Vehicles

An employee who is provided with a vehicle must:

- Take good care of the vehicle including keeping it clean and in good order;
- Ensure that it is properly and responsibly maintained and serviced, in accordance with warranty requirements;
- Ensure that the provisions of any insurance policy relating to the vehicle are observed;
- Not fit any accessories, or other items such as stickers or advertising material to the vehicle without prior written approval from the CEO;
- Ensure that the vehicle is securely locked when left unattended and that any alarm system fitted to the vehicle is turned on;
- Ensure that the vehicle is available for use by other employees when required;
- Drive and use the vehicle only for the purpose for which it is intended;
- Ensure that the vehicle is properly garaged when not in use;
- When required by law, immediately report any accidents involving the vehicle to the police;
- Ensure that Council is informed immediately of any damage or faults to the vehicle;
- Not allow the vehicle to be driven by anyone other than an authorised Council employee. Written permission must be obtained from the CEO for any other person to use the vehicle;
- Ensure that a copy of their current licence details have been provided to Council and are on their personnel file.
- Keys to all vehicles and machinery are to be placed on the key board in the workshop everyday
- If working on a job site, keys to all vehicles and machinery to be handed to the on-site supervisor everyday

5.2 Safety

Employees have the following safety obligations:

- To ensure that the first aid kit provided with the vehicle is kept fully stocked and that the items in the kit which have a 'use by' date are replaced;
- To not drive the vehicle if the employee is taking any medication that may adversely affect the employee's ability to drive or where he employee is intoxicated through alcohol consumption or illegal drug use; and
- To obey all road rules.

In the event that an employee is involved in any accident as a result of medications use, intoxication, unlawful drug taking, negligence or recklessness, the employee is responsible for paying any excess on insurance and any other amount not covered by insurance.

5.3 Responsibility for Expenses

If Council provides an employee with a motor vehicle, the employee is entitled to use it for work-related purposes. Reasonable personal use is also permissible in accordance with the restrictions specified in this Policy.

Council will pay all taxes, insurance premiums, running costs, and maintenance and repair expenses associated with the running of the vehicle.

An employee who is provided with a vehicle, or the driver of a vehicle at the time, is responsible for paying all parking and traffic infringement penalties relating to the use of the vehicle.

5.4 Periods of Leave

Whilst on leave, the vehicle must not be used by the employee. If directed to do so by the CEO the employee must return the vehicle to Council's premises prior to the commencement of the leave.

Temporary allocation of a vehicle may be granted to an employee that is relieving during periods of absence or leave in a role that requires use of a Council vehicle.

5.5 Licence

Employees must maintain a current drivers' licence. An employee must notify the CEO immediately if their licence is suspended or cancelled. It is a requirement of an employee's position to hold a valid driver's licence, or drive a motor vehicle, the suspension or cancellation of the employees licence may result in termination of employment.

5.6 Return and Inspection of Vehicle

In the event that an employee's employment ends, the vehicle must be returned to Council. The CEO may direct at any time for a vehicle to be inspected or returned to Council.

Council considers the provision of a motor vehicle as a significant privilege. Accordingly, Council reserves the right to withdraw use of the motor vehicle for any employee who is in breach of this policy.

5.7 Ownership of Vehicle

At all times, the vehicle remains the property of Council.

This policy is to remain in force until otherwise determined by Council.

Peter Bennett
Chief Executive Officer

Item 2.6 Subordinate Local Law – Section 2

EXECUTIVE SUMMARY

Local Laws Office requesting that the Subordinate Local Law – Section 2 be revised to include Roosters in Residential Areas.

OFFICER'S RECOMMENDATION

That Council: *Review and Discuss changes to current Subordinate Local Law – Section 2 to include Roosters in Residential Areas.*

Budget & Resource Implications

NIL

Background

NIL

Consultation (Internal/External)

Internal: Dean Pollock

Attachments

NIL

Report prepared by **Peter Bennett (CEO)**

Item 2.7 Inwards Correspondence – Excess Dog Decision

EXECUTIVE SUMMARY

Received request for excess dog approval

OFFICER'S RECOMMENDATION

That Council: *Review and discuss an outcome to the request.*

Budget & Resource Implications

NIL

Background

Subordinate Local Law – Section 2

Consultation (Internal/External)

External: Michelle Dunn

Attachments

Attachment C – Letter of request

Report prepared by **Peter Bennett (CEO)**

From: [REDACTED]
To: [CEO](#)
Subject: Excess dog decision
Date: Monday, 14 February 2022 2:43:58 PM

Dear Peter Bennett

I am writing to appeal the decision of having a third dog at my residence of [REDACTED] in Richmond. Only 2 of these animal registered to me and 1 to my mother.

Your decision is based on us not meeting the criteria for owning an excess dog.

I live on a double block at [REDACTED] and the dogs to be kept on these premises are 3 small dogs and are primarily indoor animals with 3 – 4 hours of yard time per day as well as daily walks for exercise.

At the inspection with the ranger, I was advised of changes that were required to be made in order to be able to have the third dog, it was stated that a letter would be sent to me with these requirements included and then after 30 days another inspection would be required for approval. This letter has not been received however, after I was advised by the ranger what I needed to fix up I began this process by purchasing the appropriate materials in order to make these required changes and am currently in the process of applying those requirement to my yard.

We have not been supplied with the time or opportunity to complete these requirements before re inspection as was advised only to now receive your letter that the third dog has been declined and without me submitting the excess animal application to which the office lady advised me I couldn't submit until after approval was given.

As my duty of care, I understand that there are laws around dogs, and if our dogs were loud and causing a nuisance I would understand, however after obtaining the 2 currently registered daschund puppies to help us through my mum having a stroke and needing a companion to aid us through this very difficult time, as responsible pet owners we have as advised by council had our dogs microchipped, desexed, have barking collars to prevent excessive barking and have made certain we have our dogs under our full control at all times.

Your council has been fully aware of our 3 dogs for more than 12 months and each time I have been to your council to discuss anything to do with our dogs I have been told each time that its ok to have them I only need to fill out the forms. Not once was I made aware that I was not allowed to have 3 dogs. As explained to me today I am aware it was my responsibility to research this topic however, with your council being aware and advising me that this was okay I trusted in your duty of care that this information was correct.

Our dogs are very loyal to us and will not be able to be rehomed due to this reason ultimately leading to the only option of having our beloved family member being killed/destroyed.

So I would like to appeal the decision to decline our third dog application.

I look forward to hearing from you regarding this matter and would be happy to discuss any further concerns you may have.

Kind Regards Michelle Dunn

Sent from [REDACTED] for Windows