

Corporate & Works Committee

Agenda: *Corporate & Works Committee*

Date: *Monday 1 September 2014*

Time: *6.00pm*

Outline of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Recommendation only to the Full Council:

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- The voting of money for expenditure on works, services and operations.
- Rates, Fees and Charges.
- Donations
- Matters which involve broad strategic or policy initiatives within responsibilities of the Committee.
- Matters not within the specified functions of the Committee.
- Asset Rationalisation.
- Corporate Operations:-
 - Statutory Reporting;
 - Adoption of Council's Community Strategic Plan, Delivery Program and Operational Plan;
 - Delegations; and
 - Policies.
- Tenders as per Regulation requirements.
- Leases required to be determined by Full Council by specific legislative requirements
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes.

Delegated Authority:

- General financial and corporate management of the Council, except those specifically excluded by statute, by Council direction or delegated specifically to another Committee.
Note: This not to limit the discretions of nominated staff members exercising Delegated Authorities granted by the Council.
- Statutory reviews of Council's Delivery Program and Operational Plan;
- Finance Regulations, including:-
 - Authorisation of expenditures within budgetary provisions where not delegated;
 - Quarterly review of Budget Review Statements;
 - Quarterly and other reports on Works and Services provision; and
 - Writing off of rates, fees and charges because of non-rateability, bad debts, and impracticality of collection.
- Auditing.
- Property Management.
- Asset Management.
- Works and Services - Monitoring and Implementations.
- Legal Matters and Legal Register.
- Parks and Reserves Management.
- Infrastructure Management, Design and Investigation.
- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agenda (and as may be limited by specific Council resolution).
- Confirmation of the Minutes of its Meetings.
- Any other matter falling within the responsibility of the Corporate and Works Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed above.

Committee Membership:

7 Councillors

Quorum:

The quorum for a Committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

28 August 2014

To: Her Worship the Mayor, Councillor Toni Zeltzer ex-officio
Councillors Peter Cavanagh (Chair)
Anthony Boskovitz
Andrew Petrie
Deborah Thomas
Elena Wise
Susan Wynne
Jeff Zulman (Deputy Chair)

Dear Councillors

Corporate & Works Committee Meeting – 1 September 2014

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Corporate and Works Committee** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 1 September 2014 at 6.00pm.**

Gary James
General Manager

Additional Information Relating to Committee Matters

Site Inspection

Item D2 – 48 Cranbrook Road, Bellevue Hill – Proposed Road Closure & Sale

Site Inspection will take place at **4.30pm on Monday 1 September 2014**

Other Matters

Meeting Agenda

Item	Subject	Pages
1	Leave of Absence and Apologies	
2	Late Correspondence Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item	
3	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 18 August 2014	1
D2	48 Cranbrook Road, Bellevue Hill – Proposed Road Closure Sale – 119.48	2

Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Statutory Review of Policy – Payment of Expenses & Provision of Facilities to The Mayor, Deputy Mayor & Councillors Policy – 18.G	6
R2	Review of Code of Meeting Practice – 1191.G	22

Item No: D1 Delegated to Committee

Subject: **Confirmation of Minutes of Meeting held on 18 August 2014**

Author: Les Windle, Manager – Governance

File No: See Council Minutes

Reason for Report: The Minutes of the Meeting of Monday 18 August 2014 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

That the Minutes of the Corporate and Works Committee Meeting of 18 August 2014 be taken as read and confirmed.

Les Windle
Manager – Governance

Item No: D2 Delegated to Committee
Subject: **48 Cranbrook Road, Bellevue Hill - Proposed Road Closure and Sale**
Author: Minnie Cai, Property Officer
File No: 119.48
Reason for Report: To give consideration to the closure and subsequent sale of road reserve portion adjoining the property.

Recommendation:

- A. That the proposal to sell a section of road reserve adjoining 48 Cranbrook Road, Bellevue Hill, be advertised and notified to adjoining properties.
- B. That a further report be submitted, following part A above.

Background:

Council has received a request from the owner of 48 Cranbrook Road, Bellevue Hill to purchase a rectangular shaped portion of Cranbrook Road reserve, adjoining the front boundary of their property.

The Corporate and Works Committee considered this matter on 4 August 2014, where it was resolved:

- A. *That the site be inspected prior to the Corporate and Works Committee 1st September 2014*
- B. *That a further report is submitted to the Corporate and Works Committee*

The subject land is shown in detail on the attached sketch plan (Annexure 1). This adjoining road reserve area is an estimated 69 square metres in size, subject to final survey, and contains encroachments consisting of concrete hardstand and garden landscaping. The owner of No. 48 wants to formalise these encroachments by purchasing the subject land consolidating it with the existing land parcel. The owner has a current Road Lease with Council for the hardstand of an estimated 35 square metres which will expire on 30 November 2014.

It is noted that neighbouring property owners of 18, 20, 22, 38 and 44 have already completed or are in the process of purchasing Cranbrook Road reserve portions adjoining the front boundary of their properties; which would diminish the possibility of any future widening of Cranbrook Road (Annexure 2).

The owner of 48 Cranbrook Road has agreed to pay all Council's costs in connection with the purchase of the subject road reserve portion.

Conclusion:

The possibility of any future road widening in this street has been diminished because neighbouring properties on Cranbrook Road have already purchased or are in the process of purchasing road reserve portions fronting their properties. It is considered appropriate that the owner formalise the encroachments by purchasing the subject land at the current "add on" value to the owner as determined by a registered Valuer.

In accordance with the procedures for the 'Sale of Council land', the next step is for the proposal to be publicly advertised, and a further report be submitted to the Corporate and Works Committee.

Minnie Cai
Property Officer

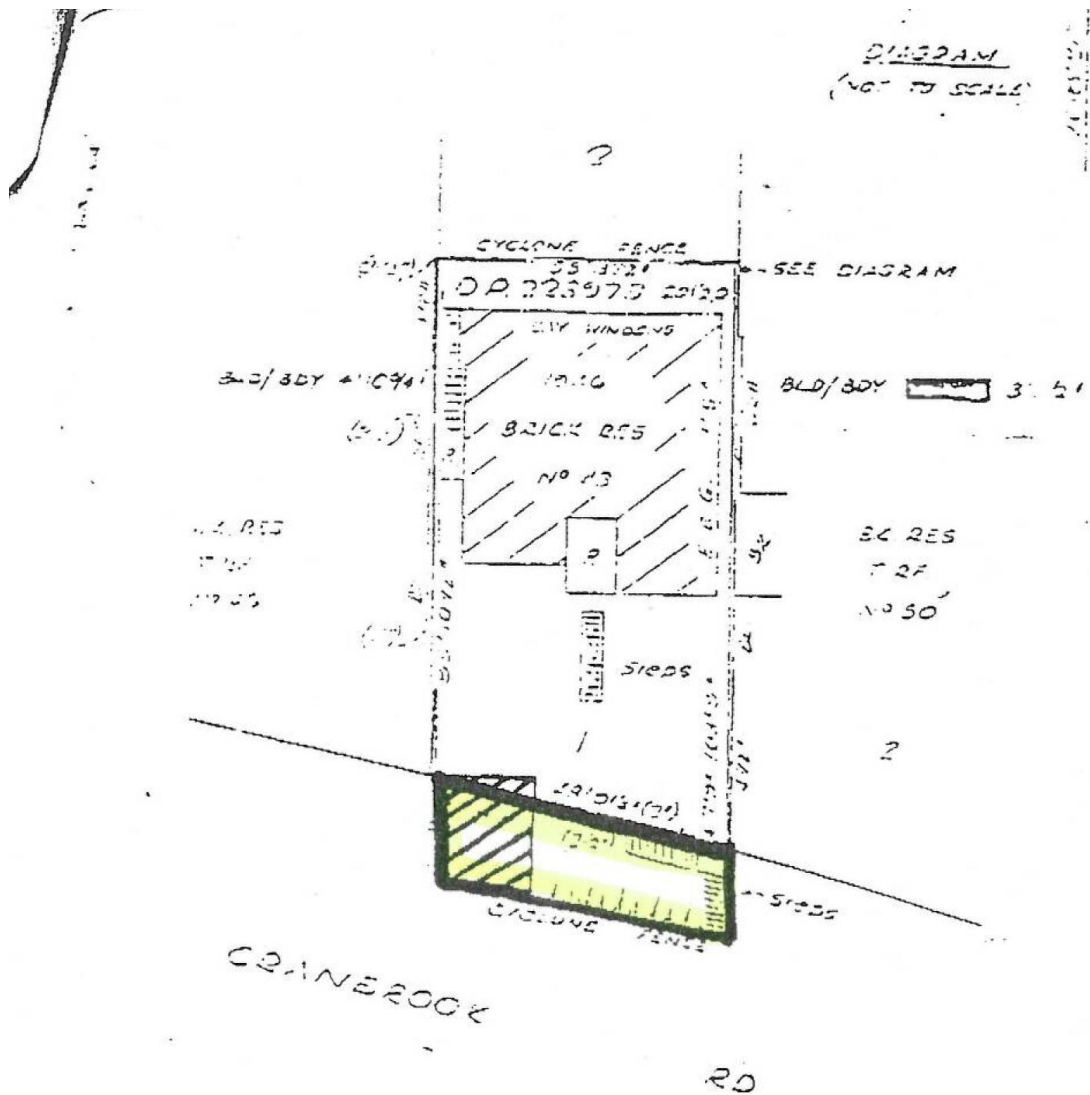
Zubin Marolia
Manager Property & Projects

Tom O'Hanlon
Director, Technical Services

ANNEXURES:

1. Sketch Plan drawing showing the subject road reserve for sale.
2. Cadastral Plan and Aerial view of Cranbrook Road, Bellevue Hill showing area of proposed road sale and neighbouring properties.

ANNEXURE 1



 Area of Carpent lease = 35m²

 Area of "entire frontage" = 69m²
 being area proposed sale.

ANNEXURE 2



Item No: R1 Recommendation to Council

Subject: **Statutory Review of Policy - Payment of Expenses and Provision of Facilities to The Mayor, Deputy Mayor and Councillors Policy**

Author: Les Windle - Manager Governance

File No: 18.G

Reason for Report: For Council to fulfil its statutory requirement to annually review and publicly exhibit a proposed policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors

Recommendation:

- A. THAT the Draft Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Policy as contained in Annexure 1 of the report to the Corporate and Works Committee meeting on 1 September 2014 be placed on public exhibition for a period of not less than 28 days as Council's proposed policy for the ensuing twelve months.
- B. THAT a further report be submitted to the Committee at the conclusion of the exhibition period.
-

Background:

Council adopted the current *Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Policy* on 14 October 2013.

Section 252 of the Local Government Act (the Act) requires Council to adopt an expenses and facilities policy within 5 months after the end of each financial year. Section 253 of the Act requires Council to publicly exhibit a proposed Policy for no less than 28 days prior to adopting the policy. The policy must comply with the Act, Local Government (General) Regulation 2005 and guidelines issued under section 23A of the Act by the Division of Local Government (DLG). Council's current Policy complies with the legislative requirements and DLG Guidelines.

Proposal:

Council must now undertake the annual review of the Policy.

Council may propose to exhibit the current Policy without change or it may introduce amendments to the Policy. Whichever option Council chooses it must still undertake the full consultation process.

Council's Policy is structured in accordance with the DLG Guidelines and references the payment of expenses and/or provision of facilities to the Mayor, Deputy Mayor and Councillors under the following headings:

- Conferences, seminars, workshops and courses
- Care and other related expenses
- Insurance cover
- Legal expenses and assistance
- Provision of facilities to the Deputy Mayor and Councillors
- Provision of facilities to the Mayor
- Reimbursement of expenses incurred by the Mayor, Deputy Mayor and Councillors
- Funding of additional facilities purchased by the Mayor, Deputy Mayor or Councillors
- Joint Regional Planning Panel (JRPP) Fees

Further to the above, Council is well advanced in the implementation of an Electronic Document Management System (TRIM) and Electronic Business Paper System (Infocouncil). Among the many advantages of these systems, is that they will allow Council to streamline the business paper process and provide the facility to produce and web publish complete electronic meeting agendas with annexures. This has the potential to lead to paperless business papers for Councillors and staff and ultimately reduced costs to Council.

In order to achieve this and obtain the greatest benefit from these systems it is proposed as an option, to provide Councillors with iPads containing appropriate software and wireless internet access. \$33,000 has been provided in the 2014/15 Budget to implement this project.

Prior to providing Councillors with this new equipment, it is necessary to include the proposal in the exhibited Draft Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Policy. It is proposed that the following section be included in the draft policy:

3.3 Electronic Equipment

For use in conjunction with official Council duties, the Mayor, Deputy Mayor and Councillors will be provided, if requested, with:

- *an iPad*
- *appropriate software and annual maintenance*
- *wireless internet access with a monthly download limit of 4GB*
- *operational support from Council's Information Technology Department*

Costs for downloads in excess of 4GB per month will be the responsibility of the Councillor.

The provision and use of the equipment shall be in accordance with this Policy and Council's:

- *Computer Systems Usage Policy,*
- *Code of Conduct,*

To ensure the efficiency of the equipment, the iPads will be replaced each 2 years.

The iPad issued to Councillors remain the property of Council. Councillors may, however, purchase the iPad that has been issued to them from Council following each biennial replacement of the equipment at a residual value to be determined by the General Manager.

Councillors may elect to purchase the equipment by:

1. *regular monthly deductions from the Councillor's allowance from the time of notifying the General Manager they wish to purchase the equipment to the proposed biennial replacement date,*
2. *one-off payment of the full amount of the residual value following the biennial replacement of the equipment.*

Ownership of the iPad will transfer to the Councillor following full payment of the residual value of the equipment.

If a Councillor does not elect to purchase the equipment, the equipment is to be returned to Council within 30 days of the councillor ceasing to be a councillor or upon receipt of the replacement equipment.

Council has allocated an amount of \$33,000 in its 2014/15 budget for the provision of iPads, supporting software and wireless internet access for Councillors.

Operational matters concerning use and IT Maintenance of the equipment will be the subject of a further report as part of the implementation strategy of the electronic business paper system.

No other changes are recommended to the draft Policy.

Consultation:

Before Council can adopt or amend an expenses and facilities policy it must give public notice of not less than 28 days of the proposed policy. At the conclusion of the exhibition period the Council must consider any submission made to it and if considered necessary, make appropriate changes to the proposed policy. If the changes to the policy are considered substantial, the proposed amended policy will be required to be re-exhibited. If the proposed changes are, in the opinion of the Council, not substantial then the amended proposal will not need to be re-exhibited.

Following adoption of the policy by Council, the policy together with details of all submissions received and a statement from Council setting out the response to each submission must be forwarded to the Office of Local Government.

Identification of Income & Expenditure:

\$33,000 has been provided in the 2014/15 budget to implement this proposal. It is envisaged that when fully operational, these improvements will result in ongoing costs savings through reduced printing and paper costs.

If changes are made to the expenses and facilities provided to the Councillors in the policy, additional expenditure may be incurred depending on the scope and level of the changes made.

Conclusion:

Council must review its Councillors expenses and facilities policy within five months of the end of each financial year and must publicly exhibit any proposed policy, even if it is the existing policy, for a period of not less than 28 days. It is recommended that the Draft Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Policy annexed to this report be placed on public exhibition for a period of not less than 28 days as Council's proposed policy for the ensuing twelve months.

Les Windle
Manager Governance

Stephen Dunshea
Director Corporate Services

Annexures:

1. Draft Payment of expenses and provision of facilities to the Mayor, Deputy Mayor and Councillors 2014

Item No: R2 Recommendation to Council
Subject: **Review of Code of Meeting Practice**
Author: Les Windle - Manager Governance
File No: 1191.G
Reason for Report: For Council to review and update the Code of Meeting Practice

Recommendation:

- A. THAT the Draft Code of Meeting Practice as contained in Annexure 1 of the report to the Corporate and Works Committee meeting on 1 September 2014 be placed on public exhibition for a period of not less than 28 days and a period of not less than 42 days be allowed for the public to make submissions on the proposed changes to the Code.
- B. THAT a further report be submitted to the Committee at the conclusion of the exhibition period.

Background:

Council is required to conduct meetings of Council and its Committees in accordance with the Local Government Act (The Act) and Local Government (Meetings) Regulation (The Regulation). Council may also, by the adoption of a Code of Meeting Practice, supplement those requirements with other policy provisions that are not inconsistent with the legislative requirements.

Council's current Code of Meeting Practice was adopted in 2005 and last amended in July 2010. The Code includes the Act and Regulation requirements as they stood at 2010 and Council's meeting Policies and Safeguards that have been developed over time to ensure an efficient and transparent decision making process.

Since the last amendment of the Code there have been a small number of changes made to the legislative requirements which, by their nature, automatically apply to the conduct of Council and Committee meetings. These changes were reported to Council where procedure changes were required and the conduct of meetings appropriately amended to comply with the requirements.

As the Code of Meeting Practice was last fully reviewed in 2005, it is considered timely to review the whole Code of Meeting Practice.

Proposal:

Proposed changes to the Code have been categorised under the heading of "legislative changes", "policy & safeguard changes" and "changes to Notes in the Code" and are shown in the following table.

Section No.	Section	Statutory changes	Policy & Safeguard changes	Changes to "Notes" in the Code
Council meetings				
1.3	How often does the council meet?			✓
1.6	Agenda and business papers for council meetings			✓
1.7	Confidential agendas, business papers and annexures for council meetings		✓	
1.10	When does a vacancy occur in a civic office?	✓		
2.2	Leave of absence	✓		
2.3	What is a quorum for a meeting?	✓		
2.9	Order of business			✓
2.11	Which parts of a meeting can be closed to the public?	✓		
2.16	Notices of motion		✓	
2.34	Re-committing matters for further discussion during the course of a meeting		✓	
2.40	Reading late correspondence at council meetings		✓	
2.43	Public forum		✓	
3.1	Questions on notice		✓	
3.2	Questions for next meeting		✓	✓
Committee meetings				
6.9	Confidential agendas, business papers and report annexures for committee meetings		✓	
7.2	Committee chairperson to have casting vote in limited circumstances		✓	
7.4	Which parts of a meeting can be closed to the public?	✓		
7.11	Referrals on request of councillors to full council		✓	
7.12	Matters called from application assessment panel		✓	
7.17	Reading late correspondence at committee meetings		✓	
7.22	Re-committing matters for further discussion during the course of a meeting		✓	
10.1	Disclosure and presence at meetings in relation to pecuniary interests	✓		
10.2	Disclosure and presence in meetings in relation to non-pecuniary interests		✓	

The changes to the Code required by legislation

Amendment to Section 1.10 When does a vacancy occur in a civic office?

Section 1.10 of the Code refers to section 234 of The Act which relates to vacancies in civic office and Councillors applying for leave of absence.

In relation to vacancies in civic office, The Act has been amended to clarify that a vacancy does not occur if a councillor is absent from 3 consecutive ordinary meetings of the council because the council has been suspended under The Act.

In relation to councillors' leave of absence, The Act has been amended so that if a councillor attends a council meeting (whether or not an ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future council meetings. The changes to The Act also allows, should the leave be rescinded because the councillor has attended a meeting, for the council to grant further leave of absence for future council meetings.

Comment:

No action needs to be taken in relation to the amendment in relation to a vacancy in civic office.

The amendments relating to Councillors being on leave of absence and returning for a meeting prior to the scheduled end of the leave are operational matters and if this was to occur the legislative requirements would be discussed with the individual Councillor concerned and if appropriate, a further leave of absence request would be submitted to Council.

New Section 2.2 Leave of absence

Section 2.2 of the Code refers to clause 235A of the Regulation which is a new provision also relating to councillors' leave of absence. The provision identifies that leave of absence requests should, if practicable, identify the meetings (by date) from which the councillor intends to be absent. The new provision also states that where a councillor intends to attend a meeting despite being on leave of absence, they should, if practicable, give the general manager at least 2 days notice of his or her intention to attend.

Comment:

As Council has a pre-determined 2 weekly meeting schedule it is considered that the identification of the meetings and dates of those meetings that a councillor will be absent during a period of leave of absence is not necessary as those meetings can easily be identified through the pre-determined meeting schedule.

It is also considered not operationally necessary for Councillors to advise the general manager if they intend to return to meetings prior to the conclusion of their leave.

A note to this effect has been included in the Code.

Amendment to Section 2.3 What is a quorum for a meeting?

Section 2.3 of the Code refers to section 368 of The Act which relates to the quorum of council meetings. Section 368(2) of The Act is a new provision that allows the Minister to determine the quorum for council meetings where a performance improvement order has been issued in respect of a council. The Minister may issue a performance improvement order on a council under section 438A of The Act.

Comment:

Section 368(1) of the Act determines that the quorum for a council meeting is a majority of councillors who hold office and are not suspended.

Section 438A of The Act relates to early intervention orders and allows the Minister to issue performance improvement orders on a council that is dysfunctional or failing to meet their legal obligations. The Minister may issue an order to the council, individual councillors or both to do or refrain from doing anything to improve council's performance and within a time specified in the order.

Section 438A also enables the Minister to set the quorum for a meeting of the council. This may be required, for example, where a group of councillors intentionally leave the meeting without a quorum to disrupt meetings or to stop a decision being made.

The purpose therefore, of new section allows the Minister to determine a quorum for council that may be less than the majority of councillors where a performance improvement order has been issued on the council, in order to allow the decision making process to continue.

This amendment does not affect Council's normal operations.

**Amendment to Section 2.11 Which parts of a meeting can be closed to the public?
(Council Meetings) and**

**Amendment to Section 7.4 Which parts of a meeting can be closed to the public?
(Committee Meetings)**

These Sections of the Code refer to section 10A of The Act which relates to closing Council and Committee Meetings to the public.

Section 10A(2) of The Act lists the types of matters that a council can consider in a part of a meeting that is closed to the public. This Section has been amended to include matters concerning the alleged contravention of any code of conduct requirements as matters that can be considered by Council in closed session.

Comment:

This provision will be implemented if such a matter is submitted to a meeting of Council or a Committee.

**Amendment to Section 10.1 Disclosure and presence at meetings in relation to pecuniary
interests**

Section 10.1 of the Code refers to section 451 of The Act which relates to the disclosure and presence in meetings in relation to pecuniary interests.

Section 451 of the Act requires:

- 1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- 2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:
 - a) at any time during which the matter is being considered or discussed by the council or committee, or
 - b) at any time during which the council or committee is voting on any question in relation to the matter.

Section 451 of The Act has been amended by:

- 1) introducing sub-section (3) to clarify that a councillor or member of a committee is not prevented from being present at and taking part in a meeting merely because a councillor or member has an interest in a matter of a kind referred to in section 448 of The Act. Section 448 refers to “What interests do not have to be disclosed?” and
- 2) introducing sub-sections (4) and (5) providing that the pecuniary interest provisions of the Act do not apply where the matter before Council relates to the making of a principal environmental planning instrument or the amendment, alteration or repeal of an environmental planning instrument that applies to the whole or significant part of a council’s area, provided a special disclosure of pecuniary interest is declared.

Comment:

The new sub-section (3) is for clarification purposes only and confirms that a councillor is not prevented from being present and taking part in a meeting if they have an interest in a matter of a kind referred to in section 448 of The Act. Section 448 of The Act has not been amended therefore this change does not affect Council’s meeting practices however to improve transparency of what matters Councillors do not have to disclose an interest in, a copy of section 448 of The Act has been included as an annexure to the Code.

The provisions of the new sub-sections (4) and (5) refers to matters before Council relating to principal environmental planning instruments and environmental planning instruments that apply to the whole or significant part of Council’s area. The provisions allows councillors, who may have a pecuniary interest in the environmental planning instrument, to participate in the decision making process provided they submit a special disclosure of the pecuniary interest.

Proposed Policy changes to the Code

New Section 1.7	Confidential agendas, business papers and annexures for council meetings, and
New Section 6.9	Confidential agendas, business papers and report annexures for committee meetings

Proposal:

Council’s long standing practice of how it implements the legislative provisions relating to confidential agendas, business papers and annexures has not previously been detailed in the Code. Inclusion of new sections 1.7 relating to Council meetings and 6.9 relating to Committee meetings details how confidential matters are managed during the decision making process.

The inclusion of these sections is for clarification purposes only and does not change how Council manages confidential matters.

Amendment to Section 2.16 Notices of motion

Proposal:

The current requirement for Councillors to submit notices of motion for the next Council meeting is that they must be submitted by 10.00am on the Thursday preceding the Council meeting.

This timeframe does not allow a good governance or technical review of the detail of the proposals by Council's senior staff and has, on a number of occasions, resulted in notices of motions being amended at the Council meeting following suggested amendments by staff.

If the deadline was brought forward to 10.00am on the Wednesday preceding the Council meeting, senior staff could review the proposals and, if appropriate, offer suggested amendments that would reflect a better alliance to legislative or policy considerations.

It is recommended that the deadline for submissions of notices of motion be 10.00am on the Wednesday preceding the Council meeting.

New Section 2.34 Re-committing matters for further discussion during the course of a meeting (Council Meetings), and
New Section 7.22 Re-committing matters for further consideration during the course of a meeting (Committee Meetings)

Council's long standing practice allows, by resolution, matters to be re-committed for discussion at the same meeting at which the matter has been resolved.

This process has not previously been included in the Code and the inclusion of these sections is for clarification purposes only and does not change how Council manages the re-committal of matters.

New Section 2.40 Reading late correspondence at council meetings, and
New Section 7.17 Reading late correspondence at committee meetings

On the 27th June 2011 Council resolved that as a matter of policy that all late correspondence be read in conjunction with the relevant agenda item. Currently a resolution is passed at each meeting to implement this policy.

Inclusion of these new sections will clarify Council's policy and negate the need for a resolution to be adopted at each meeting.

Amendment to Section 2.43 Public forum

The current Public Forum provisions permit a person wishing to make a public forum address to a Council meeting to forward a registration form to a staff member at any time prior to the commencement of the meeting. This may not allow staff time to appropriately set the Council Chamber up for a public forum presentation nor allow staff time to research the forum topic in case they are asked a question on the matters raised during the forum.

It is recommended that Public Forum registration forms be required to be submitted to Council prior to 12 noon on the day of the meeting. This will allow time for staff to set up the public address facilities in the Council Chamber and more importantly, allow the appropriate staff member to review the forum topic to be able to provide a comment on the matters raised at the meeting, if requested to do so by Councillors.

The section also includes a provision that any requests received after 12 noon on the day of the meeting will be carried forward to the next council meeting.

**Deletion of Section 3.1
Amendment to Section 3.2**

**Questions on notice, and
Questions for next meeting**

For many years Council Meeting agendas included a standing item of “Questions without Notice” that allowed Councillors to ask questions from the floor of other Councillors or staff. In August 2009 the Division of Local Government issued an updated “Meetings Practice Note” that advised that having an agenda item for “Questions without Notice” is inconsistent with the legislative provisions.

The DLG Meetings Practice Note advised that Council could include a standing agenda item for “Questions on Notice” whereby questions are forwarded to the General Manager and included in the Meeting Business Paper for the Councillor to ask during the meeting. This required Councillors to submit questions to Council by 10.00am on the Thursday prior to the Council Meeting.

In early 2010 Council placed a revised Code of Meeting Practice on public exhibition that included the new “Questions on Notice” agenda item.

While the draft Code was on public exhibition, the Division of Local Government issued Circular No. 10-10 which advised:

The Division considers that it is acceptable for a council to adopt a practice of allowing councillors, just prior to the end of a meeting, to raise questions on the understanding that the answers will be provided at the following meeting.

Such questions should be recorded in the minutes of the meeting. This could be formalised by way of an agenda item “Questions for Next Meeting”. This would constitute a means of giving notice of the question for the following meeting, provided that there is sufficient time between the two meetings to meet the notice requirements of clause 241. When such questions are listed, there is nothing preventing an answer being given straight away, if it makes sense to do so.

The above information was reported to the Corporate and Works Committee on 5 July 2010 when the Committee considered the report of the public exhibition of the draft Code. The Committee recommended and the Council subsequently resolved to include in the Code a provision for Councillors to submit “Questions on Notice” and to ask “Questions for Next Meeting” at meetings.

The inclusion of both Questions on Notice and Questions for Next Meeting on the agenda has been confusing.

As the great majority of questions asked by Councillors are asked as Questions for Next Meeting with answers being provided at the meeting where possible, it is recommended that “Questions on Notice” be deleted from Council’s meeting practices and “Questions for Next Meeting” be renamed to “Questions” which includes a provision to allow Councillors to still submit questions on notice if they desire.

Amendment to Section 7.2

Committee chairperson to have casting vote in limited circumstances

To clarify who has a casting vote at committee meetings the following statement has been added to the Code:

The chairperson of a committee is the councillor appointed by the Council or should the Council not appoint a chairperson, the councillor elected by the committee to be the chairperson.

Amendment to Section 7.11 Referrals on request of councillors to full council

The current Code makes reference to the ability of Councillors to call a matter from a Committee Meeting to Full Council. The mechanisms to call a matter to Full Council are included in the Committee Policy and Procedures document. The mechanisms were adopted by Council in 1984 and are still considered the most appropriate mechanism for Councillors to maintain an ability to be involved in relevant decisions of Council.

The information in the current Code includes a typographical error which makes it slightly inconsistent with the long standing provisions of the Committee Policy and Procedures.

To avoid any future potential of having inconsistencies between the two policy documents it is proposed that the Section of the Code does not include the detail of the call mechanisms but rather be amended to include a reference to the mechanisms included in the Committee Policy and Procedure document.

Amendment to Section 7.12 Matters called from application assessment panel

The current Code makes reference to the ability of Councillors to call a matter from the Application Assessment Panel (AAP) to the Development Control Committee (DCC) but does not refer to how this may be done.

The mechanism for Councillors to call matters from the AAP to the DCC is clearly detailed in the Application Assessment Panel Policy and Procedure and the Code has been amended to include a reference to that Policy and Procedure document.

New Section 10.2 Disclosure and presence in meetings in relation to non-pecuniary interests

The Code previously did not include provisions relating to the consideration and management of non-pecuniary interests at meetings. The statutory requirements relating to the disclosure and presence in meetings in relation to non-pecuniary interests are included in Council's Code of Conduct which is based on the Office of Local Government's Model Code of Conduct for Local Councils in NSW.

The provisions of the Code of Conduct relating to the disclosure and presence in meetings in relation to non-pecuniary interests have been included in the proposed Code of Meeting Practice.

The inclusion of this new Section does not change Council's current practices.

Proposed changes to the Notes in the Code

The Notes in the Code are explanatory notes only and do not form part of the Code. The notes are provided to assist with the understanding of the Code.

For further clarification purposes minor changes are recommended to the notes to the following sections:

Section 1.3	How often does the council meet?
Section 1.6	Agenda and business papers for council meetings
Section 2.9	Order of business
Section 3.2	Questions

Consultation:

In accordance with Section 361 of the Local Government Act, Council must advertise proposed changes to its Code of Meeting Practice for a period of not less than 28 days and allow a period of not less than 42 days for the public to make submissions on the proposed changes to the Code.

Identification of Income & Expenditure:

There are no expenditure implications to the recommended changes to the Code.

Conclusion:

Council's Code of Meeting Practice has been reviewed and amended to include legislative changes since it was last amended in 2010 and a number of policy changes are also recommended as detailed in the report. Several explanatory notes have also been amended to further clarify Council's meeting procedures and processes.

It is recommended that the Draft Code of Meeting Practice be placed on public exhibition and a further report submitted to Council at the conclusion of the exhibition period.

Les Windle
Manager Governance

Stephen Dunshea
Director Corporate Services

Annexures:

1. Draft Code of Meeting Practice

Political Donations – matters to be considered by Councillors at Meetings

