

## **Item 3.**

### **Public Exhibition - Code of Meeting Practice**

**File No: S051923**

#### **Summary**

On 14 December 2018, a Model Code of Meeting Practice was prescribed under the Local Government (General) Regulation 2005.

There are mandatory and non-mandatory provisions contained within the Model Code. Non-mandatory provisions may be varied dependent on local circumstances and according to a council's requirements.

The adopted meeting code may incorporate non-mandatory provisions and any other supplementary provisions adopted by Council. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.

The City of Sydney's existing Code of Meeting Practice will remain in force until 14 June 2019 (or until Council adopts an updated Code of Meeting Practice if prior to 14 June 2019). After this time any provisions that are inconsistent with the mandatory provisions of the Model Code as prescribed, will automatically cease to have effect.

Council is required to exhibit a draft of the Code of Meeting Practice for at least 28 days and provide at least 42 days for submissions.

The proposed City of Sydney Code of Meeting Practice incorporates the mandatory provisions of the model code, along with non-mandatory provisions of the Model Code and supplementary provisions relevant to the City of Sydney.

This report seeks Council approval for the public exhibition of the draft Code of Meeting Practice.

## **Recommendation**

It is resolved that Council:

- (A) approve the draft Code of Meeting Practice as shown at Attachment A to the subject report, for public exhibition for a period of 28 days and specifying a period of not less than 42 days during which submissions may be made, as prescribed in Section 361 of the Local Government Act 1993; and
- (B) note that a further report will be submitted to Council following exhibition.

## **Attachments**

**Attachment A.** Draft City of Sydney Code of Meeting Practice

## Background

1. On 14 December 2018, a Model Code of Meeting Practice was prescribed under the Local Government (General) Regulation 2005.
2. Councils are required to adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Code prescribed by the Regulation. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.
3. A council's adopted meeting code may also incorporate the non-mandatory provisions of the Model Code and any other supplementary provisions adopted by the council.
4. Councils and committees of councils of which all the members are councillors must conduct their meetings in accordance with the Code of Meeting Practice adopted by the council.
5. The City's Code of Meeting Practice was last reviewed and revised in August 2017.

## Objectives

6. The Code of Meeting Practice has the following objectives, to ensure:
  - (a) all meetings of Council and its Committees are conducted in an orderly, consistent and efficient manner;
  - (b) all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process;
  - (c) all Councillors have an equal opportunity to participate in the meeting to the fullest extent possible, with respect being accorded to the expression of differing views;
  - (d) all Councillors fully understand their rights and obligations as participants in meetings of Council; and
  - (e) proceedings are transparent and understandable to all persons participating in and observing meetings of Council and its Committees.

## Meeting Principles

7. Council and committee meetings should be:
  - (a) transparent: decisions are made in a way that is open and accountable;
  - (b) informed: decisions are made based on relevant, quality information;
  - (c) inclusive: decisions respect the diverse needs and interests of the local community;
  - (d) principled: decisions are informed by the principles prescribed under Chapter 3 of the Local Government Act 1993;
  - (e) trusted: the community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community;

- (f) respectful: Councillors, staff and meeting attendees treat each other with respect;
- (g) effective: meetings are well organised, effectively run and skilfully chaired; and
- (h) orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

### Key Implications

8. The proposed City of Sydney Code of Meeting Practice incorporates the mandatory provisions of the Model Code, along with non-mandatory provisions of the Model Code and supplementary provisions relevant to the City of Sydney.
9. Recommended non-mandatory provisions and supplementary provisions align with the City's current Code of Meeting Practice.
10. The draft Code (Attachment A) formalises and codifies many of the City's current practices and procedures.
11. The proposed mandatory changes are as follows:
  - (a) responses to questions on notice must now be from the Chief Executive Officer (refer clause);
  - (b) webcasting is now required, therefore a number of supplementary provisions have been included to provide guidance around the webcasting of Council and committee meetings (refer clause); and
  - (c) new guidance and provisions around mayoral minutes (refer clause).
12. The proposed non-mandatory changes are as follows:
  - (a) a supplementary provision has now been included specifying that the reason for a request for an extraordinary meeting of Council must be provided in writing (refer clause);
  - (b) the Lord Mayor, in consultation with the Chief Executive Officer, may cancel a meeting if a quorum may not be present due to safety or welfare concerns because of a natural disaster (refer clause);
  - (c) the inclusion of provisions to deal with items by exception (refer clause); and
  - (d) time limits on Council and committee meetings are now imposed, noting that the Council or committee can by resolution extend the time of the meeting (refer clause).

13. Non-mandatory provisions suggested by the Office of Local Government (OLG) in the Model Code not recommended for inclusion are:
  - (a) Pre-meeting briefing sessions: The Model Code allows for pre-meeting briefing sessions to be included. Council resolves to set a schedule of meetings annually, which includes pre-meeting briefing sessions. This current practice informs members of the public of Council briefing sessions and ensures that Councillors are briefed by staff and can seek clarification on matters pertaining to Council business.
  - (b) Public forums: The Model Code also allows for the inclusion of public forums prior to Council meetings for members of the public to address Council on items of business to be considered at the meeting. City of Sydney Committee meetings already provide the opportunity for members of the public to address Council on items of business to be considered at the meeting. In this format, members of the public and councillors are able to interact with and ask questions of staff, request additional information prior to formal determination of items at the council meeting the following week and to clarify recommendations where applicable.

### **Strategic Alignment - Sustainable Sydney 2030 Vision**

14. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
  - (a) Direction 10 - Implementation through Effective Governance and Partnerships - The Code of Meeting Practice has been designed to promote, as the principle object of meetings, the making of decisions by Council that are in the best interests of the Council and the community as a whole and to ensure all Council meetings are:
    - (i) consistent, orderly and efficient;
    - (ii) fair and respectful for all Councillors and other meeting participants; and
    - (iii) conducted with transparency and clearly defined rights and obligations for Councillors.

### **Organisational Impact**

15. The new Code of Meeting Practice will be communicated to all Councillors and relevant City staff and training undertaken to ensure it is understood.

### **Budget Implications**

16. Public exhibition of the draft Code will incur some costs.
17. Implementation of the webcasting requirement will require upgrades to technology (sound, audio visual recording equipment) in the Council Chamber. Management of the webcasting and recordings of Council and committee meetings will require appropriate software licences.
18. There are sufficient funds allocated for this project within the current year's operating budget and allowances will be made in future years' forward estimates.

### **Relevant Legislation**

19. Local Government Act 1993.
20. Local Government (General) Regulation 2005.

### **Critical Dates / Time Frames**

21. 14 December 2018 - Model Code of Meeting Practice prescribed under the Local Government (General) Regulation 2005.
22. April 2019 - infrastructure upgrade of the Council Chamber
23. May 2019 - following the exhibition period, it is anticipated that a report to adopt the revised Code of Meeting Practice is submitted to Council.
24. 14 December 2019 - webcasting of Council and committee meetings becomes mandatory.

### **Options**

25. If Council fails to exhibit and adopt a new Code of Meeting Practice by 14 June 2019, based on the Model Code of Meeting Practice issued by the Office of Local Government, any provisions of the City of Sydney Code of Meeting Practice that are inconsistent with the mandatory provisions of the Model Code of Meeting Practice as prescribed, will automatically cease to have effect.

### **Public Consultation**

26. Following Council approval, the draft Code will be exhibited for a period of 28 days, with public submissions sought over a concurrent 42 days as required under the Local Government Act 1993.

### **MONICA BARONE**

Chief Executive Officer

Erin Cashman, A/Council Business Coordinator