

Post 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 Council adopts an updated Code of Meeting Practice.

Council endorsed the public exhibition of the City of Sydney's draft Code of Meeting Practice on 11 March 2019. The draft Code of Meeting Practice was on public exhibition for a period of 28 days, (25 March 2019 to 22 April 2019) with public submissions sought over a concurrent 42 days (25 March 2019 to 6 May 2019) as required under the Local Government Act 1993.

To date, one submission has been received. Council will be notified of any further submissions received during the public submission period.

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 of the City of Sydney Code of Meeting Practice and the fixing of the order of business of council by resolution.

Recommendation

It is resolved that:

- (A) Council adopt the City of Sydney Code of Meeting Practice as shown at Attachment A to the subject report;
- (B) Council fix the order of business of meetings of council as the following:
 - (i) opening of the meeting;
 - (ii) prayer and acknowledgement of country;
 - (iii) apologies and applications for a leave of absence by councillors;
 - (iv) confirmation of minutes;
 - (v) disclosures of interest;
 - (vi) minutes by the Lord Mayor;
 - (vii) memoranda by the Chief Executive Officer;
 - (viii) matters for tabling;
 - (ix) reports of committees;
 - (x) reports to council;
 - (xi) questions on notice;
 - (xii) supplementary answers to previous questions;
 - (xiii) notices of motion;
 - (xiv) confidential matters; and
 - (xv) conclusion of the meeting; and
- (C) authority be delegated to the Chief Executive Officer to make minor amendments to the Code of Meeting Practice, as required from time to time, subject to all Councillors being informed of any such changes.

Attachments

Attachment A. 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. Council endorsed the public exhibition of the City of Sydney's draft Code of Meeting Practice on 11 March 2019.
6. The draft Code of Meeting Practice was on public exhibition for a period of 28 days, (25 March 2019 to 22 April 2019) with public submissions sought over a concurrent 42 days (25 March 2019 to 6 May 2019) as required under the Local Government Act 1993. The Sydney Your Say page was visited 55 times and consultation documents were downloaded 21 times.
7. At the time of writing this report, one submission has been received. Council will be notified of any further submissions received during the public submission period.
8. In accordance with clause 6.1 of the Code, the general order of business is as fixed by a resolution of the council. Fixing the order of business by resolution of the council allows a future council to change the order of business by resolution of the council, without amending the Code.
9. In accordance with the Administrative Arrangements (Administrative Changes – Public Service Agencies) Order 2019 made on 2 April 2019 and commencing on 1 July 2019, the Office of Local Government has been abolished and transferred to the Department of Planning and Industry.
10. Structural changes are taking place within the Office of Local Government and the Department of Planning and Industry, therefore, references in documents will be updated once these changes have been finalised. In the interim, in this report and in the Model Code:
 - (a) a reference to the Office of Local Government is to be construed as a reference to the Department of Planning and Industry; and
 - (b) a reference to the Chief Executive of the Office of Local Government is to be construed as a reference to the Secretary of the Department of Planning and Industry.

Objectives

11. 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

12. 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

13. 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.
14. Recommended non-mandatory provisions and supplementary provisions align with the City's current Code of Meeting Practice.

15. The Code (Attachment A) formalises and codifies many of the City's current practices and procedures.
16. The proposed mandatory changes are as follows:
 - (a) responses to questions on notice must now be from the Chief Executive Officer;
 - (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; and
 - (c) new guidance and provisions around mayoral minutes.
17. 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;
 - (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;
 - (c) the inclusion of provisions to deal with items by exception; 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.
18. Non-mandatory provisions suggested by the Office of Local Government 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.
19. The following minor amendments / additions have been made to the Model Code issued by the Office of Local Government:
 - (a) all references to the mayor have been replaced with the words 'Lord Mayor'; and
 - (b) all references to the general manager have been replaced with the words 'Chief Executive Officer'.

20. To date, one submission has been received. The submission is supportive of the Code and suggests a minor amendment. Council will be notified of any further submissions received during the public submission period. Staff will review and advise if any further changes to the Code are recommended following any submissions.
21. The following minor amendment has been made following the submission received. The words 'as amended' will be added to clause 8.21 to clarify that the original motion has been amended. Clause 8.21 will therefore read as follows:
 - 8.21 If the amendment is carried, it becomes the motion, ***as amended*** and is to be debated. If the amendment is lost, debate is to resume on the original motion.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

22. 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

23. The Code of Meeting Practice has been communicated to all Councillors and relevant City staff and training will be undertaken where required to ensure it is understood.

Budget Implications

24. 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.
25. 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

26. Local Government Act 1993.
27. Local Government (General) Regulation 2005.

Critical Dates / Time Frames

28. 14 December 2018 - Model Code of Meeting Practice prescribed under the Local Government (General) Regulation 2005.
29. April 2019 - infrastructure upgrade of the Council Chamber.
30. 25 March 2019 to 22 April 2019 - Draft Code of Meeting Practice on public exhibition.
31. 6 May 2019 - final day for members of the public to make submissions on the draft Code of Meeting Practice.
32. 13 May 2019 - Council adoption of the City of Sydney Code of Meeting Practice.
33. 14 June 2019 - Model Code of Meeting Practice, issued by the Office of Local Government becomes mandatory.
34. 14 December 2019 - webcasting of Council and committee meetings becomes mandatory.

Options

35. If Council fails to 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

36. Following Council endorsement on 11 March 2019, the draft Code was exhibited for a period of 28 days, (25 March 2019 to 22 April 2019) with public submissions sought over a concurrent 42 days (25 March 2019 to 6 May 2019) as required under the Local Government Act 1993.
37. At the time of writing this report, one submission has been received. Council will be notified of any further submissions received during the public submission period.

MONICA BARONE

Chief Executive Officer

Erin Cashman, Acting Council Business Coordinator