

# **Attachment A**

**Nightlife and Creative Sector Advisory  
Panel Terms of Reference**

# TERMS OF REFERENCE

## NIGHTLIFE AND CREATIVE SECTOR ADVISORY PANEL

### **The Council of the City of Sydney**

Town Hall House  
456 Kent Street  
SYDNEY NSW 2000

Reference: X012278

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# TERMS OF REFERENCE

## NIGHTLIFE AND CREATIVE SECTOR ADVISORY PANEL

### 1. Purpose

- 1.1 On 23 October 2017, Council resolved to endorse the establishment of a City of Sydney Nightlife and Creative Sector Advisory Panel (**Panel**). The Panel has been established to:
- (a) provide the City of Sydney (**City**) with strategic advice pertaining to development of the night time economy within the City's local government area;
  - (b) advise the City in implementation of initiatives that the City, its strategic partners or the nightlife industry elect to adopt; and
  - (c) advise the City in communication and consultation with nightlife industry stakeholders,
- so as to ensure the ongoing development of the night time economy in the City's local government area.
- 1.2 The Panel is not formed pursuant to any Act or legislation, but is an advisory panel formed to provide guidance and assistance to the City in accordance with paragraph 1.1. The City is not bound to adopt or incorporate any of the initiatives recommended by the Panel, but may elect to use the findings or initiatives recommended by the Panel in the development and implementation of policy.
- 1.3 These terms of reference set out the rules that members of the Panel agree to follow.

### 2. Advice to the City

#### 2.1 Scope

The Panel will form and meet in accordance with these Terms of Reference and will provide advice to the City on matters including:

- (a) Preparation, implementation and review of the City's nightlife and cultural strategies and policies;
- (b) Current and emerging issues and opportunities for the nightlife and cultural sectors;
- (c) Communication and engagement with the nightlife and cultural sectors and other stakeholders to share information and exchange ideas; and
- (d) Any other issues of relevance.

#### 2.2 Reference to Certain Materials

The Panel will provide advice to the City having regard to:

- (a) the City of Sydney policy and regulatory framework including but not limited to Sustainable Sydney 2030, the City's Economic Development Framework, OPEN Sydney Strategy & Action Plan 2013-2030, Creative City Cultural Policy & Action Plan and the Live Music & Performance Action Plan;
- (b) the NSW Government policy and regulatory framework; and
- (c) other relevant policy and strategy documents, as identified from time to time.

### 2.3 Role of Panel

The Panel:

- (a) cannot require the City to adopt a policy or recommendation approved by the Panel; and
- (b) has no power or authority, whether by delegation, agency or otherwise to exercise any function, right, duty or power of the City whether under a statute or other law, as a landowner or in any other capacity.

## 3. Membership of the Panel

3.1 The Panel will be composed of up to 16 members, and may consist of less than 16 members. Representatives will be experts across a range of categories with extensive experience in the nightlife sector and related fields. There will be:

- (a) up to 9 representatives from the nightlife sector, with representation across the following sectors:
  - (i) cafes / restaurants (1);
  - (ii) hotels, night clubs and small bars (3);
  - (iii) performance spaces (1);
  - (iv) festival/event producers (1);
  - (v) live and electronic dance music producers (2); and
  - (vi) theatre and other performance producers (1);
- (b) up to 2 representatives from nightlife stakeholders, with representation across the following sectors:
  - (i) retailers (1); and
  - (ii) property developers (1);
- (c) up to 4 representatives from not-for-profit or academic organisations, with representation across the following sectors:
  - (i) business associations (1);

- (ii) urban planning and development (1);
    - (iii) building and regulatory frameworks (1); and
    - (iv) public safety and nightlife establishment security management (1); and
  - (d) one City of Sydney Councillor.
- 3.2 The composition of the Panel should at all times provide fair representation of nightlife stakeholders. Selectors of the Panel will use their best endeavour to ensure that the Panel represents (as much as possible) the diversity of the City of Sydney local government area.
- 3.3 The appointment of a City of Sydney Councillor as a member of the Panel does not limit, alter or fetter, and is not intended to limit, alter or fetter the lawful and proper discharge by the Council of the City of Sydney of any of the statutory responsibilities of the Council of the City of Sydney under any relevant laws and in its role as a consent authority.

#### **Panel Selection Process**

- 3.4 A call for nominations will be advertised and promoted to the City of Sydney nightlife sector and stakeholders via local channels, business networks, stakeholders and other related organisations.
- 3.5 The call for nominations will advise that applications will be assessed according to the following selection criteria:
- (a) nominees must live, work or study in the City of Sydney's Local Government Area;
  - (b) the nominee's commitment to serve on the Panel for the public benefit as outlined in their statement of interest and experience; and
  - (c) the skills, knowledge, industry connections and nightlife experience they will bring to the Advisory Panel in service of the local nightlife sector.
- 3.6 A minimum of two positions on the Panel are identified for young people under the age of 30. The selection panel will, where possible, use its best endeavour to select a Panel that is representative of the diversity within the City of Sydney local government area.
- 3.7 Following the call for nominations, applications for the Panel will be assessed against the selection criteria by a panel comprised of City of Sydney officers.

#### **Appointment of the Panel**

- 3.8 Members of the Panel will be appointed by the Chief Executive Officer (**CEO**) and ratified by Council.
- 3.9 Subject to clause 3.10, members of the Panel will be appointed for a period of three years.
- 3.10 The Panel may, from time to time, invite additional experts to provide specialist advice.

- 3.11 Members of the Panel should attend all meetings and must attend an induction meeting and at least 3 of the 4 meetings held each calendar year. A member cannot delegate the responsibility to attend Panel meetings or otherwise send a replacement attendee to meetings in the place of the member.
- 3.12 If a member of the Panel resigns during his or her period of appointment the CEO will appoint a new member. For the avoidance of doubt and unless agreed otherwise by the CEO, a member must resign if the member:
- (a) is no longer active in the category that the member was part of at the time that the member was appointed;
  - (b) fails to attend at least 3 of the 4 meetings of the Panel in each calendar year.

A resignation must be effected by the member providing written notice to the CEO.

- 3.13 If:
- (a) a member fails to resign in accordance with paragraph 3.12;
  - (b) noting the obligations of members in clause 7, in the CEO's reasonable opinion a member has a conflict of interest with the member's role on the Panel; or
  - (c) in the CEO's reasonable opinion a member behaves in a manner that is not in the best interests of the Panel or uses the Panel to promote the interests of the member,

the CEO may terminate the member's term of appointment on the Panel and will appoint a new member from the same category (described in paragraph 3.1) that the terminated member was appointed to represent. Terminations will be effected by the CEO providing written notice to the member, and are final.

- 3.14 Applicants will be advised in writing of the outcome of their nomination.
- 3.15 The CEO may terminate the operation of the Panel at any time if the Council of the City of Sydney determines, by resolution, that the Panel is to be terminated.

### **Chairperson**

- 3.16 The Panel will be chaired by a nightlife industry representative elected by the Panel at the first meeting of the term, with a City of Sydney Councillor Co-chair.
- 3.17 The Councillor Co-chair will be determined by Council.
- 3.18 At the first meeting of the newly selected Panel, members will be invited to nominate themselves or another member for the position of Chair.
- 3.19 The Chairperson and Co-chair will be appointed for a period of three years.
- 3.20 If the Chairperson resigns as a member or the Chairperson's membership is terminated by the CEO in accordance with paragraphs 3.13 or 3.14, the Panel will elect another Chairperson.

#### **4. Meeting Procedure**

- 4.1 The Panel will meet four times each year at the offices of the City.
- 4.2 The Chairperson may call an extraordinary meeting of the Panel with at least 5 days written notice to all members.
- 4.3 The Chairperson will preside as Chair at every meeting of the Panel unless, due to unavailability, the Chairperson has delegated the role in advance to another member. The Chairperson will determine at the commencement of the meeting if adequate numbers are present to conduct the meeting.
- 4.4 If the Chairperson is not present within 10 minutes after the time appointed for the meeting, the Co-chair will be chairperson for the purpose of that meeting.
- 4.5 Staff of the City may attend the meetings as observers and may provide advice to the Panel, if requested.
- 4.6 The City will prepare the agenda for each meeting. Members of the Panel should inform the Chairperson if they wish to include an item on the agenda for the meeting. The meeting agenda will be approved by the Chairperson and Co-chair prior to circulation to members.
- 4.7 All members have the authority to speak at meetings of the Panel.
- 4.8 The City will take minutes of the Panel meetings. The minutes will include the following:
  - (a) attendance;
  - (b) apologies;
  - (c) declarations of interest; and
- 4.9 Meeting minutes and advice sheets will be reviewed and approved for circulation to the Panel by the Chairperson for the meeting in question. The City will circulate minutes to all members, and all members will be asked to confirm the accuracy of the minutes.
- 4.10 The Panel may form a sub-committee to investigate certain matters further. If such a sub-committee is formed, the provisions of clause 5 will apply.

#### **5. Sub-committees**

- 5.1 If the Panel resolves to form a sub-committee in accordance with clause 4.10, the sub-committee must:
  - (a) be formed from members of the Panel, however the sub-committee may invite specialists to consult with and provide advice to the sub-committee;
  - (b) report on the progress of its investigations to the Panel at each meeting of the Panel; and
  - (c) can be dissolved by resolution of the Panel.

## **6. Costs**

- 6.1 The City will bear the cost of preparing the agenda for each meeting of the Panel, hosting each meeting of the Panel and preparing minutes of meetings of the Panel.
- 6.2 Members of the Panel will not be reimbursed for the time each member spends as a result of being a member of the Panel.

## **7. Confidentiality and impartiality**

- 7.1 Members of the Panel will:
  - (a) act solely in the capacity of providing overall advice, guidance and assistance to nightlife stakeholders in relation to the nightlife sector in the City's local government area; and
  - (b) not use any of the information or initiatives that arise directly because of or incidental to the Panel in any other forum or initiative, whether or not that forum or initiative is to the competitive advantage of the member, any organisation or company to which the member belongs or is employed by.
- 7.2 The information obtained or received by each member as a result of the member's involvement in the Panel is confidential in nature and may not be disclosed except in the following circumstances:
  - (a) if required by law;
  - (b) to a legal or other professional adviser;
  - (c) if the written consent of the City to the proposed disclosure is obtained prior to the disclosure being made. The City may give or withhold its consent to such a disclosure in its absolute discretion; or
  - (d) after the information is in the public domain due to a disclosure by the City.

## **8. Review**

- 8.1 These terms of reference may be reviewed and amended by the City at any time. Significant amendments will only be made following consultation by the City with the Chair and Members of the Nightlife and Creative Sector Advisory Panel.
- 8.2 Subject to the termination right in clause 3.13, the operation of the Panel generally will be reviewed by the City after a term of three years.