

Public Exhibition - Code of Meeting Practice

File No: S051923

Summary

The City's current Code of Meeting Practice has been in place since May 2019 following the implementation of a Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) prescribed under the then Local Government (General) Regulation 2005. The current Code of Meeting Practice includes temporary provisions adopted by Council May 2021 (and extended in November 2021) relating to meetings held by audio-visual link which need to be reviewed and incorporated into the Code of Meeting Practice.

In accordance with the Local Government Act 1993 councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) prescribed by the Regulation within 12 months of the election.

On 19 November 2021, a revised Model Code of Meeting Practice was prescribed under the Local Government (General) Regulation 2021.

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 major changes proposed to the Code of Meeting Practice are the inclusion of non-mandatory provisions to allow meetings to be held by audio-visual link or to allow councillors to attend meetings by audio-visual link. These new provisions generally reflect the current Temporary Provisions adopted by Council in 2021.

Other changes are largely administrative to ensure compliance with the mandatory provisions of the Model Meeting Code.

The City of Sydney's existing Code of Meeting Practice will remain in force until Council adopts an updated Code of Meeting Practice.

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 Meeting Code, along with some of the non-mandatory provisions of the Model Meeting 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:

- (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; and
- (B) note that a further report will be submitted to Council following exhibition.

Attachments

Attachment A. Draft Code of Meeting Practice (Additions in ***bold italics***, deletions in ~~striketrough~~)

Background

1. On 19 November 2021, a revised Model Code of Meeting Practice was prescribed under the Local Government (General) Regulation 2021.
2. The Local Government (General) Regulation 2021 has been amended to temporarily exempt councils from complying with the requirement under their codes of meeting practice for councillors to be personally present at meetings to participate in them. The exemption expires on 30 June 2022.
3. Councils are required to adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Meeting Code prescribed by the Regulation. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.
4. 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.
5. 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.
6. The City's Code of Meeting Practice was last reviewed and revised in May 2019. Temporary provisions relating to the conduct of meetings by audio-visual link have been in place since May 2021.
7. Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) prescribed by the Regulation within 12 months of the election. (The local government election was held on 3 December 2021).

Objectives

8. 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

9. 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

10. The draft City of Sydney Code of Meeting Practice incorporates the mandatory provisions of the Model Meeting Code, along with non-mandatory provisions of the Model Meeting Code and supplementary provisions relevant to the City of Sydney. The draft City of Sydney Code of Meeting Practice, showing all changes from the existing Code of Meeting Practice, is shown Attachment A to the subject report.
11. The major changes proposed to the Code of Meeting Practice are the inclusion of non-mandatory provisions to allow meetings to be held by audio-visual link or to allow councillors to attend meetings by audio-visual link. These new provisions generally reflect the current Temporary Provisions adopted by the Council in 2021.
12. Other changes are largely administrative to ensure compliance with the mandatory provisions of the Model Meeting Code.
13. Key proposed changes are as follows:

| Part/Clause(s) | Comment |
|----------------------------------|--|
| Guide to references in this Code | <p>Recommended for deletion.</p> <p>Part 20 - Definitions provides this information.</p> |

| Part/Clause(s) | Comment |
|--|--|
| Giving notice of business to be considered at council meetings | Inclusion of non-mandatory provisions relating to financial/operational implications in notices of motion. Consequential deletion of supplementary provisions to the same effect elsewhere in the Code. |
| Statement of ethical obligations | Mandatory provision. |
| Pre-meeting briefing sessions | Inclusion of non-mandatory provisions to formalise processes relating to pre-meeting briefing sessions. |
| Meetings held by audio-visual link | Non-mandatory provisions to allow meetings to be held by audio-visual link. Generally reflects the current Temporary Provisions adopted by Council. |
| Attendance by councillors at meetings by audio-visual link | Non-mandatory provisions to allow councillors to attend meetings by audio-visual link. Generally reflects the current Temporary Provisions adopted by Council. |
| <i>*Note – a number of consequential amendments (inclusions and deletions) relating to the inclusion of the meetings held by audio-visual link/attendance by councillors at meetings by audio-visual link provisions are also included throughout the Code</i> | |
| Webcasting of meetings | A number of updates to reflect new mandatory provisions replacing current supplementary provisions. |
| Variations to motions Variations by consent | Deletion of supplementary provisions that are inconsistent with mandatory provisions. |

14. Further minor updates and amendments have also been made for clarity and consistency.
15. Formatting/numbering updates have been made to comply with the City's updated template.

Strategic Alignment - Sustainable Sydney 2030

16. 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

17. Following exhibition and adoption, the revised Code of Meeting Practice will be communicated to all Councillors and relevant City staff.

Financial Implications

18. Management of the webcasting and recordings of Council and committee meetings requires appropriate software licences. There are sufficient funds allocated within the current year's operating budget and future years' forward estimates for these services.

Relevant Legislation

19. Local Government Act 1993.
20. Local Government (General) Regulation 2021.

Critical Dates / Time Frames

21. In accordance with section 360 the Local Government Act 1993 councils, must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) prescribed by the Regulation within 12 months of the election.
22. An exhibited and adopted Code of Meeting Practice is required by December 2022.
23. The Local Government (General) Regulation 2021 has been amended to temporarily exempt councils from complying with the requirement under their codes of meeting practice for councillors to be personally present at meetings to participate in them. The exemption expires on 30 June 2022.

24. In order to enable meetings by audio-visual link and/or attendance by councillors at meetings by audio-visual link, updates to the Code of Meeting Practice are required for meetings held post 30 June 2022.

Public Consultation

25. 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, Council Business Coordinator