

# **ATTACHMENT 1**

*Report by Neale Redman, Director Corporate Services*

**RECOMMENDATION**

- 1. That the proposed amendments to the Code of Meeting Practice be adopted.**
- 2. That the amended Code of Meeting Practice be placed on public exhibition in accordance with the Local Government Act.**
- 3. That a further report be submitted to Council following the public exhibition process.**

**PURPOSE OF REPORT**

Council has made the following resolutions regarding amendments to the Code of Meeting Practice.

4 November 2008

*Resolution 203/08: That Strathfield Municipal Council resolves the time limit for the duration of the ‘Open Forum’ at Council and Committee Meetings be 1 hour and that Strathfield Municipal Council Code of Meeting Practice be amended accordingly.*

3 March 2009

*Resolution 11/09: That Strathfield Municipal Council resolves to authorise the General Manager to prepare a report on the cost implications of commencing Council and Committee meetings at 7pm.*

*Resolution 82/09: That Strathfield Municipal Council resolves to review the Strathfield Municipal Council Code of Meeting Practice and to authorise the General Manager to prepare a report accordingly, including, but not limited to, promoting more open public participation at Council and Committee meetings including, but not limited to, the asking of questions by members of the public.*

This report is in response to these resolutions.

**BACKGROUND**

Under section 360(2) of the Act Council may establish a Code of Meeting Practice. The Code must incorporate meeting procedures set out in the Local Government Act 1993 and Local Government (General) Regulation 2005 and can incorporate local provisions. However, in adopting local provisions, the Code must be consistent with the relevant legislative provisions. Council and Committee meetings must operate in accordance with the adopted Code of Meeting Practice.

The primary objective of meeting procedures in the Code is for the conduct of orderly, efficient and well run Council meetings. Orderly meeting processes contribute to good, open and transparent public decision-making and increase Council's accountability to the community.

Review of the Code of Meeting Practice involves placing the draft Meeting Code on public exhibition. Council must consider all submissions from the public exhibition before adopting the amended Code.

## REPORT

### **PROPOSED AMENDMENTS TO THE CODE OF MEETING PRACTICE**

#### **Public participation in Council meetings**

Though members of the public are permitted under the Local Government Act or Local Government (General) Regulation 2005 to attend open meetings of Council, there is no automatic right in the Act or Regulation for members of the public to participate in a Council meeting, which includes the right to ask questions or address council meetings.

Only councillors are permitted to participate in meeting debates or to vote, therefore limitations exist to the extent of public participation in Council meetings. Councils, that include provisions for public participation in their Codes, usually provide members of the public the right to speak to items listed on the meeting agenda. Representations by members of the public occur prior to the commencement of formal debates and members of the public can not participate in formal debates.

Strathfield Council's current Code of Meeting Practice includes provisions to encourage public participation. Council's Code permits members of the public to address Council on specific agenda items. However, Strathfield is one of the few metropolitan Councils that allow members of the public to raise issues with Council through a public forum called "Open Forum". The general provision by other Councils is a limit of 3 minutes per speaker and tabling of issues prior to the meeting.

Under the current procedures, Open forum commences at 7.00pm and finishes no later than 7.15pm, however Council has the flexibility to determine to extend Open Forum beyond 7.15pm. Speakers can address any issue except those already notified on the meeting agenda for up to 5 minutes with time extensions by approval of Council.

As the operation of Open Forum is subject to the Code of Meeting Practice, the Code (cl.55.13) requires consistent procedures as those of Council meetings.

The purpose of Open Forum is to provide an opportunity for residents or ratepayers to raise an issue directly with Council. The forum does not permit debates or discussions and there is no legal basis for Council to make decisions on matters raised by members of the public during Open Forum. Consistent with legislation, speakers must address the Chairperson and are not permitted to directly ask questions of other Councillors or Council staff. The Chairperson presides over Open Forum and may allow Councillors to ask questions to clarify a matter raised by a member of the public.

Strathfield Council's current provisions are in excess of most Council's general provisions and provide rights which do not exist in legislation. It should also be noted that Council provides many means for members of the public to meet with Council staff or Councillors such as community forums as well as requesting meetings, calling or corresponding with Councillors or Council staff etc.

It is proposed to amend the existing provisions as set out in Council's Code of Meeting Practice to provide for the duration of Open Forum to be 1 hour.

### **Preamble - Chairperson**

*Proposed change: Amendment*

Alter reference from "Chairman" to "Chairperson". The current Code of Meeting Practice contains Council resolution (22 March 1994) that the Chairperson be called 'Chairman'. The Local Government Act and Regulation state that the person who presides over a meeting is called 'chairperson'. It is recommended that Council adopt the term 'chairperson' in the Code to be consistent with the legislation. This term is gender non-specific and should be adopted by Council as the chair can be occupied by either gender.

### **Council and Committee Meetings – Commencement Times**

The commencement time for Council and Committee meetings is not set out in legislation and is a matter for Council to determine. Currently Council meetings commence at 7pm with Committee meetings commencing at 6pm.

In May 2004, Council supported commencement of Planning Committee meetings at 6pm and relocation of the meetings to the Library, where there is more space for viewing of plans than in the Council Chambers. Both initiatives were aimed at improving community access and participation. Representations are often made by members of the public and/or their professional advisors eg lawyers, architects etc. The earlier start time was adopted to minimise costs to members of the public when engaging professional advocates.

The cost implications for commencing Council and Committee meetings at 7pm have minor implications for Council and can be met by existing budgets.

In view of the above it is proposed that the Code be amended to provide for the following commencement times for meetings:

Council	7.00pm
Planning Committee	6.00pm
Economic Committee	7.00pm
Environmental Committee	7.00pm
Social Committee	7.00pm

### **Council and Committee Meetings - Finishing Time**

*Proposed change: Amendment*

The current Code states that matters held over from a Planning Committee are deferred to the next Planning Meeting, not Council meeting. In the interests of expediting Council business, it is recommended to amend the Code to permit all matters outstanding from a previous meeting to be placed on the next available Council agenda (with exception of extraordinary meetings).

### **Notice of Motions**

*Proposed change: Amendment*

To encourage meeting efficiency, a number of Councils limit the number of questions without notice or notice of motions. Every Council has its own local provisions but in effect, questions or notice of motions can have a similar result eg generate a Council activity such as reports to Council, policy adoption or amendment etc. Limits are placed to ensure the meeting operates efficiently and without unnecessary delays.

As examples, Manly and Auburn Councils place limitations on the number of notice of motions proposed by individual Councillors. Auburn has a limitation of 3 motions per councillor per meeting. Manly Council limits notices to 12 motions per Councillor per year with a limit of 2 per meeting.

It is recommended that a limit of five (5) notice of motions per councillor per meeting be incorporated into the Code of Meeting Practice to improve efficiency of meeting procedures. This change would allow a total of thirty (30) notice of motions being lodged at an ordinary Council meeting.

### **Order of Business**

*Proposed change: Delete*

It is recommended that 'Matters for Decision' be removed from the Order of Business set out in Clause 10 of the Code. The item 'Matters for Decision' is rarely used because items requiring consideration of the Council are tabled under 'General Business' rather than 'Matters for Decision'.

### **Disclosure and Misuse of Information – Clause 14 2(e)**

*Proposed change: Amendment*

Current: 'Each speaker is allowed to address the Council only once in the course of the meeting'

Proposed: "Each speaker is allowed to address an item only once in the course of the meeting'.

The current Code restricts the number of items which a speaker can address during the whole meeting. A speaker should have the option of addressing more than one agenda item if needed. This amendment does not permit a speaker to make more than one address per item.

### **Public Addressing Council or Committee Meetings – alter Clause 17(1)**

*Proposed change: Amendment*

The current Code states that requests from the public to speak at meetings must be submitted by 7pm. It is recommended that this be changed to 4.30pm to ensure that all requests are received by Council prior to the commencement of the meeting. The practice of members of the public lodging a request to speak assists in accurate record keeping as names of speakers must be recorded on Council minutes. Further, with changes to legislation governing disclosure of political donations, public disclosures need to be made. The form is available on Council's website and Customer Service Centre.

In considering this item, it should be noted that Council can permit additional speakers at Council or Committee meetings by resolution of Council.

**Agenda and Business Papers for Council Meetings – alter Clause 25**

*Proposed change: Replace*

Current: “The Agenda will be made generally available to the Public Friday afternoon from 4.00pm at both the Council Chambers and the Central Library and Councillors have the right to provide copies of any part to any person subject only to confidentiality provisions”

Proposed: “The Agenda will be made available to the public 3 days prior to Council or Committee meetings at Strathfield Council Customer Service Centre, Strathfield Library and Council's website (<http://www.strathfield.nsw.gov.au>). Councillors have the right to provide copies of any part to any person subject only to confidentiality provisions”.

This change is recommended to include all meetings of Council including Extraordinary Meetings which are not held at regular times. The change also includes reference to Council's website, which is increasingly the main avenue for the public accessing Council agendas and business papers.

**Giving Notice of Business – alter Clause 27**

*Proposed change: Amendment*

Notices of Motion from Councillors must be lodged with the General Manager or his/her nominee by no later than close of business one week prior to the meeting (eg close of business Tuesday prior to the Tuesday meeting).

The change in lodgement is to provide sufficient time for items to be included on the meeting agenda. It should be noted that meeting agendas issue a minimum of 3 days prior to the meeting (eg Friday for the Tuesday meeting).

**REFERRAL FROM OTHER DEPARTMENT**

No referral was required.

**FINANCIAL IMPLICATIONS**

There are no financial implications.