



Public Exhibition of a new Draft Code of Meeting Practice

The Local Government (Council Amalgamations) Proclamation 2016 for the Inner West Council designated that the former Leichhardt Council Code of Meeting Practice to be the Code of Meeting Practice for the Inner West Council. Council staff have undertaken a review of the Code of Meeting Practice and prepared a new Draft that includes current Council Meeting practices, best practice in meeting protocol and measures to improve the openness and transparency of decision making. At the Council Meeting of 23 May 2017, the Administrator resolved to publicly exhibit the new Draft Code of Meeting Practice and seek submissions from members of the public on the proposed changes.

Council is proposing to change the operation of the Public Forum and seeks comment on the options detailed in this document. This document outlines the changes proposed in the new Code of Meeting Practice.

Submissions can be made in writing up to 13 July 2017 to the General Manager, PO Box 14 Petersham NSW 2049, or emailed to council@innerwest.nsw.gov.au.

Background

A Code of Meeting Practice is essential for the conduct of effective meetings which is, in turn, an indicator of good governance. Council is obliged to run its meetings fairly and the procedures used should improve decision-making, not result in personal or political advantage. Councillors are obliged to make sound decisions based on adequate and timely evidence. Sound meeting procedures contribute to good public decision-making and they increase the transparency and accountability to its community. Effective codes are based on core principles of; Integrity, Accountability, Leadership, Openness, Selflessness, Honesty, Impartiality and Respect.

Section 360 of the Local Government Act requires councils to adopt a Code of Meeting Practice for the conduct of its meetings. As the Inner West Council has not yet adopted a Code of Meeting Practice (the proclamation assigned the former Leichhardt Code), adopting a new Code is necessary to fulfil this requirement and to document the current meeting procedures that were not included in the former Leichhardt Code of Meeting Practice.

15 of the 20 recently merged Councils have already refreshed their Codes of Meeting Practice in the last 12 months, including metropolitan councils such as Canterbury Bankstown, Cumberland and Georges River. Newly formed Councils have been busy reviewing / creating various key policies for their organisations in the lead up to the September 2017 Council elections (not just their Codes of Meeting Practice). The Administrator has advised that Council will continue to use the current Code of Meeting Practice during his term of office and the new Code of Meeting Practice will not commence until a new Council is elected.

The main areas of change from the current Code of Meeting Practice are in the following areas:-

1. Acts of disorder
2. Mayoral minutes
3. Meeting duration
4. Motions (notice and assessment practices)
5. Order of business
6. Public forum component
7. Webcasting

1. Acts of Disorder

- The new Code retains the sanctions for acts of disorder for both Councillors members of the public – consistent with former Leichhardt Council code
- The Chair may issue clear warnings about acts of disorder, and details of warnings given about Councillor behaviour be recorded in the minutes of the meeting.
- After three (3) warnings to a Councillor the Chair may move a motion seeking an apology, withdrawal of a comment or expulsion of the Councillor from the meeting if they fail to apologise or withdraw a comment – former Ashfield Council practice further to Section 256 of Local Government (General) Regulation 2005

2. Mayoral Minutes

The Draft Code includes a clause taken from the Office of Local Government's Meetings Practice Note 16 published in 2009, that Mayoral Minutes should not introduce matters that are routine, not urgent or require research and a lot of consideration before making a decision.

3. Duration of Meetings

The Draft Code includes a commencement time of 6.30pm with the meetings concluding at 11.00pm. The 11:00pm limit is flexible to the extent that completion of discussion of an item already under discussion at 11:00pm may extend to no later than 11:10pm. A review of other Sydney metropolitan councils shows that a conclusion time of between 10 and 11pm is best practice.

4. Motions

The Draft Code includes the following improvements to motions to ensure efficient and effective decision making during meetings:-

- All notices of motions to be submitted by 10:00am no later than 8 days before an ordinary meeting of Council.
- Any motion proposing expenditure not already accounted for in an adopted budget must identify a source of funding for it.
- Where a motion has legal, strategic, financial or policy implications the General Manager may provide:
 - advice that the matter be deferred pending a report
 - an officer's comment
 - a recommendation (in the case of a Notice of Motion)

5. Public Forum

The purpose of the Public Forum is to raise questions with the Council and present ideas and is not a method of community consultation. Community consultation is undertaken on all projects using Council's Community Engagement Framework prior to final reports being presented to Council.

The new Draft Code requires all requests to speak at a meeting be lodged by 12pm on the day of the meeting. The registration process for speaking at a Council Meeting has been in place at the Inner West Council since July last year and is similar to the process many other NSW councils has adopted and is considered best practice. The Chairperson has discretion to allow requests not lodged by this time.

The new Draft Code proposes a change to the operation of the Public Forum to ensure that Council Meetings have a balance of public participation and sufficient time to allow the Council to focus on policy and strategic decisions. However, for the public exhibition Council is seeking comment from the community on 2 options for the Public Forum as discussed below:-

Option 1

This option has been included in the new Draft Code of Meeting Practice. This option involves 1 Hour being allocated at the beginning of the Council Meeting to hear from registered speakers on items listed on the Council Agenda. Speakers will address the meeting in order of the Agenda items and at the conclusion of Public Forum, the Council will then discuss and make decisions on the agenda items. This will retain public participation at a level that exceeds that of comparable Councils (e.g. City of Sydney which does not permit members of the public to address Council and Ryde, Parramatta, Northern Beaches and Cumberland which restrict the Public Forum to 30 minutes or less).

Option 2

This option is to continue with the current practice of members of the public speaking to each agenda item as it is raised during the Meeting and the Council discussing and making a decision before moving to the registered speakers for the next agenda item. However, to ensure a balance of public participation and sufficient time to allow the Council to focus on policy and strategic decisions, Council may restrict the number of speakers per agenda item. For example. three speakers for and against an agenda item as is the practice by Canterbury Bankstown and Georges River councils.

6. Webcasting

Inner West Council commenced webcasting its Council meetings in December 2016. The Draft Code includes provisions about webcasting, that members of the public that wish to speak at meetings accept that their speech will be recorded on the webcast and that Council is not liable for any defamatory comments made by members of the public during meetings that are webcast.