



KEMPSEY
Shire Council

DIRECTOR CORPORATE SERVICES REPORT

13th June 2006

DCS9	CODE OF MEETING PRACTICE AMENDMENTS
FILE: 395	PJH {Folio No. * }

SUMMARY:

Reporting on the need to review Council's meeting practices.



DESCRIPTION:

The Department of Local Government Promoting Better Practice Report made a number of recommendations in regard to Council's meeting practices. These recommendations can be addressed by formalising guidelines for inclusion in Council's Code of Meeting Practice.

The recommendations in the Promoting Better Practice Report referred to are reproduced as follows: -

1. *Council should establish clear guidelines for conducting workshops and information sessions in its code of meeting practice.*
2. *Council should review its current meeting practices with a view to providing a more planned approach to ensure its meeting schedule reflects the needs of council.*
3. *Council should review the process of conducting works committee inspections to ensure that committee processes comply with the requirements of the Local Government Act and examine the utility in delegating the determination of matters to the committee.*

This report will address each of these recommendations with referral to Council's Promoting Better Practice Action Plan as reported to Council at the April 2006 Council meeting.

1. Guidelines for conducting workshops and information sessions

Action plan: Develop guidelines for conducting workshops.
Amend Code of Meeting Practice.

The Promoting Better Practice report's concern was that there were no guidelines to say how workshops are to be held. Council could hold a "workshop" as part of a Council meeting or it could be held separately from a Council meeting as merely an information session where no decisions are made. Guidelines for each option should be included in our Code of Meeting Practice.

It is recommended that the following new section 9 be included in Council's Code of Meeting Practice: -

Part 9 - Workshops and Information Sessions

9.1 Conducting Workshops at Council Meetings

- (1) Council may hold workshops as part of Council meetings to allow for wider debate and discussions on certain issues. The procedure for holding such workshops is that Council shall form itself into a Committee of Whole (refer to clause 7.1 of the Code of Meeting Practice). A workshop may involve councillors, council staff and invited participants.
- (2) These Council meeting workshops shall be open to the public unless grounds exist for closing the workshop to the public under section 10A of the Local Government Act.
- (3) The decision to hold a workshop at a Council meeting shall be made by a resolution of the Council.

9.2 Conducting Workshops separate from Council Meetings

- (1) Council may hold workshops separate from Council meetings where such workshops are for sharing and discussing of information only and no decisions or recommendations shall be made from these information workshops.
- (2) Workshops held separate from Council meetings may involve councillors, council staff and invited participants. As the workshops are not meetings of the council or a formal committee of council, the attendance entitlements of the public do not apply and these workshops shall not be open to the public unless Council has resolved to make the workshop open.
- (3) The decision to hold a workshop separate from a Council meeting shall be made by the Mayor or a resolution of the Council.

- (4) The meeting procedure for the conduct of Workshops separate from Council meetings shall be determined by the Mayor or Chairperson of the Workshop.

2. Review of Meeting Schedule

Action plan: Review meeting procedures and times.
Amend Code of Meeting Practice with guidelines for holding extra-ordinary meetings.
Set dates for known extra-ordinary meetings in September.

This recommendation referred to Council holding a number of Extra-Ordinary meetings throughout the year. While these are necessary to deal with certain matters before the Council, the report suggested that a more planned approach is needed, particularly where it is known such meetings will be required e.g. budget meetings. It is recommended that section 2.3 of the Code of Meeting Practice "Calling of Extra-Ordinary Meetings be amended to read as follows: -

2.3 Extraordinary Meetings of Council

- (1) Council may hold Extraordinary meetings to deal with special business or where there is so much business to be dealt with that an additional meeting is required (*Clause 242*).
- (2) An Extraordinary meeting may be called by a resolution of the Council or when at least two (2) councillors make a written request to the Mayor to hold an extraordinary meeting. The Mayor can be one of the two councillors, but the Mayor cannot call an extraordinary by him or herself without having a written request from another councillor.
- (3) If an Extraordinary meeting is called for by two (2) councillors, the Mayor must call an extraordinary meeting as soon as practicable but in any event within 14 days after receipt of the request. (*section 366*).
- (4) Extraordinary meetings will be included in Council's schedule of meetings where it is known they will be required e.g. budget meetings.

3. Review of Works Committee

Action plan: Review delegation of Works Committee.
Review how decisions are communicated to interested parties to enable them to address the recommendation.

The issue with Council's Works Committee was that there were some occasions when a quorum (which was 7 members but since

amended to 5) was not present and recommendations were then presented to the next Council meeting. The report is saying that if this occurs regularly the delegation should be reviewed. The lack of a quorum has not been an issue since the quorum is now 5, being the same as that at Council meetings.

The other more relevant issue is that as the Works Committee is a committee where all members are Councillors, this committee is subject to the Act in regard to giving public notice of meetings and allowing the public to attend. The Promoting Better Practice report states *"this is problematic if the on site inspection is considered part or the meeting of the committee and the time of return to the chambers for committee deliberations is not certain"*.

There are a number of options open to Council to address this issue. Enquiries have also been made of other mid north coast councils who generally do one of the following options: -

- (a) Program the works committee meetings so that the site inspections are held and then a set time is listed in the agenda for committee deliberations back at the council chambers. This may be an issue if scheduled site inspection times are not able to be complied with. Generally times are fairly accurate so a time for committee deliberations could be nominated in the agendas and advertised. The site inspections have always been considered as part of the inspections and are included in the agenda. The public have on occasions requested to attend the sites listed but are more interested in when decisions are to be made.
- (b) Withdraw the delegation to determine matters and the Works Committee becomes a committee which makes recommendations to the next Council meeting. This will delay decisions on matters such as development applications unless works committee meetings can be held just prior to the next council meeting.
- (c) With other Councils who have evening meetings, they conduct site inspections on the day of their meetings and list the items on the Council evening meeting agenda. This option would not fit in with our practice of daytime council meetings.

It is recommended that section 7.3 of the Code of Meeting Practice be amended to read as follows: -

7.3 General and Special Committees of Council – Works Committee

- (1) Council's Works Committee consists of all councillors and meets as required when determined by council or the Mayor with the purpose of carrying out site inspections of any matters affecting the functions of council.

- (2) The Works Committee shall have delegated authority to determine matters provided a quorum of five (5) members is present.
- (3) The Works Committee shall commence from the Civic Centre at times nominated in the agenda and following site inspections shall reconvene at the council chambers for committee deliberations and the time for committee deliberations shall be listed in the agenda.
- (4) Council shall give notice to the public of the times and places of meetings of the Works Committee (*section 9*).

Summary

The above recommended amendments to the Code of Meeting Practice will clarify the issues raised in the Promoting Better Practice Report and document our procedures to be followed in the future.

As these additions are basically documenting what we do now it is recommended that the amendments be deemed as not substantial and the Code of Meeting Practice be amended without public exhibition.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Council needs to consider the public in its review of meeting practices as the public should have an opportunity to be present at the decision making deliberations of the council.

- *Economic (Financial)*

Nil

- *Policy or Statutory*

Council's Code of Meeting Practice includes all relevant provisions of the Act and Regulations in regard to the conduct of meetings and has additional clauses related to local provisions. Where amendments are made to the Code of Meeting Practice a Council is required to place the amended Code on public exhibition for 28 days unless it deems the amendments are not substantial.

- *Director's Review*

The recommendation is supported.

RECOMMENDATION:

- A** That the following new section 9 be inserted in the Code of Meeting Practice:-

Part 9 - Workshops and Information Sessions

9.1 Conducting Workshops at Council Meetings

- (1)** Council may hold workshops as part of Council meetings to allow for wider debate and discussions on certain issues. The procedure for holding such workshops is that Council shall form itself into a Committee of Whole (refer to clause 7.1 of the Code of Meeting Practice). A workshop may involve councillors, council staff and invited participants.
- (2)** These Council meeting workshops shall be open to the public unless grounds exist for closing the workshop to the public under section 10A of the Local Government Act.
- (3)** The decision to hold a workshop at a Council meeting shall be made by a resolution of the Council.

9.2 Conducting Workshops separate from Council Meetings

- (1)** Council may hold workshops separate from Council meetings where such workshops are for sharing and discussing of information only and no decisions or recommendations shall be made from these information workshops.
- (2)** Workshops held separate from Council meetings may involve councillors, council staff and invited participants. As the workshops are not meetings of the council or a formal committee of council, the attendance entitlements of the public do not apply and these workshops shall not be open to the public unless Council has resolved to make the workshop open.
- (3)** The decision to hold a workshop separate from a Council meeting shall be made by the Mayor or a resolution of the Council.
- (4)** The meeting procedure for the conduct of Workshops that are held separate from Council

meetings shall be determined by the Mayor or the Chairperson.

- B** That section 2.3 of the current Code of Meeting Practice be amended to read:-

2.3 Extraordinary Meetings of Council

- (1) Council may hold Extraordinary meetings to deal with special business or where there is so much business to be dealt with that an additional meeting is required (*Clause 242*).
- (2) An Extraordinary meeting may be called by a resolution of the Council or when at least two (2) councillors make a written request to the Mayor to hold an extraordinary meeting. The Mayor can be one of the two councillors, but the Mayor cannot call an extra-ordinary by him or herself without having a written request from another councillor.
- (3) If an Extraordinary meeting is called for by two (2) councillors, the Mayor must call an extraordinary meeting as soon as practicable but in any event within 14 days after receipt of the request. (*Section 366*).
- (4) Extraordinary meetings will be included in Council's schedule of meetings where it is known they will be required e.g. budget meetings.

- C** That section 7.3 of the Code of Meeting Practice be amended to read:-

7.3 General and Special Committees of Council – Works Committee

- (1) Council's Works Committee consists of all councillors and meets as required when determined by council or the Mayor with the purpose of carrying out site inspections of any matters affecting the functions of council.
- (2) The Works Committee shall have delegated authority to determine matters provided a quorum of five (5) members is present.
- (3) The Works Committee shall commence from the Civic Centre at times nominated in the agenda and following site inspections shall reconvene at the council chambers for committee

deliberations and the time for committee deliberations shall be listed in the agenda.

- (4) Council shall give notice to the public of the times and places of meetings of the Works Committee (*section 9*).

D That the amendments to the Code of Meeting Practice are deemed as not substantial and the amended Code of Meeting Practice be adopted without exhibition.

.....
G B Snape
DIRECTOR CORPORATE SERVICES