

**9.2****Adoption of GOV-PL 130 – Code of Meeting Practice**

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**EXECUTIVE SUMMARY**

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**Purpose**

To propose the adoption of exhibited amendments to Council's Policy GOV-PL 130 Code of Meeting Practice.

**Summary**

At the Council Meeting of 26 July 2011, Council resolved to exhibit a number of amendments in relation to the content and application of Council's adopted Code of Meeting Practice. The proposed amendments were the result of both officer review and requests or recommendations from Councillors.

The proposed amendments were placed on exhibition from 29 August 2011 until 25 September 2011, with submissions being accepted until 9 October 2011. This report outlines the submissions received and recommends adoption of the Policy as exhibited, as well as some further minor amendments that have come to light through the exhibition period as a result of submissions and further staff suggestions. The final policy is attached.

**Financial Impact**

Nil.

**Policy Impact**

This review has been undertaken with consideration of the Meetings Practice Note No 16, released in 2009 by the Division of Local Government, Department of Premier and Cabinet as well as the Local Government Act (1993) and the Local Government Regulation 2005.

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**RECOMMENDATION OF ACTING DEPUTY GENERAL MANAGER  
STRATEGIC AND DEVELOPMENT SERVICES**

- A. That GOV-PL 130 Code of Meeting Practice as attached be adopted.
  - B. That there be a trial for the next three (3) Ordinary Council Meetings whereby public forum does not occur as a part of the formal Council Meeting. The Public forum session will begin at 5.00pm prior to the scheduled Council Meeting and will be held in the Council Chamber for one hour. Provisions for speakers will be the same as that of the current public forum.
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## REPORT

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### Background

Council, at its Meeting of 26 July 2011, resolved to place the Code of Meeting Practice on exhibition with a number of amendments to various sections of the Code.

In summary the amendments put forward in the original report were as follows:

- Amendment 1 – Deletion of clause 12.1(v) under Public Attendance and Address at Meetings as it has become redundant;
- Amendment 2 – Addition of the requirement for financial information to be provided for Notices of Motion under clause, 14.2(i)(a) Notice of Motion as per a Council Resolution from 14 December 2010 (364/10);
- Amendment 3 – Ensuring that clause 14.5(iii)(c) Declarations of Pecuniary Interest/ Conflict of Interest is more Explicit in the Code, eliminating doubt in relation to the nature of an interest and a Councillors responsibility once an interest has been declared;
- Amendment 4 – Deletion of clause 19.1(ii) whereby if a seconder to a Motion is not secured, a Councillor is unable to speak for want of a seconder;
- Amendment 5 - Clarification of clause 19.1(vii) to ensure there is no conflict between this clause and clauses 23(1) and 23(2) clarifying Councillors speaking in relation to a Motion;
- Amendment 6 – An addition to clause 22 of the Code, whereby Questions Taken on Notice at Council Meetings are responded to by the following meeting and recorded in the minutes following provision of an answer;
- Amendment 7 – in relation to Public Forum at Council Meetings, where Council resolved to exhibit Option 1, no change to the current public forum arrangements.

The proposed amendments were placed on exhibition from 29 August 2011 until 25 September 2011, with submissions being accepted until 9 October 2011.

Council received three submissions and have also taken on board two further suggestions for change from staff within the organisation as a part of this review.

The first two submissions were in relation to the Public Forum component of the Code, whilst the third was related to Motion's of Urgency.

### Submission One

Regarding the first submission on Public Forum, the question was raised concerning the time limit of speakers, where the current limit is three minutes, the submission refers to public forum speakers previously being allocated five minutes to speak. Current practice as per clause 12.1, which has been in place since the current Council adopted the Code in November 2008 is as follows:

#### ***“12.1 Public address at Council meetings”***

- (i) *A Public Forum will be conducted at each Ordinary Meeting of Council, as provided for in Clause 12(3) of this Code.*
- (ii) *Public Forum will be for a period of no more than thirty (30) minutes, unless otherwise determined by Council*

- (iii) *A member of the public may be granted permission to address Council during Public Forum where such request is received by the General Manager no later than 3.00pm on the day preceding the Council meeting. This provision is subject to:*
- Each speaker being permitted to address Public Forum for up to three (3) minutes*
  - Each speaker being limited to one question or statement on any one item on the Agenda or otherwise related to Council business*
  - Speakers complying with the Guidelines for Requests to Address Council, as attached to this Code*
  - No member of the public being entitled to address Public Forum on a rescission motion, except where Council resolves that such speaker be allowed on the basis of exceptional circumstances*

Note: Exceptional circumstances would include where such member of the public did not have adequate notice or opportunity to speak at the meeting when the motion was first moved or where such rescission motion is of wide and exceptional public interest

- (iv) *A list of all requests to speak at Public Forum will be made available to all Councillors at the commencement of the Council Meeting.*
- (v) *Council may, at its discretion, resolve to extend the time provided to any one speaker by up to three (3) minutes and/or otherwise resolve to extend the total period allocated to Public Forum at any Council Meeting*
- (vi) *Notwithstanding sub clause 12.1(iii) Council may, by resolution, determine that any other person may address the Council Meeting..”*

This is also reflected in the public forum guidelines (attached to the Code.)

If Council were to allow speakers to address for up to five (5) minutes, public forum would need to be either extended, or fewer speakers allowed to address in the thirty (30) minutes currently allocated.

Current practice allows for Council to resolve to hear any speaker for a further three (3) minutes, allowing a total of six (6) minutes per speaker. Council may also resolve to hear more than thirty (30) minutes of public forum. As such, no change is recommended to current practice.

## **Submission Two**

The second submission received was in relation to Public Forum as a whole. It is suggested in this submission that Public Forum be held prior to a Council Meeting, limited to one hour, allowing people to make statements or address items on the agenda following. It is suggested that it also be a forum where Councillors can ask questions of both staff and the public. It is suggested that this be trialled, to see what the outcome of such a session may be.

Currently, Public Forum runs for over 30 minutes on many occasions and the business of Council is regularly carried over to future Meetings, therefore, taking this component out of the formal meeting will allow more time at meetings for business to be dealt with at each Council Meeting. As such, it is proposed that this approach be trialled for three (3) Ordinary Council Meetings, beginning prior to the next Ordinary Council Meeting.

## **Submission Three**

The third submission received was in relation to Motion's of Urgency. Current practice is that if a Motion of Urgency is raised, it is only printed in full if moved and declared urgent. It is suggested

that this does not accurately reflect what has happened during the course of the meeting as the motion is never recorded in the minutes. Staff members support the change that it should not matter whether a Motion of Urgency is declared urgent, or not, the Motion in which the Councillor wishes to raise as urgent, should be printed in full. This will better reflect the process that occurs, and will allow anyone looking at the minutes to see what the matter was that the Councillor brought to Council as a Matter of Urgency, allowing members of the public to see that the decision that was made was the appropriate decision of Council. Whilst this does not impact on any section of the Code of Meeting Practice formally, Governance staff will take this on notice, and include these details in the Minutes of Council Meetings going forward.

### **Further Changes**

It has been noted by Council staff that there is an inconsistency in the Public Forum Guidelines. There is reference to speakers not being heard on agenda items referred from the Warringah Development Assessment Panel (WDAP), the Warringah Development and Review Panel (WDRP) and Category 3 Public Hearings, however these matters are no longer referred to Council and it is proposed to amend this clause to reflect current practice.

Dot point one under 'Applications to address Council are subject to the following qualifications:' will be amended to the following (where additions are underlined and deletions are shown with strike through:

- There will be no speakers heard on agenda items ~~referred from the~~ that have been or are likely to be considered ~~at~~ the Warringah Development Assessment Panel (WDAP) and the Warringah Development Review Panel (WDRP) or Category 3 Public Hearings as those items have, or will be ~~already been~~ made open to comment at a public meeting and members of the public have, or will have ~~already had~~ the opportunity to express their views.

Dot point four under 'Previous Applications and Agenda Items' will also be amended to the following (where additions are underlined and deletions are shown with strike through:

- There will be no speakers heard on agenda items referred from the WDAP and the WDRP or Category 3 Public Hearings as they have already had the opportunity to express their views.
- There will be no speakers heard on agenda items ~~referred from~~ that have been or are likely to be considered ~~at~~ the WDAP and the WDRP or Category 3 Public Hearings as they have already had or will have the opportunity to express their views.

A further change to the wording under 'Conduct of Speakers' has also been proposed below. Additions are underlined and deletions are shown with strike through. This will also be reflected in the laminated page that members of the public read prior to addressing the Council at Public Forum:

### **Conduct of Speakers**

*Speakers should conduct themselves with due respect to the Council and observe the Code of Conduct and Code of Meeting Practice, ie not disrupt the conduct of the meeting and to treat all people with respect, and courtesy, and compassion, and sensitivity and not insult, denigrate or make defamatory or personal reflections on or impute improper motives to the Council, Councillors, staff or other members of the public ~~comments~~. In the event that a speaker does not conduct themselves accordingly, the Chairperson may request the speaker to apologise, desist from the inappropriate behaviour, return to the public gallery and/ or otherwise enact provisions of Council's Code of Meeting Practice.*

### **Consultation**

Various staff were consulted regarding the further minor changes recommended in this report.

**Policy Impact**

This review has been undertaken with consideration of the Meetings Practice Note No 16, released in 2009 by the Division of Local Government, Department of Premier and Cabinet as well as the Local Government Act (1993) and the Local Government Regulation 2005.

**Financial Impact**

Nil.

**Acting Deputy General Manager Strategic and Development Services**

***Attachment Booklet – GOV-PL 130 Code of Meeting Practice***