



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

Councillors: P Allsop
R Byrnes
C Cherry (Deputy Mayor)
R Cooper
J Owen
W Polglase

Agenda

Ordinary Council Meeting Thursday 6 June 2019

held at

**Harvard Room, Tweed Heads Administration Building,
Brett Street, Tweed Heads**

commencing at the conclusion of the Planning Committee meeting
which commences at 5.30pm.

Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by Tweed Shire Council:

- (a) Provide strong and effective representation, leadership, planning and decision-making.
- (b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Work with others to secure appropriate services for local community needs.
- (h) Act fairly, ethically and without bias in the interests of the local community.
- (i) Be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

- (a) Recognise diverse local community needs and interests.
- (b) Consider social justice principles.
- (c) Consider the long term and cumulative effects of actions on future generations.
- (d) Consider the principles of ecologically sustainable development.
- (e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.

Items for Consideration of Council:

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REPORTS THROUGH THE GENERAL MANAGER

LATE ITEMS

LATE ITEM FROM EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

4 LATE [PCG-CM] Adoption of Code of Meeting Practice

SUBMITTED BY: Corporate Governance

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Behind the scenes
- 4.1 Assurance
- 4.1.1 Governance - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

SUMMARY OF REPORT:

Council at its meeting of 17 April 2019 resolved:

"that Council approves the draft Code of Meeting Practice as attached to this report for public exhibition for a period of 28 days from Monday, 15 April 2019 until close of business on Monday, 13 May 2019 and allows submissions for 42 days from Monday, 15 April 2019 until close of business on Monday, 27 May 2019 ..."

Council must adopt a new Code of Meeting Practice by 14 June 2019.

Under section 361 of the LGA, Council must exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code. Due to the Easter period, the exhibition and submission period was from 23 April to 4 June 2019. No submissions were received.

RECOMMENDATION:

That Council adopts the Code of Meeting Practice as attached to this report and confirms the following meeting dates and venues for the period 1 July 2019 to September 2020:

PLANNING COMMITTEE		COUNCIL MEETING	
Date	Venue	Date	Venue
4 July 2019*	Murwillumbah		
1 August 2019	Tweed Heads	15 August 2019	Tweed Heads
5 September 2019	Murwillumbah	19 September 2019 %	Murwillumbah
3 October 2019	Tweed Heads	24 October 2019 ^	Tweed Heads
7 November 2019	Murwillumbah	21 November 2019	Murwillumbah
5 December 2019	Tweed Heads	11 December 2019 #	Tweed Heads
2020		2020	
6 February 2020	Murwillumbah	20 February 2020	Murwillumbah
5 March 2020	Tweed Heads	19 March 2020	Tweed Heads
2 April 2020	Murwillumbah	16 April 2020 *	Murwillumbah
7 May 2020	Tweed Heads	21 May 2020	Tweed Heads
4 June 2020	Murwillumbah	18 June 2020	Murwillumbah
2 July 2020**	Tweed Heads		
6 August 2020	Murwillumbah	20 August 2020	Murwillumbah
3 September 2020	Tweed Heads		

NOTE: * No Council Meeting on 18 July 2019.
 % 19 September 2019 will include an Extraordinary Meeting for the election of the Deputy Mayor.
 ^ 24 October 2019 to allow consideration of the Annual Financial Statements.
 # 11 December 2019 given proximity to Christmas Period.
 ** No Council Meeting on 16 July 2020.

REPORT:

Councils are required to adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice prescribed by the Regulation. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.

Council's adopted meeting code may also incorporate the non-mandatory provisions of the Model Meeting Code and any other supplementary provisions adopted by the council.

First Workshop

A workshop was held with Councillors on 27 February 2019 to discuss:

- The new mandatory provisions in the Model Code of Meeting Practice;
- The new non-mandatory provisions in the Model Code of Meeting Practice; and
- The existing supplementary provisions in Council's existing Model Code of Meeting Practice which were historically adopted by Council.

Following the workshop, Councillors were provided with an email dated 15 March 2019 summarising the discussion and action items.

This report sets out a recommendation to adopt the Code of Meeting Practice as set out in Attachment 1.

Second Workshop

At its meeting on 4 April 2019, Council resolved to defer consideration of the Code of Meeting Practice to a workshop. The intent of the workshop was for Councillors to work through amendments proposed by Councillor Milne at the 4 April 2019 meeting.

A workshop was held on 10 April 2019. At that workshop Councillors confirmed the below actions in relation to the proposed amendments. These actions are reflected in the Attachments to this report.

Proposed amendment	Workshop outcome
Timing of ordinary council meetings	
<p>Change clause 3.1 to the following:</p> <p><i>3.1 Council meetings are held at either the Council Chambers Civic and Cultural Centre, Tumbulgum Road, Murwillumbah. Council may resolve to hold Council meetings at the Harvard Room at the Tweed Heads Administration Building, Brett Street, Tweed Heads.</i></p> <p><i>These meetings are open to the public. Confidential items are considered in closed session, which excludes press and public.</i></p>	<p>To reinstate clause 3.1 in Council's existing Code of Meeting Practice.</p>

Proposed amendment	Workshop outcome
<p><i>Council will hold a Planning Committee meeting (comprising all seven councillors) followed by a Council Meeting on the first and third Thursday of the month.</i></p>	
<p>Giving notice of business to be considered at council meetings</p>	
<p>Remove clauses 3.15 and 3.16 (which are non-mandatory).</p>	<p>Update the draft to include the proposed amendment.</p>
<p>Petitions</p>	
<p>In clause 3.33 – Petitions add the following additional clause:</p> <p><i>Council may resolve to accept a petition and outline Council’s preferred action or response in relation to the petition, which could include to receive and note, or request a report or workshop in relation to the petition request and its implications on Council’s adopted Integrated Planning Reporting Framework documents.</i></p>	<p>In Petitions:</p> <p>Amend clause 3.29 to read as follows:</p> <p><i>To qualify as a ‘petition’ there must be at least 20 signatories and email addresses. All signatories must be residents or ratepayers of the Tweed Shire.</i></p> <p><i>Note additional minor consequential amendments were required to give effect to this amendment as status as a resident or ratepayer cannot be ascertained from email addresses.</i></p> <p>Add the following new clause:</p> <p><i>Council may resolve to accept a petition and outline Council’s preferred action or response in relation to the petition, which could include to receive and note, or request a report or workshop in relation to the petition request and its implications on Council’s adopted Integrated Planning Reporting Framework documents.</i></p> <p><i>Note: as a consequence of this amendment, existing clause 3.33 which was inconsistent with this was replaced with the new clause.</i></p>

Proposed amendment	Workshop outcome
<p>Public forum</p>	
<p>Amend clause 4.4 to read as follows:</p> <p><i>If a person applies to speak on a matter that is not an item of business on the agenda or applies to speak on more than one item on the agenda of the council meeting, the general manager, may allow that person to speak if timeslots have not been exhausted by those applying to speak on agenda items.</i></p>	<p>Update the draft to include the proposed amendment.</p>
<p>Amend clause 4.7 to read as follows:</p> <p><i>More than one speaker is permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.</i></p>	<p>Update the draft to include the proposed amendment.</p>
<p>Delete clause 4.8 and make the existing clause 4.9 a new clause 4.8:</p> <p><i>If more than the one speaker applies to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.</i></p>	<p>Delete clause 4.8 and make the existing clause 4.9 a new clause 4.8:</p> <p><i>If more than the one speaker applies to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business. To the extent possible, a balance of speakers 'for' or 'against' any item will be maintained.</i></p>
<p>In section 4.9, add additional wording as follows:</p> <p><i>If the public forum is not fully subscribed, and there is time remaining, the Chairperson may permit additional speakers.</i></p>	<p>In section 4.9, add additional wording as follows:</p> <p><i>If the public forum is not fully subscribed, and there is time remaining, additional speakers may be permitted by a majority vote of the Council.</i></p>

Proposed amendment	Workshop outcome
In clause 4.10 remove all references to the word 'written'.	Update the draft to include the proposed amendment.
Delete clause 4.11 and replace with the following: <i>The order of speakers at the public forum is the order in which applications are received.</i>	Update the draft to include the proposed amendment.
Amend clause 4.12 to read as follows: <i>Each speaker will be allowed five minutes to address the council. An extension of time for up to a further five minutes may be permitted by the Chairperson.</i>	Update the draft to include the proposed amendment.
Amend clause 4.14 to read as follows: <i>A councillor (including the chairperson) may, through the chairperson, ask two questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument. A speaker may ask more than two questions if permitted by the Chairperson.</i>	Update the draft to include the proposed amendment.
Amend clause 4.15 to read as follows: <i>Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker to questions is to be limited to two minutes.</i>	Update the draft to include the proposed amendment.
Order of business	
Delete clauses 8.6 and 8.7 (Order of Business).	Retain the Order of Business with minor modification.
Delete clause 8.12.	Update the draft to include the proposed amendment.

Proposed amendment	Workshop outcome
Motions requiring the expenditure of funds	
Delete clause 9.9.	Update the draft to include the proposed amendment.
Limitations on the number and duration of speakers	
Amend clause 9.21 to read as follows: <i>A councillor must not, without the consent of the Chairperson, speak more than once on a motion or an amendment, or for longer than five minutes at any one time. Where the consent of the Chairperson is given for an extension of time, a councillor may not speak for longer than a further two minutes.</i>	Update the draft to include the proposed amendment.
In clause 9.22 delete the reference to “4 minutes 30 seconds” and replace with “five minutes”.	Update the draft to include the proposed amendment.
Rescinding or altering council decisions	
In clause 16.10 delete the reference to “2pm” to “3pm”.	Retain reference to 2pm.

Public exhibition

Under section 361 of the LGA, Council must exhibit a draft of the Code of Meeting Practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.

Due to the Easter period, the draft Code of Meeting Practice was exhibited and open for submissions from 23 April 2019 and 4 June 2019. No submissions were received during that period.

Adoption considerations

Council's current adopted code of meeting practice remains in effect up until six months from the date on which the new Model Code of Meeting Practice was prescribed, which is 14 June 2019.

If council does not adopt a new code of meeting practice by this date, any provision of council's adopted meeting code that is inconsistent with the mandatory provisions of the Model Code of Meeting Practice prescribed under the Regulation will automatically cease to have any

effect to the extent that it is inconsistent with the mandatory provision of the Model Meeting Code.

Council will be required to webcast meetings of the council and committees of which all members are councillors from 14 December 2019. The webcasting requirement may be met simply by posting an audio or video recording of the meeting on the council's website.

OPTIONS:

1. Approve the recommended Code of Meeting Practice Version 3.0 as set out in Attachment 1.
2. Not approve the recommended Code of Meeting Practice Version 3.0 as set out in Attachment 1.
3. Approve an alternate version of the Code of Meeting Practice Version 3.0.

CONCLUSION:

Adoption of a Model Code of Meeting Practice is required by 14 June 2019.

COUNCIL IMPLICATIONS:

a. Policy:

Updated of Code of Meeting Practice to Version 3.0.

b. Budget/Long Term Financial Plan:

As previously advised the key change arising from the Code of Meeting Practice which will require budget allocation is the installation of equipment to enable webcasting.

c. Legal:

Yes, legal advice has been received.

d. Communication/Engagement:

Inform - We will keep you informed.

Consult - We will listen to you, consider your ideas and concerns and keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Code of Meeting Practice Version 3.0 (ECM 5845772).
