



CITY OF HOBART

AGENDA

Governance Committee Meeting

Open Portion

Tuesday, 28 November 2017

at 5.00 pm

Lady Osborne Room, Town Hall

SUPPLEMENTARY ITEMS

ORDER OF BUSINESS

11	COUNCIL AND COMMITTEES - STRUCTURE AND GOVERNANCE MATTERS.....	2
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11 Council and Committees - Structure and Governance Matters
File Ref: F17/153393

Report of the General Manager of 24 November 2017 and attachments.

Delegation: Council

The General Manager reports:

“That in accordance with the provisions of Part 2 Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*, these supplementary matters are submitted for the consideration of the Committee.

Pursuant to Regulation 8(6), I report that:

- (a) information in relation to the matter was provided subsequent to the distribution of the agenda;
- (b) the matter is regarded as urgent; and
- (c) advice is provided pursuant to Section 65 of the Act.”

REPORT TITLE: COUNCIL AND COMMITTEES - STRUCTURE AND GOVERNANCE MATTERS**REPORT PROVIDED BY:** General Manager**1. Report Purpose and Community Benefit**

- 1.1. The purpose of this report is to address governance matters relating to the conduct of Council and committee meetings.
- 1.2. A clear and effective framework around Council and committee meetings provides good governance of the City and clarity for the community.

2. Report Summary

- 2.1. The report specifically addresses the streamlining of procedures around the following meeting provisions:
 - 2.1.1. public question time;
 - 2.1.2. notices of motions and
 - 2.1.3. deputations and
 - 2.1.4. Questions Without Notice
- 2.2. In addition to these matters, direction is also being sought regarding the potential restructure of Council committees to a strategic/policy focus, in line with the Strategic Plan, which has been the subject of discussion previously.

3. Recommendation***That:***

1. ***The Council consider whether it wishes to vary its current approach to the public question time forum by reducing the notice period currently applying to the lodgement of questions, from seven days clear of both the meeting and lodgement days, to two clear days.***
2. ***In respect to Notices of Motions, the format be changed to include the additional requirement that all NOMs be accompanied by preliminary commentary provided by the General Manager on relevant issues, to potentially allow the subject matter to be dealt with, at the meeting without the requirement for a further report.***
 - 2.1 ***The General Manager's commentary include the status of any action pending, underway or completed and any other matters relevant to the subject matter, including whether a report is required and if so, an estimated timeframe and any foreseen resourcing or cost implications.***

2.2 *In order to facilitate the provision of additional information, the notice period for Notices of Motions be lengthened from the current seven clear days of the intended meeting, to up to ten clear days, depending on the complexity of the topic*

2.2.1 *The Notices of Motions procedures be varied to accommodate this requirement.*

3. *In respect to deputations, the Committee either:*

3.1 *endorse the longstanding practice of deputations being considered where a report relating to the subject of the deputation appears on the relevant committee agenda; or*

3.2 *endorse the discretion of committee chairmen to consider a deputation to address a meeting, without the need to include a report on the agenda for the meeting.*

4. *Direction be provided in respect to whether the Council wishes to pursue the strategic realignment of its existing committee structure.*

4.1 *In the event that the Council wishes to revisit this matter, a further Council workshop be convened at the earliest opportunity to facilitate discussion.*

4. Background

4.1. The Committee will recall considering changes to the governance framework around the delivery of its Council and committee meetings, which occurred in September 2016.

4.2. This arose as the result of a desire to reduce the number of days on which committee meetings, workshops and briefings were scheduled each month and a view that the business of Council could be more efficiently processed over a number of "sitting" days.

4.3. In addition, Aldermen wished to consider possible improvements to the governance of procedural matters associated with Council and committee meetings, such as public question time, notices of motions and deputations.

4.4. These matters were discussed at a workshop conducted on 21 May 2016, with a report subsequently being submitted to the Governance Committee and Council in September 2016.

4.5. The Council deferred the matter to enable further consideration.

5. Proposal and Implementation

5.1. Given difficulty in scheduling a suitable time for a follow-up workshop on the Council committee structure, the opportunity has been taken to report to the Committee on the governance matters referred to above, which were also discussed at the workshop.

5.1.1. Public Question Time:

- 5.1.1.1. The Local Government (Meeting Procedures) Regulations 2015 (The Regulations) require that at least fifteen minutes of an ordinary Council meeting are to be provided for questions from the public, if required.
- 5.1.1.2. The rules for Public Question Time which have been adopted by the Council are shown in Attachment A to this report.
- 5.1.1.3. The Council has adopted a condition requiring that questions are to be submitted in writing, seven days clear of the day of the meeting and the day of submission.
- 5.1.1.4. Whilst this allows time for preparation of an immediate response to questions asked, the lead-time may be considered by some members of the community to be overly bureaucratic and an impediment to public participation.
- 5.1.1.5. The Committee may wish to consider reducing the lodgement period for questions to two clear days which would move the lodgement day from Sunday week prior to a Monday Council, to Friday prior to a Monday meeting.
- 5.1.1.6. This is allowable under the Regulations as the timeframe around lodgement is not mandated.

5.1.2. Notices of Motions:

- 5.1.2.1. The framework for Aldermanic Notices of Motions (NOMs) is contained in the Council's policy on Meeting Procedures and Guidelines. An extract is shown as Attachment B.
- 5.1.2.2. Currently the approved process requires a report from the General Manager regarding the Council's jurisdiction of the subject matter of a motion.
- 5.1.2.3. If the General Manager's report was to be expanded to include commentary on relevant issues associated with each motion, this would assist committees and Council in their decision making process, and could in some instances result in a decision without the need for further reporting.
- 5.1.2.4. The information provided by the General Manager could include the status of any action pending, underway or completed; whether a further report would be required and if so, estimated report back

timeframes; cost or resourcing implications and any other issues relevant to the subject matter of the NOM.

- 5.1.2.5. If the Committee and Council were in favour of such an approach, the timeframe for the lodgement of NOMs would need to be lengthened from the current seven clear day period, to up to ten clear days, to enable preparation of the additional information.
- 5.1.2.6. The Notices of Motions procedures would be varied to accommodate this.

5.1.3. Deputations:

- 5.1.3.1. The Council has adopted the following procedures with respect to deputations:
- 5.1.3.2. *Any person who wishes to make a deputation to a committee may be requested to provide a written request to the chairman setting out:*
 - (i) *The likely members of the delegation;*
 - (ii) *The purpose of the request;*
 - (iii) *The nature of the matter or matters intended to be placed before the committee.*
 - (iv) *The committee chairman is to decide whether or not the deputation is to be received.*
 - (v) *If the chairman decides that the deputation is to be received, the chairman is to inform the General Manager to note the item on the appropriate agenda;*
- 5.1.3.3. *A deputation:*
 - (i) *Is not to exceed three persons*
 - (ii) *Is to be limited in duration to five minutes.*
- 5.1.3.4. Although not a policy position of the Council, it has been longstanding practice for requests or invitations for deputations to be considered by the committee chairman where an item appears on the agenda relating to the subject of the deputation, on the basis that some form of action is usually being sought.
- 5.1.3.5. In addition, the Regulations specify that *a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.*
- 5.1.3.6. An alternative viewpoint has been expressed, that there may be merit in inviting or accepting requests

for deputations to address a committee in circumstances where there may not be a specific item listed on the meeting agenda.

- 5.1.3.7. The Committee and Council will be asked to determine its preferred approach on this matter to provide clarity going forward.

5.1.4. Questions Without Notice:

- 5.1.4.1. The Governance Committee considered the memo shown as Attachment C to this report at its meeting held on 5 April 2016.
- 5.1.4.2. The matter was subsequently deferred by the Council for further discussion together with other procedures associated with Council and committee functions, which are addressed within this report.
- 5.1.4.3. Attached to the memo are guidelines for dealing with questions without notice which provide clarity around the nature and purpose of both questions and notices of motions, together with timeframes for the provision of responses to questions.
- 5.1.4.4. It is recommended that the guidelines be adopted.

5.1.5. Council Committee Structure:

- 5.1.5.1. Further to these governance matters, the Council's guidance is also requested in relation to the review of Council's committee structure.
- 5.1.5.2. Subsequent to discussion at an Aldermanic workshop, the following restructured committee framework was proposed in a report provided to the Governance Committee meeting of 6 September 2016:

Strategic Plan Priority Area	Existing Committee Alignment
Economic Development, Vibrancy and Culture	Economic Development and Communications Community Culture and Events (part thereof)
Urban Management	City Infrastructure (part thereof) Parks and City Amenity (part thereof)
Environment and Natural Resources	City Infrastructure (part thereof) Parks and City Amenity (part thereof)
Strong, Safe and Healthy Communities	Community Culture and Events (part thereof)
Governance	Governance

- 5.1.5.3. This alternative alignment was structured around Council's Strategic Plan Priorities in order to reflect a strategic policy focus for committees.
- 5.1.5.4. Under this model the statutory planning authority role of the City Planning Committee would remain in place.
- 5.1.5.5. In addition to the change in committees, the monthly meeting schedule was reworked in order to reduce the number of meeting days from ten to six per month; comprising two Council and City Planning meetings and two "sittings" to accommodate the business of the five restructured committees.
- 5.1.5.6. The proposed schedule appears as Attachment D to this report.
- 5.1.5.7. Given that the matter presently stands deferred, I seek the Council's guidance as to whether it wishes to give further consideration to the issue at this point in time.
- 5.1.5.8. In the event that this is the case, a further workshop will be convened at the earliest opportunity.
- 5.1.5.9. Alternatively, the Council may wish to wait until the completion of the visioning project which is currently underway to formulate a community-generated city vision to replace *Hobart 2025*.
- 5.1.5.10. It is anticipated that the results of this project will be formulated in the new-year.

6. Strategic Planning and Policy Considerations

- 6.1. This report addresses the current procedures around the management of public question time; notices of motions and deputations and canvasses a number of potential variations to the current framework which may increase access by the community, whilst also continuing to provide good governance.
- 6.2. In addition, guidance is being sought in relation to the strategic review of the Council's committee structure and scheduling.

7. Financial Implications

- 7.1. Funding Source and Impact on Current Year Operating Result
 - 7.1.1. There are no financial implications on the operating budget from this report.

8. Legal, Risk and Legislative Considerations

- 8.1. No legal implications arise from this report.

9. Community/Stakeholder Consultation

- 9.1. The opportunity for community interaction at Council and committee meetings is largely dictated by the Regulations, specifically through deputations and public question time provisions.
- 9.2. The Council currently accepts public questions in written format with seven clear days' notice.
 - 9.2.1. If the Council was to substantially reduce the notification period it may result in more community participation.

10. Delegation

- 10.1. This matter is delegated to the Council.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



N.D Heath
GENERAL MANAGER

Date: 24 November 2017
File Reference: F17/153393

Attachment A: Public Question Time Procedures ↓
Attachment B: Notices of Motions Procedures ↓
Attachment C: Questions Without Notice Procedures ↓
Attachment D: Revised Meeting Schedule ↓



PUBLIC QUESTION TIME PROCEDURES

In accordance with the Local Government (Meeting Procedures) Regulations 2015, the Council conducts a Public Question Time Forum to enable members of the public to ask question on Council related matters.

A period of 15 minutes, if required will be set aside at the beginning of each ordinary Council meeting to conduct Public Question Time.

The Chairman may invite any member of the public present at a meeting to ask questions relating to activities of the Council, subject to the provisions of clause 2 below.

1. Once Question Time commences the Chairman will determine the order in which questions are heard.
2. Questions may relate to any business of the Council capable of being discussed in the open portion of the meeting, and which is not listed as an item for consideration on the agenda for the Council meeting.
3. Members of the public proposing a question are required to be present at the Council meeting at which their question is to be read. Where a person submits a question for Public Question Time but fails to attend the meeting, the question will be treated as general correspondence and a written response will be provided at the earliest opportunity.
4. A person asking a question, when called upon by the Chairman is requested to:
 - Stand
 - State their name and
 - Read their question
5. The Chairman retains the right to accept or decline questions and to determine if the question is to be answered at the meeting by the appropriate Alderman or employee, or written down and taken on notice. The decision to take the question on notice may also be taken by the Alderman or employee to whom the question is directed. Questions taken on notice will be answered at a later meeting.
6. The Chairman may rule a question inappropriate, and thus inadmissible if in his or her opinion it has already been asked, is unclear, irrelevant, insulting, improper or relates to any matter which would normally be discussed in the closed portion of the meeting as defined in the Local Government (Meeting Procedures) Regulations 2015.
7. Public Question Time Forums will be limited to a maximum of 15 minutes in duration and will be declared closed following the expiration of the allocated time period, or where all valid questions have been dealt with, whichever is the sooner.
8. Each question is to be asked by the proponent who will be allowed a maximum of three minutes in which to put the question.
9. The Chairman will not allow any discussion or debate on either the question or the response.
10. Where a person proposes more than one question at any one forum, and there are a number of persons wishing to lodge questions, the Chairman may take the questions in such order so as to hear as many members of the public as practical during the time allocated.
11. The minutes of the Council meeting will contain a summary of each question asked by members of the public and the response given.
12. Members of the public are advised that no reliance should be placed on any verbal answer given during Public Question Time. Before relying on any answer, members of the public are required to receive a response in writing from the Council.



PUBLIC QUESTION TIME REGISTRATION FORM

I
of

advise that I wish to ask the following question at the Council Meeting to be held on

.....

Question:

.....

.....

.....

.....
Questions must reach the Council by no later than 5.00 pm on the day, seven days* prior to the day of the meeting at which they are to be read.

*This period includes Saturdays, Sundays and public holidays but does not include, the day on which the question is provided and the day of the meeting

Members of the public are advised that no reliance should be placed on any verbal answer provided during Public Question Time. Before relying on any answer, members of the public are required to receive a response in writing from the Council.

Declaration:

I have read and understood the Public Question Time procedures attached, and I agree to abide by them.

Signature.....*Date*.....

Contact details:

LODGEMENT DETAILS – FOR OFFICE USE ONLY

Lodged with the Hobart City Council on:

Date Received.....***Time***.....

Received by (please print).....

All questions and enquiries should be directed to Margaret Johns on phone 6238 2720

EXTRACT FROM COUNCIL POLICY: MEETINGS PROCEDURES AND GUIDELINES**NOTICES OF MOTIONS**

In accordance with the resolution of the Council dated 14 February 2012 and 8 October 2012, the following procedures apply in respect to the lodgement of Notices of Motions (NoMs), pursuant to Section 16 of the *Local Government (Meeting Procedures) Regulations 2015*:

1. All NoMs be submitted on the agenda of the relevant Council committee, in accordance with the committees' Terms of Reference, unless the Alderman submitting the Motion deems the matter to be urgent and therefore requiring determination prior to the next scheduled ordinary meeting of the relevant committee, in which case the Motion may be submitted directly to the Council where the following process shall apply:
 - (i) The Council, upon considering a NoM deemed urgent by the proponent is firstly to ratify by resolution that such a Motion is urgent, prior to considering the substance of the Motion.
 - (ii) Should the Council determine that the Motion is not urgent, the Motion may not be further debated but be subsequently referred to the next ordinary meeting of the appropriate committee for consideration.
2. Whether a Notice of Motion be won or lost at a committee meeting, the Motion will be referred to the Council for consideration where the normal rules of debate shall apply.
3. When a Notice of Motion is debated at Council, Aldermen may speak to a motion for no longer than three minutes with no extensions of time being granted.
4. Should an Alderman proposing a Notice of Motion not be a member of the committee considering the Notice of Motion, the Alderman is to become a supernumerary member of that committee, solely for the purposes of moving and resolving their Motion.
5. The General Manager is to provide qualification as to whether the substance of a NoM resides within the jurisdiction of the Hobart City Council.

GC Agenda 5/4/2016

Supplementary Item No. 14



HJS

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1 April, 2016

MEMORANDUM: GOVERNANCE COMMITTEE**TIMELINESS OF RESPONSES TO QUESTIONS WITHOUT NOTICE**

Both open and closed agendas for all Council committee meetings provide for Questions without Notice.

An Alderman has raised a concern about the timeliness of responses provided to Questions without Notice.

The current procedures, as outlined on the committee agenda, do not contain any reference to timing for the receipt of responses.

If the purpose of a Question without Notice is to obtain information of a factual nature which requires minimal research or investigation, there should be no reason why a response cannot be provided within the normal monthly meeting cycle.

This would mean that for all committees, except City Planning, which meets twice a month, responses to questions raised would be included on the next ordinary meeting of the committee at which the question was asked. In the case of City Planning, a response would be provided within two meetings.

The procedures for questions with notice have been amended to reflect this timeframe (Attachment A).

It is expected that any matter which requires detailed research or investigation, interpretation and analysis, and/or officer advice for Council consideration should be dealt with as a notice of motion.

The definition of a question without notice has also been articulated in the proposed amendments to the procedures. The support of Committee chairmen will be sought in not accepting questions without notice that do not meet this definition. Where necessary, the General Manager or relevant Director can provide advice to the Chairman in this regard.

MISSION ~ TO ENSURE GOOD GOVERNANCE OF OUR CAPITAL CITY



Created: 17/12/2012 Updated: 01/04/2016

memo questions without notice april16.doc

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A list of all questions without notice is regularly updated and appears on Council Dashboard under 'General Aldermanic Information'.

RECOMMENDATION*That:*

The Council endorse amendments to procedures for Questions without Notice at Council Committee meetings as outlined in Attachment A to this memorandum.



(Heather Salisbury)

DEPUTY GENERAL MANAGER

Attachment A

Amended questions without notice procedure

GC Agenda 5/4/2016

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Attachment A**QUESTIONS WITHOUT NOTICE – FILE REF: 13-1-10**

Pursuant to Section 29 of the Local Government (Meeting Procedures) Regulations 2015, an Alderman may ask a question without notice of the Chairman, another Alderman or the General Manager or the General Manager's representative in accordance with the following procedures endorsed by the Council on 10 December 2012:

1. The chairman will refuse to accept a question without notice if it does not relate to the Terms of Reference of the Council committee at which it is asked.
2. The purpose of a question without notice is to obtain information of a factual nature which requires minimal research/investigation. Any matter which requires detailed research or investigation, interpretation and analysis and/or officer advice for Council consideration should be dealt with as a Notice of Motion and will not be accepted by the Chairman as a question without notice.
3. In putting a question without notice, an Alderman must not:
 - (i) offer an argument or opinion; or
 - (ii) draw any inferences or make any imputations – except so far as may be necessary to explain the question.
4. The chairman must not permit any debate of a question without notice or its answer.
5. The chairman, Aldermen, General Manager or General Manager's representative who is asked a question without notice may decline to answer the question, if in the opinion of the intended respondent it is considered inappropriate due to its being unclear, insulting or improper.
6. The chairman may require an Alderman to put a question without notice, to be put in writing.
7. Where a question without notice is asked at a meeting, both the question and the response will be recorded in the minutes of the meeting.
8. Where a response is not able to be provided at the meeting in relation to a question without notice, the question will be taken on notice and
 - (i) the minutes of the meeting at which the question is put will record the question and the fact that it has been taken on notice.

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- (ii) a written response will be provided to all Aldermen, as expeditiously as possible and at the latest within the monthly committee cycle for the committee at which it was asked.
- (iii) upon the answer to the question being circulated to Aldermen, both the Question and the Answer will be listed on the agenda for the next ordinary meeting of the committee at which it was asked (except in the case of the City Planning Committee where it will be within two meetings), whereat it be listed for noting purposes only, with no debate or further questions permitted, as prescribed in Section 29(3) of the Local Government (Meeting Procedures) Regulations 2015.

Proposed Monthly Meeting Schedule – Based Around Alternate Committee and Council Sitting Days

Week 1		
Monday	Committee of the whole Council considering the following Strategic Priority areas: <ul style="list-style-type: none"> • Economic Development, Vibrancy and Culture • Strong, Safe and Healthy Communities • Governance 	Sitting commences at 5.00pm Opportunities for briefings and Aldermanic Workshops also
Tuesday	City Planning Committee Meeting	Commences at 5.00pm
Week 2		
Monday	Council Meeting	Commences at 5.00pm
Week 3		
Monday	Committee of the whole Council considering the following Strategic Priority areas: <ul style="list-style-type: none"> • Urban Management • Environment and Natural Resources • Governance 	Sitting commences at 5.00pm Opportunities for briefings and Aldermanic Workshops also
Tuesday	City Planning Committee Meeting	Commences at 5.00pm
Week 4		
Monday	Council Meeting	Commences at 5.00pm