

Report to the Future Melbourne Committee**Agenda item 6.7****Governance Rules Amendment – Consideration of Community Feedback****22 November 2022****Presenter:** Michael Tonta, Director Governance**Purpose and background**

1. Council adopted its Governance Rules on 25 August 2020 in line with Section 60 of the *Local Government Act 2020*. The Rules were mostly recently amended in August 2022 to formalise electronic/online meeting provisions.
2. At its meeting of 27 September 2022 Council passed a resolution proposing Council release significant and complicated reports early, to allow members of the public time to read and consider their contents. A copy of the Notice of Motion that led to the resolution is at attachment 4.
3. The purpose of this report is to consider feedback on the proposed amendment (Amendment) to the Governance Rules following a period of internal and community consultation through Participate Melbourne.

Key issues

4. Currently reports for Council and Delegated Committee meetings, other than confidential reports, are published on Council's website at 2pm on the Thursday prior to a Tuesday meeting. Council's resolution of 27 September was in response to Councillors having received requests for longer notice periods for Council reports to allow members of the public time to read and consider their contents.
5. The Amendment proposes to extend the period of time that certain Delegated Committee and Council Meeting reports are publicly available from five days to 11 days. The Amendment is intended for reports that have substantial and/or far reaching impacts on the community, such as planning scheme amendments, heritage reviews, new council policies and plans and local laws changes. It is accepted that strict compliance may not always be possible, but the Amendment sets a new standard notice period for these reports.
6. Through the Community Engagement Policy, Council has committed to communicate in a clear and timely manner so the community can easily understand and participate in council decision making. The proposed Amendment supports the principles of the policy, and community engagement practice.
7. Community consultation was undertaken on the proposal. 14 people responded - 13 through Participate Melbourne, and one anonymous email submission. 86 per cent of the respondents supported the Amendment. A summary of the community engagement is provided as attachment 3.
8. Feedback was also sought from internal stakeholders. The feedback identified difficulties in preparing for and announcing Council initiatives two weeks prior to a meeting given the extended time between announcement and consideration, and noted that media and communications material from up to three meetings will be live at the same time. Additional stakeholder management concerns were raised as the overlap in release dates would result in agenda items not being considered or endorsed at the next scheduled Council meeting – but the one after.

Recommendation from management

9. That the Future Melbourne Committee:
 - 9.1. Receives the feedback provided through the community engagement process on the proposed amendment to the Council's Governance Rules to release significant and complicated reports early, and thanks those people who have provided feedback.
 - 9.2. Notes a report will be presented to the Council Meeting of 13 December 2022 for consideration of adoption of the amended Governance Rules.

Attachments:

1. Supporting Attachment (Page 2 of 6)
2. Proposed Governance Rules amendment (Page 3 of 6)
3. Community Consultation Summary (Page 4 of 6)
4. Notice of Motion: Cr Leppert: Notice periods for significant reports (Page 5 of 6)

Supporting Attachment

Legal

1. The Governance rules are made under section 60 of the *Local Government Act 2020*. The Council cannot delegate the power to amend the Governance Rules.

Finance

2. Council and Committee Meetings are funded from Council's operational budgets..

Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Health and Safety

4. In preparing this report, no Occupational Health and Safety issues or opportunities have been identified.

Stakeholder consultation

5. Consultation was undertaken through a survey on Participate Melbourne. Details were emailed to the mailing list of those subscribed to receive information regarding City of Melbourne's Council and Committee meetings. A public notice was issued on the website and on the Town Hall noticeboard. The community engagement report is provided as attachment 3. Internal consultation was undertaken through meetings with relevant departments and internal stakeholders.

Relation to Council policy

6. The Governance Rules is a statutory document required under the Local Government Act 2020.

Environmental sustainability

7. There is no significant sustainability impact arising from the recommendation in this report.

Proposed amendment to the Governance Rules



Amend Rule 8 of Chapter 2 of the Governance Rules by adding the underlined text and deleting the struck-through text:

8. Availability of Council meeting documentation

- 8.1. Council meeting documentation, other than documentation described in Rules 8.2 and 8.3:
- 8.1.1. will be circulated internally to Councillors and executives six days prior to a scheduled meeting
 - 8.1.2. will be available to members of the public electronically, via Council's website, and in hard copy (on request), from 2pm five days prior to a scheduled meeting.
- 8.2. Reports to Council meetings which fit the description in Rule 8.3:
- 8.2.1. will be circulated internally to Councillors and executives 13 days prior to a scheduled meeting
 - 8.2.2. will be available to members of the public electronically, via Council's website, and in hard copy (on request), from 2pm 12 days prior to a scheduled meeting
 - 8.2.3. if they follow a dedicated public consultation process, will be circulated electronically to any person who made a formal submission as part of that public consultation process, by 2pm 11 days prior to a scheduled meeting.
- 8.3. The Reports to Council meetings subject to Rule 8.2 are those which fall under the Reports section of the agenda (Rule 15.6) and which:
- 8.3.1. Recommend initiating, or referring to a panel or advisory committee, or adopting, a planning scheme amendment, unless that planning scheme amendment is site-specific, or is exempt (or is proposed to be exempt) from the public notice provisions of the *Planning and Environment Act 1987*
 - 8.3.2. Recommend endorsing a draft for public consultation, or endorsing a final version of, a Structure Plan, strategy, plan, or policy, other than the Annual Budget and Annual Plan
 - 8.3.3. Are nominated by the Chief Executive Officer on the basis that they are suited to a longer notice period, but are not otherwise captured by this Rule.
- 8.4. Where it has not been possible to comply with the timelines set out in 8.1 or 8.2, the Chief Executive Officer or delegate will provide the meeting with reasons for the late distribution.
- 8.25 Council may, on occasion, be unable to comply with Rules 8.1 and 8.2 where the meeting is a special meeting.

Community Engagement Report – Governance Rules amendment November 2022

Purpose of the community engagement and what we asked the community

The community engagement was undertaken to allow for interested members of the community to have their say on the proposed amendment. The feedback will be considered at a meeting of the Future Melbourne Committee (FMC) prior to the amendment going before Council for final adoption on 13 December 2022.

The consultation asked whether or not community members supported the proposed amendment and then gave an opportunity for respondents to explain why or why not. Respondents were also asked if they wished to speak to their feedback at the FMC meeting on 22 November 2022 where the feedback is to be considered. There will also be an opportunity for members of the public to make written/verbal submissions to the FMC report itself.

How we promoted the community engagement and involved community in the conversation

A survey was made available on Participate Melbourne along with background information relating to the proposal.

The Participate Melbourne details were emailed to the mailing list of those subscribed to receive information regarding City of Melbourne's Council and Committee meetings.

A public notice was issued on the City of Melbourne public website and on the noticeboard at front of the Melbourne Town Hall.

Who we reached and participated

14 people responded - 13 through Participate Melbourne, and one anonymous email submission.

What we heard

86% of the respondents supported the amendment.

Three respondents who supported the amendment offered further feedback on what more could be done to meet the wants of the community on this matter. E.g. 11 **business** days instead of 11 days, and the change to not include weekends/public holidays. Concerns were also raised about the certainty that reports will be released earlier due to wording in the proposal such as "where possible" and "some reports".

Melbourne City Council

Agenda item 7.1

27 September 2022

Notice of Motion, Cr Leppert: Notice periods for significant reports**Motion**

That Council commences a process to amend the Governance Rules by undertaking community consultation on the proposal in the attachment to the notice, and considers a report setting out any public feedback and a final proposal by no later than the 13 December 2022 Council meeting.

Background

The Council's Community Engagement Policy¹ includes the following principles:

We will communicate in a clear and timely manner so our community can easily understand what we are asking, what level of influence they have and how it will impact them.

We will report back to our community on what we did and what we heard during consultation via Participate Melbourne and other relevant channels, as well as ensuring that those who have formally engaged in consultation processes are informed when a decision will go to Council to be endorsed.

Everyone has a right to be involved in decisions that affect where and how they live. Everyone should feel supported and comfortable to have their say in council decision making.

The Governance Rules² provide that, for all Council and Delegated Committee meetings, reports be distributed to Councillors on the Wednesday prior to a Tuesday Ordinary meeting, and, other than for confidential reports, be published by 2pm on the Thursday prior to a Tuesday Ordinary Meeting.

Councillors have received an increasing number of requests for longer notice periods for Council reports in recent years. Previously, Council has endeavoured to release significant and complicated reports early, to allow members of the public time to read and consider their contents, however this practice was not codified and has been inconsistent.

The proposal seeks to define a class of reports to be subjected to an extra week's notice. It is accepted that strict compliance may not always be possible, but the motion sets a new standard notice period for these reports.

The purpose of the motion is to ensure that councillors and members of the public, and especially anyone with a particular interest, have had adequate opportunity to read and consider the contents of significant reports prior to a decision being taken.

The additional notice period is not to be taken as a substitute for public consultation. Significant reports detailing new strategies, plans, policies and planning scheme amendments will generally have been the subject of separate public consultation processes. As such, Council will need to ensure that the extra notice period is not used to create unfair advantages to one interested party over another.

The motion seeks a report setting out a final proposal and any public feedback by no later than the 13 December 2022 Council meeting. This will ensure that the administration has adequate time to prepare for any new arrangements for the new year.

Mover: Cr Rohan Leppert

Seconder: Cr Philip Le Liu

¹ <https://www.melbourne.vic.gov.au/SiteCollectionDocuments/community-engagement-policy.pdf>

² <https://www.melbourne.vic.gov.au/sitecollectiondocuments/governance-rules.pdf>

Attachment

Proposal to amend the Governance Rules

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8.2. Reports to Council meetings which fit the description in Rule 8.3:

8.2.1. will be circulated internally to Councillors and executives 13 days prior to a scheduled meeting

8.2.2. will be available to members of the public electronically, via Council's website, and in hard copy (on request), from 2pm 12 days prior to a scheduled meeting

8.2.3. if they follow a dedicated public consultation process, will be circulated electronically to any person who made a formal submission as part of that public consultation process, by 2pm 11 days prior to a scheduled meeting.

8.3. The Reports to Council meetings subject to Rule 8.2 are those which fall under the Reports section of the agenda (Rule 15.6) and which:

8.3.1. Recommend initiating, or referring to a panel or advisory committee, or adopting, a planning scheme amendment, unless that planning scheme amendment is site-specific, or is exempt (or is proposed to be exempt) from the public notice provisions of the *Planning and Environment Act 1987*

8.3.2. Recommend endorsing a draft for public consultation, or endorsing a final version of, a Structure Plan, strategy, plan, or policy, other than the Annual Budget and Annual Plan

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~~8.2.5.~~ Council may, on occasion, be unable to comply with Rules 8.1 and 8.2 where the meeting is a special meeting.