

Management report to Council

Agenda item 6.3

Recommendations for the Night-time Economy Advisory Committee membership

Council

Presenter: Katrina McKenzie, General Manager City Economy and Activation**27 April 2021****Purpose and background**

1. Melbourne's night-time economy remains significantly impacted by COVID-19. Payroll data indicates the ongoing impact on the Victorian accommodation and food sector, with 10.5 per cent jobs lost since the start of the pandemic (as at 27 March 2021). Density restrictions on non-seated areas continue to impact the viability of live music venues.
2. In addition, there are fewer people in the city, particularly at night. Night-time pedestrian activity in the city remains 50 to 60 per cent lower than pre-pandemic levels (as at 31 March 2021). There are fewer visitors coming into the city at night, with the hotel occupancy rate of central Melbourne at 32.6% throughout February 2021, a 60 per cent decline compared to February 2020 (STR as at 11 March 2021). In addition, there are fewer international students and residents living and studying in the city. Pre-COVID, international students represented 39 per cent of Carlton residents, 38 per cent of CBD residents, 15 per cent of Southbank residents and 14 per cent of Docklands residents. There are also approximately 4,000 more vacant apartments advertised for rent in the CBD, Southbank, Docklands, Carlton and North Melbourne compared to March 2020 (REA Group as at 15 April 2021).
3. In recognition of the importance of the Night-time economy to Melbourne's economic recovery, Council endorsed the creation of a Night-time Economy Advisory Committee on 15 December 2020.
4. The terms of reference for the Night-time Economy Advisory Committee outline the role of the committee in providing advice to Council on the growth and sustainability of the Night-time economy, providing feedback on proposed City of Melbourne initiatives that support the Night-time economy and contributing to City of Melbourne decision-making with data and expertise. The terms of reference were adopted by the Future Melbourne Committee on 2 February 2021 (refer Attachment 2).
5. Expressions of interest for external members of the Night-time Economy Advisory Committee were sought from 3 February to 26 February 2021. A total of 91 applications were received.
6. This purpose of this report is to seek endorsement for the recommendations for the Night-time Economy Advisory Committee membership.

Key issues

7. Expressions of interest were sought to capture a cross-section of the community including:
 - 7.1. Melbourne based night-time economy sector organisations, including peak bodies and those working with demonstrated local, national and international networks.
 - 7.2. Professional artists, musicians and or producers participating and active in entertainment, music or events sector development, policy, and or advocacy.
 - 7.3. Live music, entertainment, events and hospitality venue operators, based in the municipality.
 - 7.4. Shopping centres and retail precincts, based in the municipality.
 - 7.5. Professionals and entrepreneurs from related sectors who can provide extensive and relevant global perspectives and knowledge.
8. All applications were assessed against the following criteria: sector experience, understanding of key issues and opportunities facing the sector, proven ability to collaborate, and passion for Melbourne's Night-time economy.
9. The application process captured a very high calibre of applicants and the recommended committee members are exceptionally knowledgeable and experienced.

10. A total of 13 external applicants are recommended for external committee membership, including the committee chair: James Young (Chair), Simon Abrahams, Patrick Donovan, Angie Giannakodakis, David Haberfeld, Virginia Lovett, Jackie Middleton, Penny Miles, Matt Mullins, Kenneth Ngov, Lauren O'Dwyer, Liz Grossi Rodriguez, and Andrew Walsh (refer Attachment 3).
11. In addition to being highly experienced, with expertise and understanding of the night time economy and potential opportunities, the committee membership is consistent with the City of Melbourne's Diversity Policy. Of the 13 recommended external committee members:
 - 11.1. Seven identify as male (54 per cent), five as female (38 per cent), with one preferring to not say (8 per cent).
 - 11.2. Five identify from culturally and linguistically diverse backgrounds (38 per cent).
 - 11.3. Three identify as part of the LGBTIQ community (23 per cent).
 - 11.4. One identifies as Aboriginal and/or Torres Strait Islander (8 per cent).
12. In addition to the 13 external committee members:
 - 12.1. Two Councillors are to be appointed to the Night-time Economy Advisory Committee.
 - 12.2. One member has been sought from the Victorian Government to maximise the collaboration between the Council and government to ensure the ongoing prosperity of the city's night-time economy sector.
 - 12.3. Two applicants from the university sector are recommended to be involved in the committee on an ex-officio basis to provide expert advice to committee members: Nicole Kalms and Michele Acuto (refer Attachment 3).
13. All members of the Committee will be:
 - 13.1. appointed for a one year term commencing from the first meeting, with an option to extend the Committee's tenure subject to Council approval;
 - 13.2. required to adhere to the Night-time Economy Advisory Committee Terms of reference (refer Attachment 2) and the Night-time Economy Advisory Committee Code of Conduct (refer Attachment 4);
 - 13.3. expected to act with due care, however they are not fiduciaries charged with fiduciary duties and responsibilities.
14. There are no financial implications of the Night-time Economy Advisory Committee as no member of the Committee will incur any expense in relation to his or her activities as a member of the Committee, without the prior approval of Council's nominated officer.
15. The Committee has no binding decision making authority or executive function in the context of City of Melbourne activities, operations or obligations.
16. The Night-time Economy Advisory Committee will meet will at a minimum of six times per year, with the first meeting to be scheduled in early June 2021.

Recommendation from management

17. That Council:
 - 17.1. Endorses the recommendations for the Night-time Economy Advisory committee membership.
 - 17.2. Endorses the Night-time Economy Advisory Committee Code of Conduct.
 - 17.3. Notes the Night-time Economy Advisory Committee Terms of Reference will be updated to reflect the recommendations for committee membership.

Attachments:

1. Supporting attachment (Page 3 of 13)
2. Night-time Economy Advisory Committee Terms of Reference (Page 4 of 13)
3. Night-time Economy Advisory Committee recommendations for membership (Page 8 of 13)
4. Night-time Economy Advisory Committee Code of Conduct (Page 9 of 13)

Supporting Attachment

Legal

1. There are no direct legal implications for Council in the recommendation of this report.

Finance

2. No significant implications arise from the recommendations contained in this report.

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 developing this proposal, no Occupational Health and Safety issues or opportunities have been identified.

Stakeholder consultation

5. A public expression of interest process was open for 4 weeks between 3 and 26 February 2021. Experts were sought from across the following five industry and community sectors: live music, entertainment, events and hospitality venue operators, based in the municipality; Melbourne based night-time economy sector organisations; professional artists, musicians and or producers participating and active in entertainment, music or events sector development, policy or advocacy; professionals and entrepreneurs from related sectors who can provide extensive and relevant global perspectives and knowledge; and shopping centres and retail precincts, based in the municipality. A total of 91 applications were received.

Relation to Council policy

6. Appointments to Advisory Committees, Bodies and Boards of Subsidiary Companies aim to ensure that opportunities for new or replacement appointments are made in accordance with the Diversity Policy and represent a broad cross-section of the community. For the purposes of the Policy, diversity includes gender, age, ethnicity and cultural background.

Environmental sustainability

7. In developing the Night-time Economy Advisory Committee, environmental sustainability issues have been considered and no direct issues were identified.

Night-time Economy Advisory Committee terms of reference

Background

Prior to COVID-19, Melbourne had Australia's fastest growing Night-time economy. Research from the Council of Capital City Lord Mayors estimated the 2018 Night-time economy in Melbourne contributed \$3.5 billion in annual turnover and represented over 31,000 jobs.

COVID-19 has disproportionately impacted the growth of the Night-time economy due to government policy settings such as the night-time curfew, restrictions on trade for nightclubs and ongoing venue density limits. The Night-time economy is also comprised of the sectors with significant COVID-19-related job losses, including accommodation, hospitality, theatre, arts and retail.

The City of Melbourne is committed to ensuring the Night-time economy not only recovers, but continues with a positive growth trajectory. The recovery effort needs to be coordinated, timely, informed, considered and consistent with the best interests of the city's stakeholders, residents, businesses, workers and visitors.

The City of Melbourne is responsible for the effective discharge of its duties under the Local Government Act and other relevant legislation. In upholding these duties, the Council is supported, where necessary and appropriate, by support from advisory committees.

With respect to the COVID-19 pandemic, this support can be sought through an external advisory committee to provide advice on economic recovery matters. The establishment of a Night-time Economy Advisory Committee (the Committee) will help shape the role of the City of Melbourne in future recovery efforts and is consistent with City of Melbourne governance principles.

Purpose and objectives

The purpose of establishing the Committee is to ensure the City of Melbourne harnesses strategic input from relevant industry and government representatives to ensure that the city economy responds to the impacts of COVID-19 on the central city.

Council wishes to formally engage with Night-time sector representatives to provide strategic advice and direction about the growth and sustainability of this important element of our city.

The Committee will provide a collaborative platform for exchange and consultation between Council and the Night-time economy sector to respond to COVID-19 and advance the Council plan and its agreed goals.

In conducting its work, the committee will consider the United Nations Sustainable Development Goals to ensure the future we build is prosperous and sustainable for all.

Role and responsibilities

The role of the Committee is to:

- Provide advice to the City of Melbourne on the growth and sustainability of the Night-time Economy;
- Provide feedback on proposed City of Melbourne initiatives that support the Night-time Economy; and
- Contribute to City of Melbourne decision-making with data and expertise.

The Committee has no binding decision making authority or executive function in the context of City of Melbourne activities, operations or obligations.

Members of the Committee are expected to act with due care, however they are not fiduciaries charged with fiduciary duties and responsibilities.

Membership

The Committee will be comprised of representatives from a cross section of the Night-time economy sector and the broader Melbourne community and will work collectively to ensure Melbourne consolidates its reputation as Australia's leading Night-time city. It will build positive synergies with Melbourne's other major sectors and identify opportunities for collaboration for the betterment and sustainability of the Melbourne city offer.

Council will make appointments based on merit, skill, expertise and leadership qualities. The Committee will bring specialist experience and skills, relevant network connections, innovative thinking, enthusiasm and passion for Melbourne's future Night-time prosperity and its role as a major international creative Night-time city.

To ensure that the objectives are met, Council will take necessary and reasonable measures to reach the broadest cross section of the Night-time economy sector and community when seeking to fill positions.

It is recognised that given the nature and complexity of issues facing the sector, at various times some members may be more active than others depending on the issues being considered by the Committee.

Composition

External committee members will be sought from, but not limited to, a cross section of the following categories:

- Melbourne based Night-time economy sector organisations, including peak bodies and those working with demonstrated local, national and international networks.
- Professional artists, musicians and or producers participating and active in entertainment, music or events sector development, policy, and or advocacy.
- Live music, entertainment, events and hospitality venue operators, based in the municipality.
- Shopping centres and retail precincts, based in the municipality.
- Professionals and entrepreneurs from related sectors who can provide extensive and relevant global perspectives and knowledge.

The Committee will be constituted via a public expression of interest with a maximum of ten representatives external to Council, including the committee chair.

In addition to chairing meetings, the Chair's role is to coordinate the provision of advice to Council. This may involve presenting at relevant council meetings and other forums as requested.

Representation will also be sought from the Victorian Government (1 member) to join the Committee, to maximise the collaboration between the Council and government to ensure the ongoing prosperity of the city's Night-time economy sector.

In addition, two Councillors are to be appointed.

The Committee may invite relevant industry stakeholders, with specific skills and expertise to participate in discussions from time to time. Other Councillors may participate in meetings and council officers will attend meetings in order to service the Committee.

The composition of the Committee will be consistent with the requirements of Council's Diversity Policy in addition to a set of criteria.

Tenure

Members of the Committee will be appointed for a one year term commencing from the first meeting. An option to extend the Committee's tenure is possible subject to Council approval.

Any member not able to attend two consecutive meetings in a calendar year without providing a substitute/proxy will be deemed to have resigned from the Committee. The member will inform the Chair of the substitution prior to the scheduled meeting. The nominated proxy will provide relevant comments/feedback about the attended meeting to the member they are representing.

In the event of a resignation of any member from the Committee, a replacement member will be appointed.

Additional members may be recruited to assist with special projects or initiatives, or to fill a particular skill gap within the existing membership, in accordance with the original selection process for the membership category.

Conflicts of interest

In the event of a conflict of interest arising for any member of the Committee, the matter must be immediately tabled and the member must abstain from any dialogue relating to that matter.

Public comment

Where Committee members are invited to provide public comment, they will need to ensure they engage with the City of Melbourne beforehand, to ensure alignment with Council's position. Failure to provide an opportunity for review would mean that the committee member would be in breach of their role.

Meeting frequency

The Committee meetings will take place at a minimum six times per year.

Length

The length of the Committee meetings will generally be limited to two hours. Longer duration meetings will be scheduled when applicable to accommodate special presentations and workshops.

Agenda, minutes, and other papers

Documents will be sent to members with a minimum of three business days in advance of a Committee meeting. This will include the following:

- Agenda for upcoming meeting.
- Minutes of previous meeting.
- Any other documents/information/attachments to be considered at the meeting.

Quorum requirements

A meeting quorum will be seven committee members.

Evaluation

The Committee will evaluate its performance on an annual basis, and report to Council at the end of each financial year on the outcomes of its activities during the preceding year.

Insurance

Members of the Committee will be covered under the Council's insurance program and will not be responsible for any cost or liability incurred by Council as a consequence of Council acting on the advice of the Committee.

Expenses

No member of the Committee will incur any expense in relation to his or her activities as a member of the Committee, without the prior approval of Council's nominated officer.

Costs

Council will indemnify the members of the Committee against any claim or cost that arises from their activities as a member of the Committee, providing such activities are in accordance with these Terms of Reference and have been approved by Council or Council's nominated officer.

Night-time Economy Advisory Committee recommendations for membership

Recommendations for external committee membership

The following 13 external applicants are recommended for Night-time Economy Advisory Committee membership.

1. James Young – CHAIR
2. Simon Abrahams
3. Patrick Donovan
4. Angie Giannakodakis
5. David Haberfeld
6. Virginia Lovett
7. Jackie Middleton
8. Penny Miles
9. Matt Mullins
10. Kenneth Ngov
11. Lauren O'Dwyer
12. Liz Grossi Rodriguez
13. Andrew Walsh

Recommendations for ex-officio membership

A further two external applicants are recommended to be involved in the Committee on an ex officio basis to provide expert advice to the committee:

- Nicole Kalms, Founding Director of the Monash University XYX Lab, with expertise in gender-sensitive spatial planning, gender and public transport, lighting for women and girls, and inclusive cities.
- Michele Acuto, Professor of Global Urban Politics and Director of the Connected Cities Lab, University of Melbourne. Recognised for international urban expertise in policy, development and economics, with extensive work on the key policy challenges for the Night-time economy.

Recommendations for Councillor membership

- Two Councillors are to be appointed.

Recommendations for Victorian Government membership

- One representative to be appointed.

Night-time Economy Advisory Committee Code of Conduct

Foreword

At the City of Melbourne we set and uphold high ethical standards. As an organisation, we think not just about what we do but also how we do it through our people, the way we work and our customers' experience.

The rules and guidelines in this handbook give examples of how all Committee members are expected to behave, and provide the boundaries within which we must operate.

Council's vision is that Melbourne will be bold, inspirational and sustainable. It's therefore critical that we have a shared understanding of how we collectively work. The code provides instructions and advice as we work to make the difference for Melbourne and its people.

The code works in close harmony with our values and culture. A constructive culture is critical to realising our vision. Everyone plays a part in creating our culture at the City of Melbourne.

The code cannot describe every requirement or present all the details of our policies. Committee members must use their own judgement in applying these rules and guidelines. It is up to you to seek information if you are unclear on any area of conduct.

What do you need to do?

1. Read it: please read this code and make sure you understand it. If there is anything you don't understand it is your responsibility to ask.
2. Agree to it: you must agree to abide by the code by signing and returning this document to Council.
3. Live it: we expect you to always work and behave in accordance with the code.

We encourage you to speak up if you see a potential breach of the code or if there is an opportunity to improve the ways we work.

Breaches of the code are a serious matter and can result in sanctions up to and removal from the Committee.

Together, we can uphold and protect the high ethical standards we have set for ourselves and our organisation and achieve our vision of a leading organisation for a leading city.

Section 1 – Understanding and using the Code

Why do we need a code of conduct?

The City of Melbourne serves the community and Council and aims to be a leading organisation for a leading city. That's why it's important we provide the best possible service.

Committee members should also respect and promote the human rights set out in the Victorian Charter of Human Rights and Responsibilities. This includes making recommendations consistent with human rights, and actively implementing, promoting and supporting human rights.

Committee members should adhere to the code and not breach its principles.

The CEO will exercise judgement and action where an appointed member may need to be removed from the committee due to poor conduct.

Disclosable Interest Protocol

The Disclosable Interest Protocol and Declaration applies to all Council's Advisory Bodies. In addition to this code, all committee members will comply with the Disclosable Interest Protocol and Declaration.

Section 2 – Commitment to our people

Fairness, equity, diversity and inclusion

The City of Melbourne promotes inclusivity, diversity, fairness and equity. This means the differences between the ideas, aspirations and needs of people are considered and valued equally.

The principles

- At the City of Melbourne, we recognise and embrace the diversity each person brings. Our aim is to create an environment of trust, mutual respect and appreciation where everyone is treated fairly and with respect, and has the opportunity to realise their full potential.
- Committee members are encouraged to feel confident that the diversity of their experiences will be valued and supported, regardless of their gender, age, language, ethnicity, cultural background, ability, religious belief, identification as gay, lesbian, bisexual, transgender, intersex or queer (LGBTIQ), working style, educational level, work and life experiences, socio-economic background, opinions, job function, geographical location, marital status and family responsibilities.

Your responsibility

- Value diversity and consider diversity in recommendations, program and policy advocacy.
- Speak up if you see or hear things that are not in the spirit of our commitment to fairness, equity and inclusivity or if you are concerned about discriminatory behaviours.
- Know the policies which guide behaviour, address gender inequality and challenge attitudes and behaviours around issues such as violence against women.

Workplace diversity and inclusion ensures everyone enjoys the opportunity for full participation. City of Melbourne supports the development and achievement of well-informed and culturally-appropriate business outcomes.

It also involves managing and recognising the value of individual differences in the workplace.

Diversity and inclusion are important because we value and embrace all contributions. Everyone is able to bring something unique due to different backgrounds, varying work and life experiences, and multiple perspectives. Collectively this makes us a better organisation.

What do we mean by 'diversity'?

Diversity consists of all visible characteristics such as age, cultural diversity, ability, gender (as well as gender identity and gender expression), sexual orientation and language. It also includes characteristics such as

education, caring responsibilities, socio-economic background, life experiences, opinions and working styles. Diversity recognises the characteristics of the whole person and treats all individuals, customers and the communities in which we operate – with fairness and respect.

What do we mean by 'inclusion'?

Inclusion is the way our organisational culture, values and behaviours make a person feel welcomed, respected, valued and included. An inclusive environment draws on the unique differences of its people; where all people are treated fairly and respectfully with equal access to opportunities and resources. There are anti-discrimination and equal opportunity laws that support fairness, equity, diversity and inclusion. These laws apply to how we treat each other. It is your responsibility to be aware of the relevant laws and comply with them.

Ask yourself

- Am I being fair and respectful?
- Are my personal feelings, prejudices or preferences influencing my decisions?
- Am I using inclusive language?
- How will I respond if I witness behaviour that is not respectful?

Harassment and bullying

Harassment occurs when someone engages in conduct that would make a reasonable person feel offended, humiliated or intimidated because of their age, race, religion, gender or gender expression, sexual orientation or some other attribute specified under anti-discrimination legislation.

The Principles

- The City of Melbourne does not tolerate bullying or harassment.
- We do not tolerate any action, conduct or behaviour which is humiliating, intimidating or hostile.
- Bullying, harassment and discrimination may lead to removal from the Committee.

Your responsibility

- Speak up and tell the person if you're upset by their actions or behaviour. Explain why and ask them to stop.
- Report inappropriate behaviour.
- We all have a responsibility to create a positive, safe environment which is free from harassment, discrimination and bullying.

Bullying is repeated, unreasonable behaviour directed toward an individual or group of individuals that creates a risk to health and safety. There is no place for harassment or bullying at the City of Melbourne. Not only does it go against our values, it is unlawful and breaches our policies. It is fundamental that we recognise and value the diversity of others, and ensure that City of Melbourne is free from discrimination, harassment and bullying.

Ask yourself

- Have I behaved in an intimidating or threatening manner?
- Have I made inappropriate jokes or comments?
- Have I distributed or displayed potentially offensive material? If I'm witnessing behaviour that goes against our values, do I need to step in and say something?
- Am I supporting a culture of inclusion?

What is bullying?

Bullying occurs when a person or group of people repeatedly act unreasonably towards an individual or a group.

Unreasonable behaviour includes victimising, humiliating, intimidating or threatening. Whether the behaviour would be considered as unreasonable is based on whether a reasonable person might see the behaviour as unreasonable in the circumstances. Bullying behaviour creates a risk to health and safety.

Examples of bullying include:

- behaving aggressively
- teasing or practical jokes
- pressuring someone to behave inappropriately
- excluding someone from work-related events
- unreasonable work demands.

Drug and alcohol use and a smoke-free workplace

We're committed to ensuring that you're able to safely perform the requirements of the role as a Committee member.

The Principles

- If you are affected by alcohol or drugs, you should not attend a Committee meeting.
- The possession or use of illegal drugs at any City of Melbourne location is strictly prohibited in line with the law.
- Exposure to other people's smoke is a hazard. That's why it's important that City of Melbourne premises are smoke-free.

Your responsibility

- Do not smoke or use an e-cigarette within any of our premises or vehicles, or within five metres of any entry point to our premises and vehicles.
- Be aware of the impacts of your smoke drift on other people's health. Exposure to high levels of environmental tobacco smoke can increase the risk of heart disease by 50 to 60 per cent, as well as increasing the risk of stroke and nose and sinus cancer among non-smokers.
- Do not litter. Protect our buildings and equipment through keeping them clean and discarding of cigarette butts appropriately.

Next steps and key contacts

Thank you for reading the Night Time Economy Advisory Committee Code of Conduct. It provides you with acceptable standards of behaviour for the way we work. As a member of a City of Melbourne committee you are required to adhere to and uphold these standards

Declaration

I _____ confirm I have read and understood the Code of Conduct and agree to uphold the standards of behaviour contained within.

Signed _____

Dated _____

How to contact us

- NTEAdvisoryCommittee@melbourne.vic.gov.au
- In person at any scheduled meeting
- Telephone: 03 9658 9658

Interpreter services

We cater for people of all backgrounds. Please call 03 9280 0726

National Relay Service:

If you are deaf, hearing impaired or speech-impaired, call us via the National Relay Service: Teletypewriter (TTY) users phone 1300 555 727 then ask for 03 9658 9658 9am to 5pm, Monday to Friday (Public holidays excluded)