MANLY COUNCIL SPECIAL PURPOSE COMMITTEE AND WORKING GROUP PRACTICE NOTES

To be read together with the Code of Conduct for Community Members on Special Purpose Committees and Working Groups, the Committee Terms of Reference, and the Council's Code of Meeting Practice.

1. TERMS OF REFERENCE OF COMMITTEES

- The approved Terms of Reference of all Committees and Working Groups are on Manly Council's website: http://www.manly.nsw.gov.au/council/council-and-committees/special-purpose-committees

- Lead officers should ensure they have the correct Terms of Reference on file for Committee meetings for the Chair to consult if necessary.

- The Terms of Reference of Committees are now set and will not be altered until the review of Advisory Committees and Working Groups to take place in September 2010.

- The membership of Committees will only change if a vacancy occurs in which case the process laid out in the Terms of Reference will be followed.

2. AGENDAS

- Agendas will be sent out to Committee/Working Group members at least 3 working days prior to the meeting and placed on Manly Council's website.

- Lead officers will use the templates for the notice of meeting, agenda, reports and minutes. The templates are available in R:Transfer/Special Purpose Committees/Secretariat/Templates.

- Meetings will be scheduled for one and a half hours and under no circumstances will they exceed 2 hours. If a meeting still has business to conduct after 2 hours the Chair will adjourn the meeting and the remaining business will be deferred to the next meeting.

- The first item on the agenda for all Committee meetings (after apologies and requests for leave of absence) shall be the declaring of pecuniary and non-pecuniary interests. The issue of conflicts of interest is dealt with in section 5 on Meetings below.

- Each item of business on the agenda will have a report written by an officer of the Council and a recommendation.

- Lead Officers will adhere to the Deadlines Schedule for submitting agendas and reports for approval. From 1 September 2009 Divisional Managers will undertake the approvals process, and regular audits will be undertaken by the General Manager and Deputy General Managers to ensure that agreed quality standards are being achieved.

- Agendas will include an item of General Business brought to the attention of the Chair and approved for consideration. Items may only be raised under General Business if the permission of the Chair is obtained before the meeting starts. Matters of General Business should not direct staff or seek to commit Council resources. Many matters of general business will be operational and the Lead Officer will undertake to deal with the issue 'off line' and report it to the relevant officer for consideration.

- If members of the Committee/Working Group want an issue to be considered by the Committee at a future meeting they should raise the issue under General Business (after obtaining the prior permission of the Chair). The Committee should then determine whether it wishes for that issue to be discussed at a future meeting. If that is the case the Committee should consider at which future meeting the issue should be considered in the context of previously agreed priorities of the Committee. This should then be minuted as a recommendation to Council that the General Manager be requested to prepare a report for the x meeting in accordance with the Committee's priorities.

3. REPORTS

- There will be an officer's report for each agenda item and the reports will be prepared using the report template in R:Transfer/Special Purpose Committees/Secretariat/Templates.

- Committees/Working Groups are advisory, so all reports and recommendations will reflect this status. Recommendations can either be something that is within the Committee's remit and it can decide itself, (e.g. to receive and note the report) in which case it is minuted as 'the Committee resolved that….'; or will be written so that the Committee/Working Group advises the Council, and asks the Council to consider the recommendation. Recommendations to Council include asking the General Manager to agree to the use of Council resources on something the Committee wants to do, e.g. request that the General Manager prepare a report… These are minuted as recommendations to Council.

- Councillors and Committees/Working Groups are not allowed to direct staff, nor attempt to direct or influence Council staff as to the content of any advice or recommendation, or commit Council resources.

4. MEETINGS

- The Secretariat Officer will ensure that the room, and any equipment needed, is booked for the meeting, together with catering. There will be an agreed standard of catering for meetings at different times of the day.

- The Lead Officer will prepare a register of attendance for all present at the meeting to sign, and will give the completed register to the Secretariat to record the attendance of members at meetings. The Secretariat will enter the information into a database of committee/working group attendance for consideration by the General Manager for removing Committee members who miss three meetings without giving an apology.

- A meeting cannot take place unless a quorum of members is present. The quorum is half the members of the Committee/Working Group plus one and is given in the Terms of Reference of each Committee/Working Group, apart from the Sister Cities Committee and the Community Environment Committee that have quorums of a minority of members.

- If a quorum of members is not present within half an hour after the time designated for the holding of the meeting, or at any time during the meeting, the meeting will be adjourned to a time, date and place fixed by the Chair, or, in his or her absence, by the majority of the members present. **CUE CARD: IF THERE IS NOT A QUORUM OF MEMBERS PRESENT, THE MEETING CANNOT TAKE PLACE. IT IS UNFAIR AND INEQUITABLE TO THE OTHER MEMBERS OF THE COMMITTEE/WORKING GROUP TO HOLD A MEETING WITHOUT THE MAJORITY OF MEMBERS PRESENT. THOSE MEMBERS WHO ARE PRESENT MUST VACATE THE PREMISES.**

- If the Chair is not present and a quorum of members is present, the Lead Officer should preside over the election of a chair for the meeting.

- The first item on the agenda for all committee meetings (after apologies and requests for leave of absence) shall be the declaring by members present of **pecuniary and non-pecuniary interests** and these shall be recorded in the minutes.

- Any committee member who has a pecuniary interest in any matter on the agenda for a meeting, or that arises during a meeting at which they are present, must disclose the nature of the interest to the meeting as soon as practicable, and must not be present at, or in sight of, the meeting at any time during which the matter is being considered or discussed, or at any time during which the committee is voting on any question in relation to the matter.

- Conflicts of interest may also arise due to a strong relationship or affiliation the member may have with a matter being discussed by the committee. These are referred to as non-pecuniary interests. A non-pecuniary interest would be considered significant where the relationship or affiliation is such as it would prevent the member from impartially and objectively considering all the relevant information as a result of this conflict of interest.

- A Councillor committee member who has a non-pecuniary interest in any matter on the agenda for a meeting, or that arises during a meeting at which they are present, must disclose the nature of the interest to the meeting as soon as practicable, and, in the case of a “significant” non-pecuniary interest must disclose the nature of the interest to the meeting as soon as practicable, and must not be present at, or in sight of, the meeting at any time during which the matter is being considered or discussed, or at any time during which the committee is voting on any question in relation to the matter.

- A community member of a committee who is also a member or representative of a community group that could be affected by any matter on the agenda, or that arises during a meeting at which they are present, (irrespective of whether or not the person has a pecuniary or a non-pecuniary interest), must state the name of the community group of which the person is a member or representative, and the matter shall be recorded in the minutes.

- Meetings will be conducted in accordance with the Manly Council Code of Conduct for Community Members on Special Purpose Committees/Working Groups, and the Terms of Reference of that Committee/Working Group. Where the Code of Conduct or Terms of Reference are silent on a matter Council’s Code of Meeting Practice will be adhered to e.g. disruptive behaviour of Committee members. If members of the Committee/Working Group do not make themselves available for training or induction workshops organised by the Council within 6 months of becoming a member, they will forfeit their membership of the Committee/Working Group.

- All community members when selected for the Committees/Working Groups will receive a letter of offer and will be required to provide a letter of acceptance that states that they have read and understood the Manly Council Code of Conduct for Community Members on Special Purpose Committees/Working Groups, and the Terms of Reference of that Committee/Working Group, and will abide by them.

- As the Committees/Working Groups are advisory it is unlikely that there will be a need for voting, however, should that eventuality arise, each member of the Committee/Working Group shall have one vote and decisions shall be by simple majority. If there is more than one person present from an organisation that is a member of the Committee, then only one of the representatives will be entitled to vote. In the event of the votes and the members being equal, the Chair of the meeting shall have a casting vote in addition to his/her deliberative vote.

5. MINUTES

- The draft minutes of the meeting will be prepared by the Lead Officer and will be completed (including approval by the relevant Deputy General Manager/General Manager or Divisional Manager) in accordance with the Deadlines Schedule. The minuting of resolutions and recommendations is explained above in 3 Reports.

- Once the draft minutes have been approved they will be referred to the Chair of the Committee for confirmation. The draft minutes will then be circulated to Committee members.

- From 1 September 2009 the quality assurance process for draft minutes will be undertaken by Divisional Managers, and regular audits will be undertaken by the Deputy General Managers and the General Manager.

- The draft minutes will be considered for approval by the Planning and Strategy Committee or Council in accordance with the deadline schedule.

- Important issues will be drawn to the attention of Council through a report on Items For Brief Mention. Items for Brief Mention are important policy recommendations from the Committee/Working Group to Council; or requests from the Committee for Council to commit resources to something the Committee wants to do; or where the Committee has sought to exceed its remit and the General Manager wishes to comment to Council, in which case a General Manager's Note will be added to the minutes and the Item for Brief Mention making a recommendation to Council different from the recommendation being given by the Committee. This may include the General Manager recommending to Council that what the Committee is recommending is against Council policy, or that the Committee is seeking partial treatment on an issue on which the Council should achieve a better balance.

- Minutes will be circulated to Councillors through the Councillor Information Bulletin, and will be placed on Council's website within 5 days of adoption by Council.

6. WORKING GROUPS OF COMMITTEES

- The Committee may appoint any number of Working Groups at any time to investigate any matter or thing to which the Committee may require information or to organise and manage, subject to the control of the Committee, any activity which may be considered by the Committee to be essential to the objectives of the Committee.

- Each Working Group appointed shall have Terms of Reference and a fixed term.

- The Working Group will not use Council resources.

- The Working Group members must ensure that they keep full and accurate minutes of the proceedings of its meetings and that these are completed within 2 weeks of a meeting and then reported to the next available Committee meeting.

7. ABSENCE OF MEMBERS FROM MEETINGS

- A Committee/Working Group member absent from three (3) consecutive meetings of the Committee/Working Group without giving an apology shall forfeit his/her place on the committee.

8. RESIGNATION FROM THE COMMITTEE

- Any member of the Committee may, by notice in writing addressed to the Committee, resign his/her office as a member.

9. NOTIFICATION OF VACANCIES

- The Committee/Working Group shall notify the Council, through the Secretariat, promptly of any vacancy occurring in its membership, whether it is through death, absence or resignation from the Committee/Working Group.
- The Committee/Working Group shall submit to the General Manager within 28 days the name of a person considered by the Committee/Working Group to be suitable for appointment.
- The General Manager will decide whether to accept that appointment, or to call for public Expressions of Interest. All newly appointed members must participate in a committee induction process as soon as possible following their appointment to the committee/working group so that they can comply with the proper conduct of meetings.

10. QUESTIONS

- If you find yourself in difficulty, 'phone a friend'. The Council's Public Officer, Jo Bramma, will be available to give advice on 9976 1757.