

Advisory Committee Policy

POLICY NO:	POL/557
VERSION:	Version 2 replaces POL/518
SHORT DESCRIPTION:	This policy applies to the formation, ongoing management and review of Council endorsed advisory committees on which there is Councillor representation.
RELEVANT TO:	Councillors, committee members and Manningham Council officers.
RESPONSIBLE OFFICER:	Senior Governance Advisor
RESPONSIBLE OFFICE:	Governance
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RELATED DOCUMENTS:	<i>Charter of Human Rights and Responsibilities Act 2006</i> Conflict of Interest Form Conflict of Interest Guidelines – Department of Planning & Community Development Councillor Appointments to Committees Councillor Code of Conduct Employee Code of Conduct <i>Equal Opportunity Act 2010</i> <i>Local Government Act 1989</i> Manningham City Council Media Policy <i>Privacy and Data Protection Act 2014</i> Record of Assembly of Councillors Form Terms of Reference Template

1. PURPOSE

This policy has been developed to provide a consistent approach to the establishment, ongoing management and review of Council endorsed advisory committees on which there is Councillor representation.

2. ADVISORY COMMITTEE FRAMEWORK

Advisory committees are an important tool for engaging the community in Council decision making. Participation by interested parties and affected stakeholders assists Council in making decisions that incorporate the interests and concerns of the community.

The Terms of Reference for an advisory committee provide a framework within which it operates. The following sections prescribe the foundations for the establishment, ongoing operation and management of Council endorsed advisory committees.

2.1 Terms of Reference

- 2.1.1 Terms of Reference (ToR) for advisory committees must be presented to Council for consideration and endorsement at the inception of the committee.
- 2.1.2 The ToR must include: a clear statement of purpose, clearly defined objectives supported by measurable outcomes and a Code of Conduct in accordance with section 2.8 of this policy.
- 2.1.3 The ToR of an advisory committee is to be reviewed by Council at least once in any Council term.
- 2.1.4 Any proposed changes to the ToR resulting from any review must be presented to Council for formal endorsement.
- 2.1.5 Copies of the current ToR for any advisory committee are to be made available on the intranet and Manningham Council's website.

2.2 Membership, Period of Membership and Method of Appointment

- 2.2.1 The most appropriate mix of membership will be determined by Council.
- 2.2.2 The advisory committee may comprise –
 - **Councillor(s)** – appointed annually by Council
 - The Mayor is, by virtue of the Office, ex officio a member of any committees which may be established by Council from time to time. It is important that whilst the Mayor may not chair these meetings, appropriate recognition should be given to the presence of the Mayor if in attendance.
 - Councillors not formally appointed as committee members may attend committee meetings to observe proceedings.

- **Community representative(s)** – appointed by Council through an expression of interest and selection process.
 - Expressions of interest will be sought by public notice in the local media and on Manningham Council’s website or by letter to relevant local or peak agencies or community organisations.
 - Every effort should be made to ensure a representative cross section of people from the municipality are elected to serve on the committee.
 - Appointments to advisory committees will be based on the membership criteria outlined in its ToR.
 - Membership criteria should consider:
 - the appropriate mix of competencies required to fulfil roles on the committee;
 - diversity in terms of gender, age and culture; and
 - linking continuing tenure to performance and contribution.
 - Officers will undertake an initial assessment of the applicants to determine whether they comply with the membership criteria and provide a long list of candidates to the Chairperson. The recruitment process should consider the implementation of staggered membership appointments to ensure a membership that preserves the balance between old and new.
 - A Councillor committee supported by an officer and comprising the Mayor, committee Chairperson and one other Councillor will rank the applicants and make a recommendation regarding the preferred applicants which will be noted in the officer’s report.
 - Council is not bound by the recommendation of the Councillor committee in appointing community representatives.
 - Community representatives are to be appointed for a period of three (3) years and for a maximum of three terms (9 years).
 - Community representative(s) appointed on behalf of an agency/organisation may be replaced or substituted at any time at the agency/organisation’s discretion by notifying the chairperson and responsible officer in writing. Due consideration should be given to ensuring the appointee has the appropriate mix of competencies to undertake the role and refreshing membership on a regular basis.
 - Casual vacancies that occur due to a community representative resigning or membership lapsing may be filled by co-opting suitable candidates identified from the most recent selection process for the remainder of the previous incumbent’s term.
 - Officers, in consultation with the Councillor committee, will make a recommendation to the Chief Executive Officer to appoint a suitable candidate to the advisory committee for the remainder of the previous incumbent’s term.

- Where there are no suitable candidates identified, a formal expression of interest and selection process is required. The outcome of a formal expression of interest process will be presented to Council for determination in accordance with the procedures outlined above.
- Where a vacancy occurs within 6 months of the current membership expiring and providing that a quorum is maintained, there is no requirement to fill the vacancy for the remainder of the term.

2.2.3 A member of an advisory committee may resign at any time.

2.2.4 Notice of resignation is to be provided in writing to the Chairperson and the officer responsible for managing the advisory committee.

2.2.5 If a committee member fails to attend 3 consecutive meetings without prior notice, membership is deemed to have lapsed.

2.3 Chairperson

2.3.1 The Chairperson plays a key leadership role in managing meetings. Meetings will be chaired to promote respectful discussion of the issues with the aim to arrive at a consensus view point that fairly reflects the sense and will of the meeting.

2.3.2 The Chairperson will be supported in their role by the relevant officer who will brief the Chairperson prior to the meeting to ensure its efficient and effective conduct.

2.3.3 The position of Chairperson shall be reviewed annually when Council appoints Councillors to advisory committees.

2.3.4 In the event that the Chairperson is absent, the meeting will be chaired by the Chairperson's nominee or representative of Council.

2.4 Delegated Authority and Decision making

2.4.1 Advisory committees act in an advisory capacity only and have no delegated authority to make decisions on behalf of Council.

2.4.2 Advisory committees provide advice to Council and staff to assist them in their decision making.

2.4.3 In accordance with section 76E of the *Local Government Act 1989*, a Councillor must not improperly direct or influence a member of Council staff in the exercise of any power or in the performance of any duty or function.

2.5 Meeting Procedures

2.5.1 Meetings are to be held at a time, place and frequency determined by the advisory committee.

2.5.2 Advisory committees meetings are closed to the community outside endorsed members and delegates. Guests or subject matter experts may be invited to attend meetings as required.

2.5.3 Meetings will:

- commence on time and conclude by the stated completion time;
- be scheduled and confirmed in advance with all relevant papers distributed to each member;
- encourage fair and respectful discussion;
- focus on the relevant issues at hand; and
- provide advice to Council, as far as practicable, on a consensus basis.

2.6 Committee Management

2.6.1 Agendas and minutes must be prepared for each meeting of an advisory committee by the supporting officer in consultation with the Chairperson.

2.6.2 The agenda will be supported by accurate and timely information to inform discussion of the issues.

2.6.3 The agenda must be provided to members of the committee not less than 7 days before the time fixed for the holding of the meeting.

2.6.4 The Chairperson must arrange for minutes of each meeting of the committee to be kept in consultation with the supporting officer.

2.6.5 The minutes of a meeting of an Advisory Committee must:

- contain details of the proceedings and outcomes for action;
- be clearly expressed;
- be self-explanatory; and
- incorporate any relevant reports or a summary of the relevant information considered in forming any recommendations.

2.6.6 Draft minutes of the committee meeting will be circulated to members within two weeks of the meeting and be listed on the agenda for the next meeting for endorsement.

2.6.7 The supporting officer will ensure timely completion of any actions arising from the meeting and provide an update on the status of any outstanding actions at the next meeting.

2.6.8 From time to time, the Committee may raise matters of strategic significance relevant to the Terms of Reference for the Committee. Such matters will be referred to the relevant Executive Management Team (EMT) member for consideration to determine an appropriate course of action.

2.6.9 The supporting officer will, in consultation with the Chairperson, prepare a briefing memorandum of the Committee's discussion and request to refer the matter, for the benefit of the EMT member.

2.6.10 The relevant EMT member may exercise their discretion as to how to respond to the Committee's request. This may include:

- responding to the Committee in writing (to be included on the agenda of the next meeting), outlining:
 - steps being taken to implement the matter (or part of the relevant matter); or

- reasons why the matter is not supported;
 - where appropriate, referring the matter to a Strategic Briefing Session for discussion by Councillors.
- 2.6.11 The relevant EMT member or their delegate may be invited or choose to attend the next Committee meeting to discuss their response to the matter.
- 2.6.12 Agendas and minutes are to be made available on the Councillor Hub.
- 2.6.13 The Council may determine through the ToR whether minutes are to be made available to the public. As a general rule, advisory committees are encouraged to provide this information to the public, with the exception of reports and attachments that are confidential in nature.
- 2.6.14 Where it is determined that minutes will be made available to the public, a copy should be placed on Manningham Council's website following endorsement by the advisory committee.
- 2.6.15 Administrative support and advice will be provided by the directorate whose functions are most aligned to the committee's objectives.
- 2.6.16 At the beginning of each committee term or where there is a change in committee membership, the supporting officer in consultation with the Chairperson will provide a thorough induction program which outlines the various roles and responsibilities of the committee and its members with the new committee or any new members of the committee.
- 2.6.17 Advisory Committees are required to prepare a report on an annual basis which should directly reflect the Terms of Reference and be in line with their stated objectives. The report may include a self-evaluation of the Committee's operations against the objectives and the performance measures of the committee as set out in the Terms of Reference. The report will be presented to Council for noting under the relevant directorate heading. The committee's Terms of Reference may stipulate more frequent reporting.

2.7 Confidential Information

- 2.7.1 Committee members must not disclose information that they know, or should reasonably have known is confidential information.
- 2.7.2 Committee members have an obligation to not disclose any materials or information that is not publicly available unless approved by the Chairperson or a representative of Manningham Council.
- 2.7.3 Committee members should be mindful of their obligations under the Privacy and Data Protection Act 2014 regarding the use and disclosure of information.

2.8 Code of Conduct

- 2.8.1 Advisory committee Terms of Reference will include a Code of Conduct for community representatives.
- 2.8.2 As a minimum, to ensure advisory committees are conducted in a respectful and efficient manner, committee members must:
 - act with integrity;

- impartially exercise his or her responsibilities in the interests of the local community;
- not improperly seek to confer an advantage or disadvantage on any person, including themselves;
- treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of Councillors, committee members and officers;
- commit to providing a safe, inclusive and productive environment free from discrimination, harassment and bullying by not engaging in behavior that is intimidating or that may constitute discrimination, harassment or bullying;
- take reasonable care of his or her own health and safety and that of others; and
- commit to regular attendance at meetings.

2.8.3 Community representatives appointed to advisory committees are expected to abide by this Code of Conduct.

2.8.4 Any breach of this Code of Conduct by a community representative may result in termination of membership.

2.8.5 Councillors are bound by the Councillor Code of Conduct.

2.8.6 Officers are bound by the Employee Code of Conduct.

2.9 Conflicts of Interest

2.9.1 Meetings of an Advisory Committee may form an Assembly of Councillors. When this occurs, Councillors and officers are required to comply with the conflict of interest provisions as set down in the Local Government Act 1989.

2.9.2 Where a Councillor or officer declares a conflict of interest in relation to a matter in which the committee is concerned, they must disclose the interest to the committee before the matter is considered or discussed at the meeting.

2.9.3 Disclosure must include the nature of the interest and be recorded in the minutes of the meeting. The Councillor or officer must leave the room while the matter is being considered and may return only after consideration of the matter and all votes on the matter.

2.9.4 Where a community member has a Conflict of Interest (as defined in the Local Government Act) in relation to a matter in which the committee is concerned, or is likely to be considered or discussed, the community member must disclose the matter to the group before the matter is considered or discussed.

2.9.5 Disclosure must include the nature of the relevant interest or conflict of interest and be recorded in the minutes of the meeting. It will be at the discretion of the Chairperson if the community member remains or leaves the room whilst the matter is discussed, and this must also be recorded in the minutes of the meeting. A community member who has declared a conflict of interest on a matter must abstain from voting on the matter if they remain in the meeting.

2.10 Assembly of Councillors

- 2.10.1 Where a meeting is identified as an Assembly of Councillors, officers must complete a Record of Assembly of Councillors form.
- 2.10.2 Where a Conflict of Interest is identified by a Councillor or officer at an Assembly of Councillors, the relevant Conflict of Interest form must be completed.
- 2.10.3 Forms must be forwarded to the Senior Governance Advisor within 5 working days of the meeting. This information will be included on the Agenda for the next available Council Meeting and published in the minutes.

2.11 Media

- 2.11.1 Contact with the media by committee members will be conducted in accordance with the Manningham City Council Media Policy.
- 2.11.2 Committee members should defer any media enquiries to the Chairperson in the first instance and should take care not to respond as a representative of the committee.

2.12 Sunset Clause

- 2.12.1 Advisory committees have a sunset clause of four years.
- 2.12.2 Council may, by exception, establish an advisory committee for a period of less than four years.
- 2.12.3 If an advisory committee has a relevant function at the end of the standard four year term, a report must be presented to Council prior to that period ending that includes a review of the committee's Terms of Reference and seeking endorsement from Council to continue to act in an advisory capacity for a further period.

2.13 Administrative Updates

- 2.13.1 From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Manningham Council departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.

1. DEFINITIONS

<p>Advisory Committee</p>	<p>The <i>Local Government Act 1989</i> defines an advisory committee as:</p> <p>Any committee established by the Council, other than a special committee, that provides advice to –</p> <ul style="list-style-type: none"> (a) the Council; or (b) a special committee; or (c) a member of Council staff who has been delegated a power, duty or function of the Council under section 98. <p>The main function of an Advisory Committee is to enable stakeholder engagement that provides input and guidance to support quality decision making and in turn, the achievements of Council’s goals and objectives under the Council Plan. Advisory Committees facilitate access to independent advice from external stakeholders and collaboration with the community on a range of matters. Advisory committees generally have a lifespan beyond one year and are aligned with a Council plan or strategy.</p> <p>Committees established under the <i>Local Government Act 1989</i>, such as the Audit Committee, will operate generally in accordance with the Act and any Ministerial guidelines.</p>
<p>Assembly of Councillors</p>	<p>The <i>Local Government Act 1989</i> defines an Assembly of Councillors as a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be –</p> <ul style="list-style-type: none"> (a) the subject of a decision of the Council; or (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee – <p>but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party, or other organisation.</p>
<p>Council</p>	<p>means Councillors participating in decision making at a formally constituted Council meeting</p>
<p>Councillor</p>	<p>means a Councillor of Manningham City Council</p>
<p>Officer/Manningham Council Officer</p>	<p>means an employee of Manningham City Council</p>