

#	Recommendation (1-3) / Suggestions (4-33)	Action
1	Review governance and meeting procedure local laws to ensure consistency with the requirements of the Local Government Act.	<p>Council's Meeting Procedure Local Law complies with the requirements of the Local Government Act (the Act). To comply with the Act the Local Law regulates proceedings and administration at Council meetings and Planning Committee meetings; provides for the election of the Mayor and Deputy Mayor; and regulates the use of the common seal.</p> <p>In addition, Council's Local Law allows, during Public Question Time, an opportunity for members of the public to ask general questions on items that are not on the agenda. In addition, members of the public are entitled to ask specific questions or make comments on any item on the meeting agenda.</p> <p>In December 2017, the State Government produced for public comment, a Local Government Bill Exposure Draft. The purpose of this Bill is to create a new Local Government Act. Under the Exposure Draft there is a requirement for Councils to develop, adopt and keep in force Governance Rules for the conduct of Council meetings and committees with delegated powers (e.g. Planning Committee).</p> <p>In 2019 Council's Meeting Procedure Local Law will be reviewed as per the requirements of the new Local Government Act.</p>

2	Review their special committees to determine their level of compliance with the requirements of the Local Government Act and whether the special committee structure is fit for the committee's purpose.	<p>Council has established the following four special committees:</p> <ol style="list-style-type: none"> 1. Inner Melbourne Action Plan Implementation Committee (IMAP); 2. Planning Committee (Formerly Statutory Planning Committee); 3. Council Neighbourhood Programs Committee; and 4. South Melbourne Market Committee. <p>IMAP Instrument of Delegation and Terms of Reference was reviewed by Council on 1 February 2017 and confirmed by Council 18 October 2017.</p> <p>Planning Committee established and Instrument of Delegation was approved by Council on 6 December 2017.</p> <p>Council Neighbourhood Programs Committee Instrument of Delegation and Terms of Reference was reviewed by Council on 18 October 2017.</p> <p>South Melbourne Market Committee Instrument of Delegation and Charter was reviewed by Council on 18 October 2017.</p> <p>In addition, Governance currently undertakes a six-monthly audit of special committees to ensure that the committees are legislatively compliant with the relevant provisions of the Act. The outcome of the most recent audits were that there were no breaches of legislation.</p>
3	Maintain an up to date special committee page on their website listing all special committees, with links to their delegations, meeting notices, minutes of meetings and any other relevant materials.	Council has a dedicated page on its website that lists Council's four special committees as listed above in item 2. The page contains a copy of each Committee's Instrument of Delegation, Terms of Reference and / or Charter and a link to each committee's agendas and minutes.
4	A transparent Council provides agenda to public and Councillors at least five days in advance of an ordinary meeting (longer if agenda papers are especially complex).	Council provides the agenda to the public at the latest on the Friday morning prior to the Council meeting on the following Wednesday giving the public six days access to the meeting agenda papers.

5	<p>A transparent Council advertises meetings in a variety of ways, including prominent display on the website, social media and newspapers. Links to agenda or key matters to be decided at a meeting should be included with the post to catch the interest of the public.</p>	<p>Every Council meeting is advertised in the local Leader newspaper and placed on Council's website. The website contains a dedicated page for Meetings and Agendas which includes current and past Council agendas and minutes; Council Meetings annual timetable; information on how to lodge a petition; and information on process and an on-line form on requesting to speak or make a comment at Council meetings.</p> <p>On the first page of Council's website is a "Hot Topics" section that is used to provide further information to the community and links to reports and documents regarding key issues that are coming before Council for decision.</p> <p>Council also uses Twitter to advise of upcoming Council meetings including links to the meeting agenda and the live streaming page.</p>
6	<p>A transparent Council live streams its Council meetings and provides access to the recordings of meetings on its website after the meeting.</p>	<p>The live streaming of Council meetings commenced in May 2017 and from February 2018 for Planning Committee meetings. The public has access through Council's website and YouTube for archived recordings of both Council meetings and Planning Committee meetings. Council will also trial using Facebook Live on 4 April 2018.</p>

7	A transparent Council engages with the community to find out what type of meeting participation processes will suit its needs and implements these (balanced with efficiency).	<p>Council's meeting cycle involves the holding of Council meetings on the first and third Wednesdays of the month and Planning Committee on the fourth Wednesday of the month. All meetings commence at 6.30pm so as to give members of the public a greater opportunity to participate.</p> <p>In addition to further assist an increase in public participation, Council meetings are rotated. The first Wednesday of the month Council meeting is rotated between the South Melbourne and Port Melbourne Town Halls. The third Wednesday of the month Council meeting and the fourth Wednesday of the month Planning Committee meetings are both held at the St Kilda Town Hall.</p> <p>The new Local Government Act will require Council to develop Governance Rules for the conduct of Council meetings and committees with delegated powers (e.g. Planning Committee). This will involve a community consultation process which will help inform Council on the best way for the community to interact with Council as part of its meeting procedures.</p>
8	A transparent Council engages in debate during meetings which assists the public in understanding the reasons for Council decisions.	Council currently engages in debate in the Council Chamber. Prior to Council going into formal debate it is standard practice for the Mayor to ask Councillors if they have any questions of the officers. The questions asked and officer responses provided assist the public to gain a better understanding of the decision-making process.

9	A transparent Council records public questions and answers in the minutes of Council meetings.	<p>At each Council meeting and Planning Committee meeting, under Council's Meeting Procedure Local Law, there is an opportunity for members of the public to ask general questions during Public Question Time and to also ask questions or make comments on any item on the meeting agenda.</p> <p>A summary of these public questions and public comments and the officer responses are included in the public minutes of meetings.</p> <p>Any public question not answered at the meeting and taken on notice is tracked to ensure that a timely response is provided and also that a copy of the officer response to that question is placed on Council's website on its Council meetings page.</p> <p>A new process is currently being introduced whereby Council receives on a quarterly basis, a status report on the implementation of resolutions carried by Council and the Planning Committee at previous meetings. This report will itemise what resolutions have been implemented, what actions have been undertaken and what actions are still outstanding.</p>
10	A transparent Council does not vote en bloc.	Council, as a rule, does not vote en bloc. If in the rare instance that this occurs and Council does vote en bloc then this fact is recorded in the minutes.
11	A transparent Council promptly creates media releases for website and social media summarising key decisions at each Council meeting and providing links to relevant records.	Council has a dedicated page on its website for "Media Releases". Council issues media releases about key decisions on the night of the Council meeting or the day after. These media releases are also tweeted on Council's official Twitter page.

12	A transparent Council has local laws in place with respect to meeting procedures which are consistent with the Local Government Act and provides additional guidance to staff, Councillors and members of the public on meeting procedures.	<p>Council's Meetings Procedure Local Law is compliant with the Local Government Act.</p> <p>At the commencement of all Council meetings and Planning Committee meetings, the Chair of that meeting reads out a standard script explaining to the public how the meeting will be run; the process for members of the public to participate in Public Question Time or asking questions or making comments on agenda items; expected behaviours of the public; that the meeting is being live streamed and the future availability of archived recordings of meetings.</p> <p>Council's Meeting Procedure Local Law will be reviewed as per the requirements of the new Local Government Act.</p>
13	A transparent Council provides a list of specific items proposed to be discussed in closed session in the publicly available meeting agenda.	<p>Council's meeting agenda includes, when relevant, a list of the items being considered in the closed section of the meeting under "Confidential Matters". This part of the agenda is at the end of the Council meeting.</p> <p>Council generally includes in the agenda sufficient report titling of the confidential item so that the community is aware of the subject or type of issue being discussed.</p>

14	A transparent Council critically considers every meeting closure to discuss a particular item, with a view to minimising the number of matters dealt with in closed meetings.	<p>Council only closes a meeting if the Council is discussing a matter that is specifically referred to in section 89 (2) (a) – (i) of the Act. Any other matter is considered in open Council.</p> <p>The Ombudsman’s Report referred to a particular Council receiving Councillor quarterly expense reports during a closed meeting of Council. In accordance with Council’s adopted Councillor Support and Expense Reimbursement Policy and its Councillor Gift and Hospitality Policy, the standard practice of this Council has been to publicly disclose on Council’s website on a quarterly basis, details of each Councillors expenses incurred, any gifts or hospitality received and committees attended by Councillors as representatives of the Council.</p>
15	A transparent Council considers public interests and any harms that may be caused by discussing a matter in public when deciding whether to close a meeting.	Council only closes a meeting if they are discussing a matter that is specifically referred to in section 89 (2) (a) – (i) of the Local Government Act. For example, Council would not discuss matters in open Council that relate to personnel matters; personal hardship of a resident or ratepayer or any matter that may prejudice the Council or any person.
16	A transparent Council does not give consideration to matters such as personal embarrassment or reputational damage to Council when deciding whether to close a meeting.	Council only closes a meeting if they are discussing a matter that is specifically referred to in section 89 (2) (a) – (i) of the Local Government Act. Personal embarrassment or reputational damage are not matters listed in the Local Government Act as reasons to close a meeting.
17	A transparent Council deals with closed meetings items in the same time and manner as open meeting items (rather than at a different location/time).	Standard practice is that Council considers all confidential items at the same time and location during their regular Council meetings cycle of the first and third Wednesdays of the month.
18	A transparent Council audio records closed meetings.	In the interests of maintaining confidentiality Councillors have determined to turn off the microphones and not to record the closed sections of Council meetings.

19	A transparent Council provides detailed reasons for closure of a meeting in the public minutes of a meeting including specific reference to s89(2) and the reasoning as to why it was appropriate.	<p>A full disclosure of the reasons that a meeting is being closed is advised to the gallery at the time of closure by the Chair and included in the minutes of the meeting. The minutes include the specific reference under section 89 (2) (a) – (i) of the Act explaining the reason why the meeting is closed for that item.</p> <p>Council is committed to open and transparent decision making. For example, as a general rule Council considers contract matters in open Council.</p> <p>At the time of writing this report, the “Know your Council” website listed Port Phillip City Council had considered 7.43% of Council resolutions in a closed meeting which is below the State average of 9.45%.</p>
20	A transparent Council releases all information possible from each closed item immediately after a closed meeting. Where this is not possible, specifies a date or event which will ‘sunset’ confidentiality of the information.	Council officers are currently developing a process whereby a report is provided to Council on a six-monthly basis recommending that specific reports which were considered by Council at a closed meeting and the minutes of that meeting can now be made public.
21	A transparent Council has policies in place to deter Councillors from reaching agreements outside Council meetings or allowing non-transparent influences to impact their decision making.	Councillors were provided with training as part of their formal induction program comprising a presentation from lawyers regarding integrity in decision making processes.
22	A transparent Council provides training to Councillors to assist them in understanding the importance of not reaching agreements outside Council meetings or allowing non-transparent influences to impact their decision making.	<p>Councillors were provided with training as part of their formal induction program comprising a presentation from lawyers regarding integrity in decision making, disclosure obligations and conduct obligations.</p> <p>This training was followed up by Governance conducting a Practical Workshop covering good governance and decision making referencing Council meetings, special committees, advisory committees and Councillor briefings.</p>

23	A transparent Council assists Councillors to understand that they must act in the best interests of the whole municipality not just their ward.	Councillors were provided with training as part of their induction program relating to the legislated primary and general Councillor conduct principles. These principles have also been reinforced in Council's adopted Code of Conduct which outlines that Councillors must participate in decision making and represent the local community in that decision making.
24	A transparent Council discourages factions and bloc voting, potentially through audio-video recording of meetings.	Live streaming has been occurring at Council meetings since May 2017 and Planning Committee meetings since February 2018. Archived footage of meetings is also available on Council's website.
25	A transparent Council has officers provide frank and fearless advice and do not seek inappropriate direction from Councillors to guide advice and recommendations in officer reports.	<p>Councillors receive a draft of officer reports a week prior to the final reports being distributed however there is no opportunity given to Councillors to influence or provide direction to staff on the content of reports.</p> <p>On occasions Councillor briefings are held regarding reports that are coming to the Council Chamber for discussion in the future however the purpose of these briefings is for Councillors to discuss the matter amongst themselves and seek further information or clarification from staff as required. No decisions are made by Councillors at Councillor briefings.</p>
26	A transparent Council provides a list of advisory committees and members on its website.	Council's website has a dedicated page that lists all of Council's advisory (community reference) committees and each committee's terms of reference and / or charter.
27	A transparent Council has policies in place requiring all advisory committee members to declare and record conflicts.	Council has a standard Terms of Reference for all of its advisory (community reference) committees which contains the following standard provision requiring committee members to declare conflicts of interest. <i>"If a member believes they have a conflict of interest in a matter before the Reference Committee, then that member must declare their interest and not partake in any discussion or decision on the matter. The declaration will be recorded in the minutes of the meeting."</i>

28	A transparent Council makes its register of delegations available on its website.	Council's website has a dedicated page listing Council's adopted delegations to the Chief Executive Officer, other Council staff and to Special Committees.
29	A transparent Council regularly gives consideration and implements practices to maximise transparency around staff delegated decisions.	<p>The Chief Executive Officer provides Council with a detailed monthly report that includes Council Plan service outcome indicators against set measures; projects delivery update; sustainability performance and financial performance. In addition, a summary of statutory planning decisions made under delegation are reported to a Planning Committee meeting on a monthly basis.</p> <p>Some Council delegations to staff specifically request that Councillors be advised if a delegation has been exercised by staff.</p> <p>Council's planning delegations to staff give a Councillor the ability to "call in" an application so that the matter is considered and determined by Council.</p>
30	A transparent Council has an up to date list of special committees and membership on its website with links to meeting notices, minutes and other relevant documents.	Council has a dedicated special committee page on its website listing all special committees with links to their Terms of Reference, Instruments of Delegation, committee meeting agendas and minutes.
31	A transparent Council provides contact, training, support and guidance materials to special committee members to assist them in understanding and keeping up with legislative governance requirements.	Governance provides each Responsible Officer with a legislative obligations checklist in relation to the Special Committee that they administer and are responsible for. This includes a Local Government Act legislative compliance checklist.
32	A transparent Council ensures all special committees are maintaining compliance with legislative transparency requirements.	Governance currently undertakes a six-monthly audit of special committees to ensure that the committees are legislatively compliant with the relevant provisions of the Local Government Act.

33	A transparent Council regularly reviews its special committees to ensure special committee structure is still appropriate for each committee.	<p>Special Committee Instruments of Delegation and their Terms of Reference are reviewed as a minimum every four years. All Special Committees have been reviewed by Council as per the requirement of the Act.</p> <p>Council has just recently reviewed its Planning Committee Special Committee and two separate reviews are also being undertaken of the South Melbourne Market Committee and, as part of a wider review of Community grants and subsidies, the Council Neighbourhood Programs Committee.</p>
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