

5.5.2 Draft Policy 4.2.15 – Council Member contact with Developers

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| Ward: | - | Date: | 22 May 2015 |
| Precinct: | - | File Ref: | |
| Attachments: | 1 - Draft Policy 4.2.15 – Council Member contact with Developers | | |
| Tabled Items: | Nil | | |
| Reporting Officers: | L Kosova, Chief Executive Officer | | |
| Responsible Officer: | L Kosova, Chief Executive Officer | | |

OFFICER RECOMMENDATION:

That Council **ADVERTISES** Draft Policy 4.2.15 – Council Member contact with Developers included as Attachment 1, for public comment in accordance with the Community Consultation Policy No. 4.1.5.

PURPOSE OF REPORT:

To consider advertising for public comment Draft Policy 4.2.15 – Council Member contact with Developers.

BACKGROUND:

Council at its meeting on 20 January 2015 considered a Notice of Motion from the Mayor, to introduce a public register of Elected Member contact with Developers. In response to that Motion Council resolved as follows:

“That Council REQUESTS the Chief Executive Officer to present a report to a Council Forum to consider introducing a public register of all Council Member meetings and telephone conversations with developers and applicants regarding planning and development proposals within the City of Vincent.”

The possible introduction of a public register of Elected Member contact with developers was discussed at the Council Forum on 17 February 2015, at which time it was generally agreed that a further report on this matter should be brought back to Council Forum prior to formal consideration by Council.

A Draft Policy was also presented to the Council Forum on 12 May 2015, which resulted in Administration making further refinements to the Draft Policy to clarify and narrow the range of contact with developers that would need to be recorded.

DETAILS:

Draft Policy 4.2.15 is aligned to Council’s Code of Conduct and would require Elected Members to record certain “prescribed contact” with Developers, whilst also requiring the CEO to keep and maintain a public register of that contact. A copy of the Draft Policy is included as **Attachment 1**.

CONSULTATION/ADVERTISING:

The Community Consultation Policy No. 4.1.5 specifies that new policies will be advertised by way of a 21 day Local Public Notice, together with letters to local business and community groups.

LEGAL/POLICY:

Section 5.103 of the *Local Government Act 1995* prescribes that every local government is to prepare and adopt a code of conduct to be observed by council members, committee members and employees.

RISK MANAGEMENT IMPLICATIONS:

Low: The adoption of this policy is applying an additional level of transparency to Council's operation and supports existing provisions in the City's code of conduct.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013 – 2023 states:

"4.1: provide good strategic decision-making, governance, leadership and professional management

4.1.2 Manage the organisation in a responsible, efficient and accountable manner"

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The Draft Policy has been constructed to supplement and guide Elected Members' compliance with clauses 2.8 and 2.9.3 of Council's adopted Code of Conduct (2013). Those clauses are reproduced below for ease of reference:

"2.8 Development Decisions

- (i) Council Members have a duty to ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. Council Members must avoid impropriety and must also avoid any occasion for suspicion and any appearance of improper conduct.*
 - (ii) In determining development applications, it is essential that Council Members are highly conscious of the potential for even the slightest impropriety to lead to suspicion of misconduct. This means Council Members must ensure that no action, statement or communication between themselves and applicants or objectors conveys any suggestion of willingness to provide concessions or preferential treatment."*
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“2.9.3 Transparency

- (i) *Council Members should exercise judgement when deciding whether to be involved in private meetings with people seeking to influence a council decision. Suspicions of inappropriate lobbying can occur when lobbying is not open to public scrutiny. Regardless of whether such suspicions are justified, they still have the potential to undermine public confidence in council decision-making and adversely affect an Council Member’s reputation.*

- (ii) *Transparency is a useful means of governing accountability and perceptions of fairness in lobbying processes. There are a number of ways Council Members can help ensure transparency whilst being lobbied. These include:*
 - (a) *documenting meetings with proponents;*
 - (b) *generally conducting meetings in official locations, such as Council premises;*
 - (c) *having other people present during meetings;*
 - (d) *inviting applicants who have approached them for a meeting to discuss significant developments, to write to the City seeking a meeting with all Council Members and relevant employees;*
 - (e) *providing copies of information presented during lobbying meetings to City employees for consideration and assessment (if required), distribution to other Council Members and filing as part of Council’s records;*
 - (f) *asking people who have requested a meeting to put their arguments in writing;*
and
 - (g) *making a declaration at a Council meeting about lobbying activities they have been engaged in that are not part of Council’s formal processes.”*

The Draft Policy does not introduce different or additional requirements for Elected Members than those already contained in the Code of Conduct, but rather clarifies and standardises the recording of contact between Elected Members and developers, to ensure maximum transparency and consistency in the method of recording that contact.
