

8.8. Public Forum - Response to Notice of Motion

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ENDORSED BY: Shane Sullivan, Executive Manager Governance

ATTACHMENTS: Nil

PURPOSE:

The purpose of this report is for Council to consider the pros and cons regarding having additional declarations made by members of the public when addressing Council Meetings as part of the Public Forum.

EXECUTIVE SUMMARY:

At its meeting held 22 August 2022, Council resolved as follows:

1. THAT a report to Council be prepared to address the pros and cons of having those addressing the Council Meeting:

- 1. Declare any pecuniary interests on the item they wish to speak to.*
- 2. Any declared pecuniary interests are stated verbally before they speak.*
- 3. Those speaking have their North Sydney address checked against rate records.*

This report considers some elements of the resolution and proposes a method to give Councillors context regarding a speaker to understand their perspective without additional complexity for the speaker. The proposed change is to ask those applying to speak to state their interest in the matter, noting that their response will be included in the minutes of the Public Forum.

FINANCIAL IMPLICATIONS:

There are no financial implications as a result of this report.

RECOMMENDATION:

1. **THAT** Council note the report
2. **THAT** Council endorse the proposed change to request that speakers for Public Forum identify their interest in a matter and that this will be included in minutes of the Public Forum.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.3 Community is engaged in what Council does

BACKGROUND

The conduct or otherwise of a Public Forum is a non-mandatory provision of the Model Code of Meeting Practice.

North Sydney Council has resolved that a Public Forum will be conducted. The format of how it is conducted is the subject of a public exhibition period currently underway as resolved by Council at its meeting held 22 August 2022.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

Below, as resolved by Council, are the pros and cons of having additional declarations or information for those participating in Public Forum.

1. Declaration of pecuniary interests on the item they wish to speak on and 2. Are stated verbally before they speak.

A pecuniary interest is defined under the Code of Conduct as

. . . an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3

Clause 4.3 provides the following:

4.3 *For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:*

- (a) your interest, or*
- (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or*
- (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.*

Clause 4.2 provides that

You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.

The determination as to whether a person has a pecuniary interest is a matter for the individual.

A benefit of requiring Public Forum speakers to declare a pecuniary conflict of interest would be that it provides some context for their perspective. It also reflects Council's commitment to openness and transparency.

However, the declaring of interests is a mechanism to ensure confidence and integrity in decision making and speakers are not decision makers. As such requiring a declaration could be considered an onerous requirement and one which appears to dissuade speakers.

It also needs to be acknowledged that there is no real capacity for Council to make this requirement of speakers. If they were to fail to declare a pecuniary interest, there is no repercussion or impact.

3. *Those speaking have their North Sydney address checked against rate records*

It is certainly possible to have the details of a speaker checked to identify if they are a North Sydney Council rate payer. This will add a small administrative task which is currently not required. It would also be appropriate to update the form for speakers to state that this check will be undertaken.

This process would identify whether the speaker is on the system as the rate payer for the property they have identified on the application to speak. It is assumed that this information would then be shared with Councillors.

The Code of Conduct provides that Councillors are to be provided information *necessary for the performance of their official functions*. The purpose of having this information is assumed to be required for the performance of the official function of decision making in a Council Meeting and as such it may be appropriate that it be provided.

A benefit of providing Councillors with this information would be to give some context as to the perspective of the speaker.

However, it should be noted that this information would not identify non-ratepayers which would include renters, those who visit North Sydney for work, study or recreation, and those whose properties are rates exempt. Further, it would not capture property owners of commercial premises where the rates is paid by the lessee.

Other option

To achieve the outcome of assisting Councillors in understanding the reason a speaker is addressing Council, it may be appropriate to add a section to the request form asking for a sentence or two as to the speaker's interest in the matter.

This would allow the speaker to articulate their interest without requiring them to identify or classify the nature of the interest. For example, they may state that their interest in the matter is as a concerned resident, the proponent to a Planning Proposal, on behalf of a Precinct Committee or a subject matter expert etc.

To provide openness and transparency the wording could also be included in the Council Meeting minutes along with the name of the speaker. Applicants to speak would be advised of this when completing the form.

It is considered that this process could achieve the desired outcome of providing context for a speaker without the requirement for identifying or disclosing a conflict of interest, or checking the rates records.