

7.3 MISSION ACCOMPLISHED: TIME TO RELAX THE 'HANDS ON HEAD' REQUIREMENTS

Submitting Councillor: The Mayor

MOTION

That Council:

- 1. notes the substantial and sustained improvement to the functioning of Council meetings following the adoption of the recent meeting reforms at the May Council meeting;*
 - 2. resolves that, in acknowledgement that this is the final meeting of Council for this term, and with optimism that the next Council will conduct itself in a more professional manner than how some people conducted themselves over part of this Council term, the following amendments be made to the 'hands on head' requirements contained in the Supplementary Standing Orders:
 - a. deleting 'by placing two hands on his or her head' from Supplementary Standing Order 15;*
 - b. deleting 'by placing one hand on his or her head' from Supplementary Standing Order 20;*and*
 - c. replacing 'placed one or both hands on his or her head' with 'signalled an intent to raise a Point of Order or Procedural Motion' in Supplementary Standing Order 24.*
- 3. notes that it will be a matter for the next Council as to whether it wishes to revoke the Supplementary Standing Orders, make changes to Local Law No 1 on Meeting Procedures or to incorporate some provisions of the Supplementary Standing Orders in Local Law No 1.*

BACKGROUND

Upon my election to fill the vacancy in the position of mayor in May, I signalled to Council and the community that restoring the orderly and respectful functioning of Council meetings would be my main focus in the role.

The Council meetings which had occurred prior to the May meeting had seen a pronounced decline in behavioural standards amongst a small group of councillors and persons in the Public Gallery. This had led to meetings being unacceptably unruly, disruptive and unpleasant. In particular, there had been a number of instances where these councillors or persons in the Public Gallery completely disregarded the rulings or directions of the previous mayor. A number of complaints had been made in response to this conduct.

Some of the impacts of this unruly conduct is best illustrated by the finishing times of the last three ordinary meetings of Council leading up to the May meeting. These meetings had finished at midnight, 3.00 am and 11.30 pm which were well past the latest finishing time contemplated by Local Law No 1 of 10.00 pm. This concerning trend of excessively late finishing times indicated that Council was not managing the business being transacted at its meetings as effectively as possible. It was important that Council take action to restore its authority over the conduct of its meetings. It was also important that Council better

manage the transaction of business at its meetings to ensure that meetings do not finish at such unreasonably late times.

In my acceptance speech upon becoming mayor in May I said:

Ensuring the orderly, respectful and efficient transaction of Council business will be my chief focus over the few short months that I will occupy this role.

Everyone can expect to see some immediate changes to how our meetings are conducted. Changes for the better to ensure Council's responsibilities to govern effectively are realised rather than thwarted and disregarded.

The following will have no place in this chamber from this point forward:

- 1. Disorderly conduct from either councillors or members of the public gallery;*
- 2. Ignoring Council's meeting procedures or the rulings of the chair;*
- 3. Personal attacks on others – particularly on Council officers; and*
- 4. Council meetings extending well past reasonable finishing times.*

It will be my aim, starting tonight, to lift the standards of our meetings to the sort of conduct which those who have elected us to serve them around this table rightly expect.

At the 31 May 2016 Council meeting, Council resolved to support a number of measures proposed by me to improve Council's dysfunctional and unruly meetings which had proceeded that meeting.

The main reforms were:

1. the adoption of detailed Supplementary Standing Orders designed to complement Council's Local Law No 1 on Meeting Procedures; and
2. the appointment of a Governance and Behaviour Monitor to monitor the remaining council meetings for the rest of this Council term.

DISCUSSION

The reforms adopted by Council at the May meeting were immediately successful with each meeting since the May meeting being conducted in a professional, business-like, respectful and, above all, orderly manner.

This improvement can be readily observed in each of the Monitor's reports which he has submitted to each subsequent Council meeting.

Finishing times for meetings

Finishing times for all meetings since May have been prior to 10.00 pm with one exception which was a particularly long agenda and finished only a few minutes past 10.00 pm. Excessively long meetings are unreasonable for everyone – particularly members of the public who have an interest in a matter on Council's agenda, for local media who have an important role to play in covering our meetings and for Council officers who, in some instances, have been at work since prior to 7.00 am on the morning of a Council meeting

and need to return again just a few hours later the following day. Council also has occupational health and safety obligations to ensure that our staff, as well as councillors, are not put at unreasonable risk because of the meeting practices which we adopt. It is not difficult to imagine how an unspeakable tragedy could arise when fatigued members people are travelling home from their workplace in such circumstances.

The raising of Points of Order and the moving of Procedural Motions

In my view, one of the main contributors to disorder and disruption at the Council meetings prior to May was the aggressive and belligerent way in which some councillors had been asserting Points of Order or raising Procedural Motions. These interventions during a meeting were typically raised in a fairly disruptive way with the councillor raising the Point of Order or Procedural Motion by standing up in their place, often demanding to be heard in a raised voice and more times than not straying off the Point of Order being raised or going beyond simply moving the Procedural Motion by entering into debate. In particular, the councillor making such interventions also tended to be argumentative and often made a point of heckling the previous mayor's ruling or treatment of their Point of Order or Procedural Motion. This conduct sometimes extended to other councillors as well who at times interjected to comment on or criticise the approach proposed by the moving councillor or the way that the mayor was treating with it.

The Supplementary Standing Orders make it clear that such conduct is disorderly and will no longer be tolerated. The Supplementary Standing Orders deal with both processes in an attempt to take the theatrics and pontification out of these processes.

I specifically proposed that no longer will a councillor stand in their place to either raise a Point of Order or move a Procedural Motion as I believed that the act of standing over the meeting when raising one of these interventions significantly contributed to the argumentative and disruptive way that these were often presented by some councillors.

I proposed that these matters be raised by a councillor silently signalling their desire to raise a Point of Order or move a Procedural Motion. In the case of a Point of Order, this could be done by placing both hands on their head. In the case of a Procedural Motion, it was by placing one hand on their head.

Although 'novel' and ridiculed by some, the adoption of these measures immediately improved the functioning of our meetings. Since the May meeting, we have barely had a single Point of Order and no disruptive Procedural Motion raised. Part of the reason for this improvement has been because the signalling process meant that it was immediately apparent what it is that a councillor is wishing to raise – i.e. a Point of Order or a Procedural Motion – and the mayor is placed in the position of being able to immediately and specifically engage the Councillor on the matter they are raising. These measures have succeeded in making Points of Order and Procedural Motions an exception rather than the norm they had previously become.

As I said at the time of proposing these reforms, I am not concerned in the slightest if requiring someone to put their hands on their head does dis-incentivise a councillor from

moving these – as we were getting far too many of these interventions than was warranted or reasonable. Indeed we were getting more Points of Order and Procedural Motions raised at a single meeting than what was experienced across the entire previous four year Council term. I am pleased that since the May reforms, we are once again back to how things were in the previous term.

In the case of Points of Order, the other advantage of this approach was that it treated Points of Order in a fairly clinical way with an aim of ensuring consistent, impartial and clear rulings. I drafted the Supplementary Standing Orders to also require all Points of Orders raised to be clearly and comprehensively recorded in the minutes, including the chairperson's ruling and the reasons for their ruling.

I thank all councillors and attendees in the Public Gallery for contributing to the improvement of our meetings. Given this improvement being sustained over the past five months, I recommend to Council that we now relax the more contentious and onerous elements of the Supplementary Standing Orders (i.e. the 'hands on head' requirements) because the objectives of these measures have now been realised. With a new Council to take office from the November meeting onwards, it is appropriate in my view that it be given the chance to conduct its meetings in the professional and respectful way expected by our community without the need for these more extraordinary measures which were unfortunately necessary five months ago.

CONCLUSION

Council's challenge over the past five months was to significantly improve its meeting performance. Every councillor had a role to play in achieving this and all councillors – particularly me as chair of these meetings – have been held to account for our individual actions. People attending Council meetings in the Public Gallery are also an important part of the effective functioning of Council meetings and also had a role to play.

The Supplementary Standing Orders together with Local Law No 1, have been applied without fear or favour by me, to the best of my ability, and in the interests of lifting the governance performance of Council.

It is pleasing, and I must say it has surprised me, that everyone – both councillors and members of the Public Gallery – have responded so effectively to these reforms. I am hopeful this trend will continue into the next Council term and while I am proposing that the 'hands on head' measures be relaxed, I would recommend the Supplementary Standing Orders be retained into the next Council term and reviewed as part of the coming review of Council's Local Law No 1 on Meeting Procedures.