

Newcastle City Council

Charter

Asset Advisory Committee Charter

Date: Sept 2017

Newcastle City Council
PO Box 489, Newcastle NSW 2300
Ph: 4974 2000 Fax: 4974 2222
Email: mail@ncc.nsw.gov.au
www.newcastle.nsw.gov.au



Charter title	Asset Advisory Committee Charter
Committee Type	Advisory
Charter owner	Manager Property Services
Prepared by	Property Services
Approved by	Council
Date approved	26 September 2017 (Charter) 24 October 2017 (Amendment)
ECM number of Council decision	5329216 (Adopted) 5355272 (Amended)
Dissolution date	One day prior to Council's next ordinary election
Delegations	Nil

Table of Contents

1	Interpretation.....	1
2	Responsibilities.....	1
3	Establishment and dissolution	2
4	Authority.....	2
5	Membership	2
6	Selection of Councillor Members	3
7	Responsibility of Members.....	3
8	Appointment and responsibility of Chairperson	3
9	Responsibility and requirements of the Facilitator	3
10	Responsibility and Requirements of the Secretary	4
11	Termination of Membership	4
12	Attendance at meetings	5
13	Meeting administration.....	5
14	Quorum.....	5
15	Meeting schedule.....	5
16	Meeting agendas	5
17	Resolutions of the Committee.....	6
18	Reports	6
19	Minutes	6
20	Conduct by members and attendees.....	6
21	Public Comment	6
22	Confidentiality	7
23	Induction	7
24	Review of Committee performance	7
25	Review of Charter	7

1 Interpretation

- 1.1 **Act** means the *Local Government Act 1993* (NSW).
- 1.2 **Attendee** means a person entitled to attend a meeting of the Committee, however do not have any entitlement to vote on matters before the Committee.
- 1.3 **Chairperson** means the person appointed in accordance with clause 8.
- 1.4 **Council** means Newcastle City Council and where appropriate includes its administration and elected Council (a specific reference to the elected Council means a decision of Councillors at a Council meeting).
- 1.5 **Committee** means the Council's Asset Advisory Committee constituted in accordance with clause 5.
- 1.6 **Member** means those described in clause 5.1.
- 1.7 **Facilitator** means a Council officer appointed to fulfil the tasks set out in clause 9.
- 1.8 **CEO** means the Chief Executive Officer of Council and includes their delegate or authorised representative.

References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).
- 1.9 **Guest** means any person invited by the CEO or at the request of the Committee to attend a meeting only for a specific purpose. Guests have no voting rights.
- 1.10 **Secretary** means the Council Officer appointed by the CEO to fulfil the role of secretary.

Unless stated otherwise, a reference to a clause is a reference to a clause of this Charter.

2 Responsibilities

- 2.1 The responsibilities of the Committee are:
 - 2.1.1 To provide strategic advice and guidance on the development and implementation of Council's property asset direction for the City.
 - 2.1.2 To monitor and review progress of Council's property asset strategies, policies and determinations.
 - 2.1.3 To guide and provide recommendations on Council's property asset acquisition, disposal, utilisation and management.
 - 2.1.4 To align the utilisation, function and nature of Council property assets with Council's strategic priorities.
 - 2.1.5 To determine and provide recommendations on Council's property asset funding priorities.
- 2.2 This Committee was constituted to investigate, consider, and provide advice on strategic property asset issues within this Charter.

- 2.3 This Committee will, where considered beneficial, work collaboratively with Council's other committees to consider issues that are within the charters of more than one committee.
- 2.4 This Committee will, where deemed necessary by the Committee, form working parties to investigate, consider, and provide expert advice on defined tasks and issues.
- 2.5 The Committee will consider issues within its Charter which are referred to it by Council.

3 Establishment and dissolution

- 3.1 The elected Council resolved to establish the Committee on 17 November 2009.
- 3.2 The Committee remains in existence until one day prior to Council's next ordinary election to be held in 2020.
- 3.3 Alternatively, the Committee may be dissolved by resolution of the elected Council.

4 Authority

- 4.1 The Committee is an advisory committee only. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the CEO, as provided in the Act.
- 4.2 The Committee's resolutions, which record its decisions, should be treated only as recommendations of the Committee. The Committee has no executive powers and cannot make decisions on behalf of Council under section 355 of the Act.
- 4.3 The Committee is not a council committee as defined in section 360 of the Act, because its membership is not constituted solely by councillors.
- 4.4 Neither the Committee nor any of its Members may direct any Council officer in his or her duties.
- 4.5 The Chairperson of the Committee may, if considered reasonably necessary and in consultation with the CEO, request external professional advice to allow the Committee to meet its responsibilities.
- 4.6 The CEO may facilitate, and provide the necessary financial resources, to engage the provision of any such external professional advice required.

5 Membership

- 5.1 The Committee is constituted by the following membership, which cannot be delegated:
 - 5.1.1 Four Councillors appointed by the elected Council; and
 - 5.1.2 CEO, Director Infrastructure & Property, Director Governance.
- 5.2 Members are entitled to vote on matters before the Committee.

6 Selection of Councillor Members

- 6.1 Council will call for nominations for Councillor Members at the commencement of each Council term.
- 6.2 The elected Council will elect four Councillor Members by resolution.
- 6.3 Councillor Members remain Members of the Committee until:
 - 6.3.1 the Committee is dissolved pursuant to clause 3.2 of this Charter;
 - 6.3.2 they resign; or
 - 6.3.3 their membership is otherwise terminated.
- 6.4 If re-elected to Council, retiring Councillor Members are entitled to nominate for re-appointment.

7 Responsibility of Members

- 7.1 Members are expected to:
 - 7.1.1 understand the relevant legislative and regulatory requirements applicable to Council;
 - 7.1.2 be able to contribute the time needed to understand the Committee's business papers and to attend Committee meetings; and
 - 7.1.3 In accordance with this Charter, provide advice and feedback on matters brought before the Committee.

8 Appointment and responsibility of Chairperson

- 8.1 The Chairperson will be appointed by the elected Council.
- 8.2 The Chairperson will be responsible for keeping order at the meeting.
- 8.3 If the Chairperson is absent from a Committee meeting, a Member of the Committee will be nominated by the CEO to chair the meeting.

9 Responsibility and requirements of the Facilitator

- 9.1 The Facilitator will be a suitably qualified Council officer, as determined by the CEO. The position may be shared amongst a number of suitably qualified Council officers.
- 9.2 The role of the Facilitator is to:
 - 9.2.1 Arrange for a report regarding the selection of Councillor Members and a Committee Chairperson to be tabled before the elected Council at the commencement of each Council term.
 - 9.2.2 Make committee governance papers (including but not limited to this Charter and Council's applicable policy/guideline documents) available to committee members, Councillors and relevant Council officers;

- 9.2.3 Liaise with Members, including Councillor Members, where the Members have a day to day enquiry of an administrative nature (including clarification of a Committee report or information about a meeting or process);
- 9.2.4 Facilitate discussion at committee meetings, provide input at Committee meetings and participate at Committee meetings as an attendee;
- 9.2.5 Where appropriate, liaise closely with the facilitators of Council's other committees to assist collaboration between committees, the sharing of information and the efficient use of Council and Member resources, where approved by the Committee; and
- 9.2.6 Work closely with the Chairperson and other Committee Members to administer the Committee and its meetings.

10 Responsibility and Requirements of the Secretary

- 10.1 The Secretary will be a suitably qualified Council officer who undertakes the following functions: (insert/delete as required)
 - 10.1.1 prepare agendas;
 - 10.1.2 maintain the register of members;
 - 10.1.3 maintain meeting attendance register;
 - 10.1.4 take minutes at committee meetings and prepare them for dissemination;
 - 10.1.5 accept and collate committee business papers prepared or submitted by Council officers, committee members, working parties and stakeholders;
 - 10.1.6 make agendas, minutes and committee business papers available to committee members, Councillors and relevant Council officers;
 - 10.1.7 book meeting venues and organise the provision of any necessary equipment; and
 - 10.1.8 provide administrative assistance to the Facilitator
- 10.2 The role of the Secretary may be shared amongst a number of suitably qualified Council officers or be the same person.

11 Termination of Membership

- 11.1 Membership of any Member may be terminated by Council resolution of the elected Council, due to
 - 11.1.1 the Member's non-attendance at three consecutive Committee meetings without prior notification of their non-attendance or the granting of leave by resolution of the Committee; or
 - 11.1.2 the Member's conduct being inconsistent with this Charter or Council's Code of Conduct.

- 11.2 Councillor membership terminates immediately upon a Councillor Member no longer being a Councillor.
- 11.3 If a Councillor Member does not remain on the Committee for the entire Council term, appointment of a replacement Councillor Member must be by resolution of the elected Council as soon as practicable after the Councillor Member ceases to be a Member of the Committee.

12 Attendance at meetings

- 12.1 Attendance at any meeting of the Committee is limited to the following:
 - 12.1.1 Members;
 - 12.1.2 Facilitator and Secretary;
 - 12.1.3 Councillors as observer/s only. Councillors must give 14 days written notice to the Facilitator of their intention to attend and do not have the right to ask questions, participate in discussion or vote on matters before the Committee.
 - 12.1.4 Other Council officers or guests, by invitation of the CEO or as approved by a resolution of the Committee.

13 Meeting administration

- 13.1 The CEO is responsible for ensuring that the Committee has adequate secretarial support and access to administrative resources by appointing a Secretary.

14 Quorum

- 14.1 A quorum is constituted by attendance of at least four Members, including at least one Councillor and one Member of the EMT.

15 Meeting schedule

- 15.1 The Committee will meet at least four times per year or as resolved by the Committee.
- 15.2 A forward meeting plan will be agreed by the Committee prior to the end of each calendar year.
- 15.3 Additional meetings may be scheduled by the:
 - 15.3.1 Chairperson;
 - 15.3.2 Committee by resolution; or
 - 15.3.3 CEO.

16 Meeting agendas

- 16.1 The Secretary will provide notice of meetings, including the agenda and business papers, to Members at least seven (7) business days prior to the day of the meeting. These may be transmitted electronically.

17 Resolutions of the Committee

- 17.1 Resolutions of the Committee must be consistent with this Charter which limits decisions (resolutions) of the Committee to be treated as recommendations only as set out in clause 4.
- 17.2 The Committee will make decisions (resolutions) by majority vote and record its decisions (resolutions) in the minutes of the Committee meeting.
- 17.3 The relevant EMT Member responsible for implementing a recommendation made by the Committee may action resolutions as they deem appropriate in accordance with their individual delegations and authorisations.

18 Reports

- 18.1 The relevant EMT Member responsible for implementing a recommendation made by the Committee must report to the Committee as required, as to the status of actions taken. The Facilitator will coordinate such reports.
- 18.2 The Committee may submit reports to Council where a Council resolution is required to enact a recommendation of the Committee.

19 Minutes

- 19.1 All Committee business will be appropriately minuted and recorded by the Secretary, including registration in accordance with Council's Records Management Policy.
- 19.2 Draft minutes of the previous meeting will be distributed to the Committee at least seven (7) business days prior to the next meeting.
- 19.3 Draft minutes of the previous meeting are to be adopted by resolution of the Committee at the following meeting.

20 Conduct by members and attendees

- 20.1 All Members and attendees are expected to conduct themselves in accordance with Council's Code of Conduct. Any behaviour inconsistent with the Code of Conduct will be treated as a breach of the Code of Conduct and will be dealt with it accordingly.
- 20.2 Conflicts of Interests must be declared and managed in accordance with the Code of Conduct. A record of a declared conflict of interest in the minutes is sufficient.
- 20.3 Significant Pecuniary or significant non-pecuniary conflicts of interest must be managed by the Member excluding themselves from the meeting during the discussion of the relevant agenda item. Such exclusion should be recorded in the minutes.

21 Public Comment

- 21.1 The Lord Mayor or CEO are the official spokespeople for the Committee, in accordance with Council's Media Policy, and no other Members should speak to the media or members of the public in regard to Committee business.

22 Confidentiality

- 22.1 Due to the potential commercial implications, items of Committee business remain confidential unless confirmed otherwise by the Committee.
- 22.2 Prior to attending a meeting, any guests invited in accordance with clause 12.1.4 (who are not Councillors or Council officers) must sign a Deed of Confidentiality and agree to abide by the terms of Council's Code of Conduct relating to confidentiality.
- 22.3 Unless otherwise resolved by the Committee, all meetings of the Committee will be closed to the general public.

23 Induction

- 23.1 New Committee Members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

24 Review of Committee performance

- 24.1 The Chairperson will initiate a review of the Committee's performance at least once every two years.

25 Review of Charter

- 25.1 This Charter will be reviewed every two years and may only be amended by resolution of the elected Council.