

# NOTICE OF MEETING



## STRATEGIC BUSINESS PANEL MEETING

A Strategic Business Panel Meeting of Byron Shire Council will be held as follows:

Venue	<b>Conference Room, Station Street, Mullumbimby</b>
Date	<b>Thursday, 12 March 2020</b>
Time	<b>2.00pm</b>

Shannon Burt  
Director Sustainable Environment & Economy

*12020/388  
Distributed 05/03/20*

---

---

## CONFLICT OF INTERESTS

**What is a “Conflict of Interests”** - A conflict of interests can be of two types:

**Pecuniary** - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

**Non-pecuniary** – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Code of Conduct for Councillors (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

**Remoteness** – a person does 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 the person might make in relation to a matter or if the interest is of a kind specified in the Code of Conduct for Councillors.

**Who has a Pecuniary Interest?** - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

**Relatives, Partners** - a person is taken to have a pecuniary interest in a matter if:

- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

**No Interest in the Matter** - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

### Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
  - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
  - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

**No Knowledge** - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

**Non-pecuniary Interests** - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as of the provisions in the Code of Conduct (particularly if you have a significant non-pecuniary interest)

---

---

## RECORDING OF VOTING ON PLANNING MATTERS

### Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
  - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
  - (b) not including the making of an order under that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

**BYRON SHIRE COUNCIL**  
STRATEGIC BUSINESS PANEL MEETING

**BUSINESS OF MEETING**

**1. APOLOGIES**

**2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**

**3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

3.1 Strategic Business Panel Meeting held on 29 August 2019

**4. STAFF REPORTS**

**Sustainable Environment and Economy**

4.1 Strategic Business Panel - Agenda 2020 .....4

**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 4.1**                    **Strategic Business Panel - Agenda 2020**  
**Directorate:**                    Sustainable Environment and Economy  
5 **Report Author:**                Lisa Richards, Tourism Officer  
   Sharyn French, Manager Environmental and Economic Planning  
**File No:**                            I2020/155

10 **Summary:**

The Strategic Business Panel is scheduled to meet three times in 2020 including today's meeting. The next two meetings are scheduled for:

- 11 June
- 10 September

20 This report proposes the Panel reviewing the Terms of Reference for the Panel, providing an update on the Byron Shire Sustainable Visitation Strategy 2020-2030 as well as discussion around setting future topics for the Panel to explore at these meetings.

---

**RECOMMENDATION:**

**That the Strategic Business Panel reviews the Terms of Reference and notes the proposed agenda items for future meetings in 2020.**

25 **Attachments:**

- 1        CONSTITUTION Strategic Business Panel adopted following Res 18-422, E2018/53699 , page 7 [↓](#)

**REPORT**

5 It is proposed to review the Terms of Reference of the Panel at the March meeting to set a clear direction for future Panel meetings; their purpose, membership and the desired outcomes and/ or themes for each meeting.

Previous Panel meetings have been held in response to a theme.

10 To date themes include: Agriculture, Business Incubators, Creative Industry, Big Ideas breakfast, and Green Building Industry.

15 It is proposed that the next Panel meeting on 11 June is themed around businesses, employment and demographic shifts and trends.

Council has an annual subscription with Id Profile which includes briefings to council on new statistical data and our [Economic Statistics Dashboard](#). Id Profile will be invited to provide the presentation which will be open to all Councillors, Executive Team and key council staff.

20 There will be an update on the Byron Shire Sustainable Visitation Strategy 2020-2030 as well as conversation around Council’s intention to review Enterprising Byron 2025 alongside the Business in Byron Shire Business Survey Results 2017/18 and the Northern Rivers Regional Economic Development Strategy 2018-2022.

25 Themes for the September meeting can be considered at the meeting.

**STRATEGIC CONSIDERATIONS**

***Community Strategic Plan and Operational Plan***

30

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 4: We manage growth and change responsibly</b>	4.3	Promote and support local business development, education and employment opportunities	4.3.1	Facilitate and support sustainable development of our business community	4.3.1.1	Review and implement the Economic Development Strategy and Action Plan
<b>Community Objective 4: We manage growth and change responsibly</b>	4.3	Promote and support local business development, education and employment opportunities	4.3.1	Facilitate and support sustainable development of our business community	4.3.1.2	Continue to strengthen partnerships between Council and the business community through the Strategic Business Panel and Business Roundtable

***Legal/Statutory/Policy Considerations***

N/A

35

***Financial Considerations***

N/A

***Consultation and Engagement***

N/A

5

5  
10  
15  
20  
25  
30  
35  
40



---

**BYRON SHIRE COUNCIL**

**STRATEGIC BUSINESS PANEL**

**CONSTITUTION**

---

**INFORMATION ABOUT THIS DOCUMENT**

(INTERNAL USE ONLY)

<b>Date Adopted by Council</b>	21 June 2018	<b>Resolution No.</b>	18-422
<b>Responsibility</b>	Economy and Sustainability Coordinator		
<b>Review Timeframe</b>			
<b>Last Review Date:</b>		<b>Next Scheduled Review Date</b>	

5

***Document History***

<b>Doc No.</b>	<b>Date Amended</b>	<b>Details Comments eg Resolution No.</b>
E2018/2442	November 2017	Draft following Resolution 17-547
E2018/53699	21 June 2018	Adopted Res 18-422

***Further Document Information and Relationships***

<b>Related Legislation</b>	Section 355, Local Government Act (1993)
<b>Related Policies</b>	Code of Conduct 2016 Work Health Safety Policy Code of Meeting Practice
<b>Related Procedures/ Protocols, Statements, documents</b>	

10



Table of Contents

5 1. Preamble ..... 4  
2. Purpose ..... 4  
3. Timeframe for Panel..... 4  
4. Responsible Directorate ..... 4  
5. Membership ..... 4  
10 6. Induction ..... 5  
7. Quorum..... 5  
8. Confidentiality ..... 5  
9. Election of Chairperson..... 5  
10. Voting..... 5  
15 11. Majority Decision..... 5  
12. Convening Meetings ..... 6  
13. Agenda Preparation ..... 6  
14. Conduct of Business ..... 6  
15. Records of meetings ..... 6  
20 16. Absence from Panel Meetings ..... 6  
17. Section 377 Delegation ..... 7  
18. Meeting Practice ..... 7  
19. Miscellaneous ..... 7

25

## **1. Preamble**

5 The Strategic Business Panel is a Panel of the Council and does not have executive power or authority to implement actions.

The role of the Panel is to provide appropriate specialist advice and recommendations to Council on matters relevant to this Constitution.

## **2. Purpose**

10 The purpose of the Strategic Business Panel is to discuss various themes or strategic topics relevant to the business community in the Byron Shire to generate and sustain employment and business investment that will strengthen the local economy in a sustainable manner by:

- 15
- A. Identifying regulatory issues that impede or otherwise restrict the business community
  - B. Developing strategies and policies that could assist local businesses and non performing Council owned assets achieve their goals.

20 Four key areas:

- 1. Emerging industries
- 2. Public Private Partnerships
- 25 3. Enabling infrastructure
- 4. Planning and Design.

To achieve this, different formats for each meeting will be used such as field days and workshops with guest speakers and industry leaders.

30 The Panel Councillors and staff set the theme and invite the leading business people, relevant speakers, experts and attendees for each meeting.

## **3. Timeframe for Panel**

35 The lifespan of the Strategic Business Panel is for the term of Council 2016-2020.

## **4. Responsible Directorate**

40 This Panel is administered by the Sustainable Environment and Economy Directorate. The Director or their delegate will attend these meetings and minutes will be taken by a member of their staff.

## **5. Membership**

45 Council must appoint all Panel members. Appointment must take place prior to a member being conferred the responsibilities and rights as set out in this document.

Council may release individual members from the Panel at any time by a resolution of council. Council may also appoint any new members to a Panel at any time by a resolution of council.

50

Membership is to include:

- 3 Councillors
  - Cr Simon Richardson
  - Cr Paul Spooner
  - Cr Alan Hunter
- General Manager (or staff member delegate)

5

10 *Note: Staff members participating on the Panel do not have any voting entitlements.*

Councillors and Council staff set the theme of each meeting and invite the relevant leading business people, speakers, experts and attendees for each meeting.

## 15 **6. Induction**

20 All members will be required to participate in an induction process at the establishment of a new Panel, and at any time a replacement voting member joins a Panel. The induction will be scheduled prior to the first meeting of the Panel and will cover topics such as this Constitution, the Code of Meeting Practice, Conflicts of Interest and Code of Conduct.

Replacement voting members will be inducted by experienced Panel members at, or prior to, their first meeting.

## 25 **7. Quorum**

A quorum is to constitute at least half the number of members, two of which are to be Councillors. The General Manager or delegate, who must be a member of staff, is to attend the Panel meeting and is not counted in the quorum for the meeting.

30

## **8. Confidentiality**

Members of the Panel will, in those circumstances where confidential matters are subject to deliberation, maintain confidentiality.

35

## **9. Election of Chairperson**

The position of Chairperson is to be elected from Councillors comprising the Panel but only in circumstances where the Mayor elects not to assume the position of Chairperson.

40

## **10. Voting**

a) Each member of the Panel (with the exception of staff members) is to have one vote, with the Chairperson to have a casting vote in addition to a deliberative vote.

45

b) Members of the Panel who are not Councillors may abstain from voting in any circumstances without such abstention being recorded in the negative.

## 11. Majority Decision

A majority decision of the Panel requires a majority of elected members to be present and voting on any item subject to the requirements of a quorum being met at the meeting.

5

## 12. Convening Meetings

Meetings will be held as required, generally every quarter. An annual timetable of meetings will be prepared in advance, and adopted by Council every October/November for the following 12 months.

10

A meeting of the Panel may be convened in response to either the direction of the Mayor (or in the Mayor's absence the Deputy Mayor) in written form to the General Manager; or two Councillors in written form to the General Manager, or by resolution of the Council.

## 13. Agenda Preparation

It is the responsibility of the chairperson to prepare the agenda in consultation with the relevant Director, setting out the terms of business to be considered.

20

The agenda is an organised list of the business, in order, that will be transacted at the meeting. An agenda for each meeting, containing a brief report on each item, is to be provided to Panel members and available on Council's website at least 7 days prior to the meeting being held.

25

Each item of business to discuss at the meeting is required to be listed on the agenda and in written form. Verbal reports at the meeting are not an acceptable practice.

For some matters, it will be necessary to attach other relevant information to the agenda to inform and direct discussion. Such information is to be circulated with the agenda.

30

Panel members may request items for inclusion in future agendas, through the Chair.

## 14. Conduct of Business

35

Each item of business is discussed in the order in which it appears on the agenda. No new matters will be introduced at the meeting. New items of business may be included in a future agenda as noted in clause 13 above.

## 15. Records of meetings

40

a) The minutes of meetings are to be circulated to members of the group within 7 days of the meeting so that members can provide feedback through the Chair on the draft unconfirmed minutes.

45

b) Any recommendation of a Panel that requires a resolution of Council will be reported to Council through a staff report to Council from the responsible Directorate for the Panel, and the staff report will include as an attachment, a copy of the minutes of the Panel meeting at which the recommendation was made.

## 16. Absence from Panel Meetings

All Panel members are required to advise the chair when they are unable to attend Panel meetings. The absence of Panel members from the meeting is to be recorded in the minutes. A Panel member (other than the Mayor) ceases to be a member of a Panel if the member:

- a) Has been absent from three consecutive meetings of the Panel without having given reasons acceptable to the Panel for the member's absence, or
- b) Has been absent from at least half of the meetings of the Panel held during the immediately preceding year without having given to the Panel acceptable reasons for the member's absences.

## 17. Section 377 Delegation

The Panel does not have any delegated functions pursuant to section 377 of the Local Government Act (1993) and does not have the power to direct staff.

## 18. Meeting Practice

Meetings are to be conducted in accordance with this Constitution and, where required, reference to Council's Code of Meeting Practice.

## 19. Miscellaneous

- a) **Insurance:** All group members are covered by the public liability policy of Council. This insurance does not preclude the Panel from due diligence and all Council policies must be adhered to.
- b) **Code of Conduct:** All group members to abide by Council's adopted Code of Conduct at all times.
- c) **Pecuniary Interest:** Pecuniary Interest may be defined as an interest that a person has in a matter, as a group member or employee of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other person includes the spouse or de-facto partner or relative of the group member.

Section 446 of the Local Government Act states that "a member of a council committee, other than a committee that is wholly advisory, must disclose pecuniary interests..."

Even though the Local Government Act provides an exemption to disclose pecuniary interests Council's preference is for all members to declare pecuniary interests where applicable.

- d) **Work Health Safety:** All group members are required to comply with the "Worker Responsibilities" as prescribed in the Work Health Safety Policy.