

8.2 COUNCIL PROCEEDINGS GUIDELINES AND MINOR AMENDMENT TO MEETING PROCEDURES POLICY

TRIM Ref: D21/72304
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Attachments: 1. Draft - Council Proceedings Guidelines
2. Meeting Procedures Policy - marked up

RECOMMENDATION

That Council:

1. **APPROVES** the Council Proceedings Guidelines at Attachment 1; and
2. **APPROVES** the minor amendments to the Meeting Procedures Policy at Attachment 2.

PURPOSE OF REPORT:

For Council to consider the draft Council Proceedings Guidelines at **Attachment 1**.

BACKGROUND:

Prior to March 2020, public questions and statements were received in person and in accordance with clause 2.19 of the City's [Meeting Procedures Local Law 2008](#) (Local Law) and clause 7 of the [Council Briefing Guidelines](#).

On 25 March 2020 Parliament approved amendments to the *Local Government (Administration) Regulations 1996* (Regulations) which allow Council and Committee meetings to be held electronically during a public health emergency or state of emergency.

At its 7 April 2020 Council Meeting, Council approved Guidelines for [Electronic Council Proceedings](#) (Guidelines) and, on 15 September 2020, included a provision in the [Meeting Procedures Policy](#) that all electronic meetings are to be conducted in accordance with the approved guidelines.

The Guidelines set out the format and procedure for Council proceedings that are held electronically during a public health emergency or state of emergency. These procedures permit questions and statements to be submitted in writing and read out during public question time.

In May 2020, Council resumed in-person proceedings and continued to permit written questions and statements as a part of public question time.

Where permitted, in-person meetings and electronic Council proceedings have continued to be held concurrently.

DETAILS:

There are inconsistencies between the Guidelines, Council Briefing Guidelines and clauses 12.19(4) and 12.9(3) of the City's Local Law.

Clause 2.3.4 of the Guidelines permit public questions and statements at Council Briefings to relate to any matter affecting the City. This is inconsistent with clause 12.9(3) of the City's Local Law and clause 7 of the Council Briefing Guidelines which only permit questions and statements at Council Briefings to relate to items on the agenda.

Clarification is also required to guide members of the public on the process of receiving public questions and statements where in-person meetings and electronic Council proceedings are held concurrently.

Administration has researched the public question time practices of 10 other metropolitan local governments. Of these 10 local governments, 8 require members of the public to be in attendance and present their own question or statement during public question time. All 10 local governments have a time limit on public questions which ranges from 15 minutes to a maximum of 45 minutes.

Administration has compiled the existing Council Briefing Guidelines and Electronic Council Proceedings – Guidelines into one document that is intended to provide guidance on the format and procedure of Council and Committee Meetings, Briefings and electronic Council Proceedings. The proposed guidelines are at **Attachment 2**.

The major points for consideration are:

1. The proposed guidelines will require members of the public to be in attendance and present their own question or statement during in-person meetings, as was the City's previous practice before COVID-19 lockdowns.
2. No change to the time allocated for public questions. Currently there is no limit, and this is recommended to continue.
3. Deputations are proposed to be permissible at Council Briefing sessions. Already they are able to occur at the discretion of the Presiding Member, but it is proposed to include additional guidance in the guidelines.

The amendments to the Regulations permit Local Governments to hold E-meetings during a public health emergency or state emergency. If there is no State of Emergency, local governments are not permitted to hold E-meetings and Elected Members and members of the public should refer to the preceding sections of the guidelines, and to the Local Law. Following the lifting of the State of Emergency, it is anticipated that the Department of Local Government will seek to continue to allow E-meetings. If there are changes proposed to legislation, Administration will prioritise a further review of these guidelines to reflect those changes.

Minor amendments to the Meeting Procedures Policy are required to reference the updated guidelines. These are included at **Attachment 2**.

CONSULTATION/ADVERTISING:

Updating the Guidelines does not require public notice. The City's agendas and minutes webpage will be updated with the requirements of the guidelines.

Minor amendments to Council policies are prescribed under clause 5.6 of the Policy Development and Review Policy and do not require public consultation.

LEGAL/POLICY:

Section 5.24 of the *Local Government Act 1995* requires local governments to allocate time for questions to be raised by members of the public and responded to at every ordinary meeting of Council and meetings of any committee to which a power or duty has been delegated.

Clauses 12.19(4) and 12.9(3) of the City's Local Law prescribe the procedures for public question time at Council proceedings.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to amend the Guidelines.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This report has no implications on the sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

PUBLIC HEALTH IMPLICATIONS:

This report has no implications on the priority health outcomes of the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

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Legislation / local law requirements	Regulation 14 of the <i>Local Government (Administration) Regulations 1996</i> . Section 5.25 of the <i>Local Government Act 1995</i>
Relevant delegations	Nil
Related policies, procedures and supporting documentation	Meeting Procedures Local Law 2008 Meeting Procedures Policy Council Proceedings - Recording and Web Streaming Policy

INTRODUCTION

These guidelines are intended to provide guidance on the format and procedure of Council Briefings and the manner in which members of the public may submit or ask questions at Council Proceedings.

These guidelines do not prevail over the City's [Meeting Procedures Local Law 2008](#) (Local Law) and should be read in conjunction with the City's [Meeting Procedures Policy](#) and [Council Proceedings - Recording and Web Streaming Policy](#).

DEFINITIONS

"Committee Meeting" means a meeting of any committee to which a power or duty has been delegated.

Committees that do not have delegated powers or duties to make decisions are not subject to these guidelines.

COUNCIL BRIEFING SESSIONS

Council Briefings provide the opportunity for Elected Members and members of the public to ask questions and clarify issues relevant to the specific agenda items due to be presented to Council in the following week.

Council Briefings are not a decision-making forum and Council has no power to make decisions at Council Briefings.

General procedures for Council Briefings

1. Council Briefings will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
2. Council Briefings will be held on the Tuesday of the week prior to the Ordinary Council Meeting and will commence at 6pm.

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3. The Mayor will be the Presiding Member at Council Briefings. In the absence of the Mayor the Deputy Mayor will be the Presiding Member. In the absence of both, Elected Members will elect a chairperson from amongst those present.
4. Council Briefings will consider items on the agenda only. The process will be for the Presiding Member to call each item number and invite questions or requests for clarification from Elected Members. The order will be to deal with those issues first raised by members of the public and then to proceed to call remaining items in the order that they appear in the Agenda. Where there are no questions regarding the item, the Council Briefing will proceed to the next item.
5. Confidential items will be deferred to the conclusion of the Council Briefing and at that point, the meeting will be closed to the public.
6. The reports provided to Council Briefings are the reports that the Administration intends to submit to Council formally in the subsequent week. While it is acknowledged that Elected Members may raise issues that have not been considered in the formulation of the report or its recommendation Council Briefings cannot be used as a forum for Elected Members to direct Officers to alter their advice or recommendations.
7. Urgent items may be tabled at a Council Briefing where the full report cannot be provided in advance. In these instances, Administration will endeavour to include the item on the Council Briefing agenda as a late item, noting that a report will be published prior to, or tabled at the meeting.
8. Items that are presented in accordance with clause 7 above are to include justification of urgency and consideration of the impact that late publication may have on community engagement in accordance with clause 2.5 and 2.6 of the City's Meeting Procedures Policy.
9. Where an interest is declared in relation to an item on the Council Briefing Agenda, the same procedure which applies to Ordinary Council meetings which is detailed under section 2.17 of the Local Law.
10. Council Briefings are recorded and streamed live on the City's website in accordance with the City's *Council Proceedings – Recording and Web Streaming Policy*.

Procedure for public question time at Council Briefings

1. Members of the public present at Council Briefings will have an opportunity to ask questions or make statements during public question time.
2. Members of the public must be in attendance and present their own question or statement unless otherwise approved by the Presiding Member.
3. Questions and statements at Council Briefings must relate to a report contained in the agenda.

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4. Written statements will be circulated to Elected Members and will not be read out unless specifically requested by the Presiding Member prior to the commencement of the meeting.
5. Questions and statements are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on an Elected Member or City Employee.
6. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be *"taken on notice"* and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.

Procedure for deputations at Council Briefings

1. Unless otherwise determined by the Presiding Member, deputations will generally not be heard at Council Briefings and will instead be reserved for the Ordinary Council meeting, consistent with the City's Local Law.
2. To submit a request to make a deputation at a Council Briefing members of the public must email governance@vincent.wa.gov.au at least 24 hours prior to the Briefing, and must include their full name, suburb of residence and the item they are speaking on. The Presiding Member may at their discretion approve a deputation, as set out in the Local Law.
3. A deputation invited to attend a Council Briefing shall not exceed five members, only two of which may address the Council; and shall address the Council for a period not exceeding fifteen (15) minutes.

COUNCIL PROCEEDINGS GUIDELINES



COUNCIL MEETINGS AND COMMITTEE MEETINGS

Council Meetings and Committee Meetings are conducted in strict compliance with the requirements of the *Local Government Act 1995* (Act), its regulations and the Local Law.

Procedure for public question time at Council and Committee Meetings

1. Members of the public present at Council Meetings have an opportunity to ask questions or make statements during public question time in accordance with section 2.19(4) of the Local Law.
2. Members of the public must be in attendance and present their own question or statement unless otherwise approved by the Presiding Member.
3. Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Vincent. Questions asked at a Special Council Meeting or Committee Meeting must relate to the purpose for which the meeting has been called.
4. Written statements will be circulated to Elected Members and will not be read out unless specifically requested by the Presiding Member prior to the commencement of the meeting.
5. Questions and/or statements are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on an Elected Member or City Employee.
6. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be *"taken on notice"* and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.

Procedure for deputations at Council Meetings

1. Council Meetings include a time for deputations which will be conducted in accordance with clause 2.22 of the Local Law. To register to make a deputation members of the public must email governance@vincent.wa.gov.au at least 24 hours prior to the meeting, and must include their full name, suburb of residence and the item they are speaking on. The Presiding Member may at their discretion approve a deputation, as set out in the Local Law.
2. A maximum of two people may address the Council during each approved deputation
3. Each approved deputation shall not exceed fifteen (15) minutes.

Procedure for submission of petitions

1. Petitions must be submitted two (2) business days before the meeting.
2. Petitions must address the requirements of clause 2.24 of the Local Law.

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ELECTRONIC COUNCIL PROCEEDINGS

In accordance with regulation 14D of the *Local Government (Administration) Regulations 1996* a Council or Committee meeting may be held by electronic means:

- (a) if:
- (i) a public health emergency or a state of emergency exists in the whole or a part of the area of the City's district; and
 - (ii) because of the public health emergency or state of emergency, the Mayor or Council considers it appropriate for the meeting to be held by electronic means
- Or
- (b) if:
- (i) a direction is issued under the *Public Health Act 2016* or the *Emergency Management Act 2005* that prevents the meeting from being held in person; and
 - (ii) the Mayor or Council authorises the meeting to be held by electronic means.

Where a Council or Committee meeting is determined to be conducted by electronic means, the following procedures will apply.

General procedures for electronic Council proceedings

1. The Presiding Member is to determine the electronic meeting method and is to notify the CEO of this in writing, in accordance with regulations 14D(3) & (4).
2. The preferred method is video-conference which is live streamed and accessible through the City's website.
3. Notice of the format of the electronic meeting is to be provided on the City's website.
4. Elected Members' faces must be visible in the video-conference at all times, unless the Presiding Member has approved their leave from the video-conference.
5. Elected Members' titles – "Mayor..., Cr..." must be displayed at all times in the video-conference.
6. To request leave from the video-conference the Elected Member is to raise their hand, wait for verbal acknowledgement from the Presiding Member, and advise the Presiding Member of their reason for requesting leave or anticipated period of time (for example – I request leave from the video-conference for 2 minutes). The Presiding Member will verbally confirm that the leave has been granted to the Elected Member.
7. Elected Members who have disclosed an interest in an item and cannot vote must leave the video-conference in the same manner as set out above. The Presiding Member will verbally confirm that the Elected member has disclosed a financial or proximity interest in the item and cannot vote and has left the video-conference for the item.
8. When returning to the video-conference, Elected Members must wait for the Presiding Member to acknowledge their return by verbally confirming that the Elected Member has returned to the video-conference.

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Leave of absence requests and conflicts of interest

1. Elected Members must disclose any conflicts of interest by completing the PDF-fillable Disclosure of Financial and Proximity Interest and Disclosure of Impartiality Interest forms.
2. The completed disclosure of interest form must be emailed to governance@vincent.wa.gov.au by 3pm on the day of the Council proceeding.
3. Elected Members can apply for leave of absence by emailing governance@vincent.wa.gov.au by 3pm on the day of the Council proceeding.
4. The email must include the dates of the requested leave of absence and a reason (for example holiday or interstate work commitments) as set out in clause 2.9(2) of the Local Law.

Matters behind closed doors

1. Council may pass a motion to go behind closed doors. When this occurs the video-conference will continue but the live streaming on the City's website will cease.
2. At the conclusion of the confidential discussion the live streaming on the website will recommence, and the Presiding Member will read out the confidential resolution.

Procedure for public question time where in-person meetings are not permitted due to a direction issued under the Public Health Act 2016 or the Emergency Management Act 2005

1. Written questions and/or statements must include the person's full name, suburb of residence and are to be emailed to governance@vincent.wa.gov.au by 3pm on the day of the Council proceeding.
2. Questions and/or statements at Council Meetings can relate to any matter affecting the City.
3. Questions and/or statements at Council Briefings, Special Council Meetings and Committee meetings must relate to items on the agenda for that meeting.
4. Written questions will be read out during public question time but cannot exceed 3 minutes. Responses to all questions (including if the question is addressed at the Council proceeding) will be provided in the next Council or Committee Meeting Agenda.
5. Written statements will be circulated to Elected Members and will not be read out unless specifically requested by the Presiding Member prior to the commencement of the meeting.

COUNCIL PROCEEDINGS GUIDELINES



Procedure for deputations where in-person meetings are not permitted due to a direction issued under the Public Health Act 2016 or the Emergency Management Act 2005

1. Electronic Council proceedings will include a time for deputations which will be conducted in accordance with clause 2.22 of the Local Law. To register to make a deputation member of the public must email governance@vincent.wa.gov.au at least 24 hours prior to the meeting, and must include their full name, suburb of residence and the item they are speaking on. The Presiding Member may at their discretion approve a deputation, as set out in the Local Law.
2. A deputation invited to attend a Council proceeding meeting shall not exceed five members, only two of which may address the Council; and shall address the Council for a period not exceeding fifteen (15) minutes.
3. The meeting host will forward an attendance link to the approved deputation who will be permitted to address the proceeding when called by the Presiding Member.

OFFICE USE ONLY	
Responsible Officer	Please use title only
Initial Council Adoption	DD/MM/YYYY
Previous Title	Applicable if the policy has been renamed
Reviewed / Amended	DD/MM/YYYY
Next Review Date	MM/YYYY

MEETING PROCEDURES POLICY



Legislation / local law requirements	Section 5.25 of the <i>Local Government Act 1995</i> Regulation 14 of the <i>Local Government (Administration) Regulations 1996</i> . <i>Meeting Procedures Local Law 2008</i>
Relevant delegations	Nil
Related policy procedures and supporting documentation	Council Briefing Guidelines D20/91040 Electronic Council Proceedings Guidelines D20/58142 Council Proceedings Guidelines

PURPOSE

To guide staff, Elected Members and the community on the format and procedure of the City’s Council Proceedings, which includes Ordinary and Special Council Meetings, Council Briefings, Committee Meetings and the Annual General Meeting of Electors, where the *Local Government Act 1995*, the associated Regulations and/or the City of Vincent [Meeting Procedures Local Law 2008](#) do not provide direction.

OBJECTIVE

To facilitate transparent and accountable Council decision making.

SCOPE

This policy applies to Elected Members and employees of the City of Vincent.

POLICY

1. Electronic Council Proceedings

All electronic meetings are to be conducted in accordance with the City’s [Electronic Council Proceedings Guidelines](#) [Council Proceedings Guidelines](#).

2. Publication of Agendas

2.1 The Agenda of each Council Proceeding will comprise of:

- notification of the date, time and place of the meeting;
- a contents page setting out the order of business;
- recommendations that clearly define each action that Administration is proposing; and
- a comprehensive report for each recommendation, that provides sufficient and relevant information to support each recommendation.

2.2 Council and Committee Meeting Agendas will be issued to Elected Members on or before the Friday of the week before the meeting and published on the City’s Website at the same time.

2.3 Council Briefing Agendas will be issued to Elected Members on or before the Wednesday of the week before the Council Briefing and published on the City’s Website at the same time;

MEETING PROCEDURES POLICY



- 2.4 Agendas for Special Council Meetings will be made available as soon as practicable after the meeting has been called;
 - 2.5 Late reports are discouraged but may supplement an Agenda in the following circumstances:
 - the urgency of the business is such that the business cannot await inclusion at a subsequent meeting; or
 - the delay in referring the business to a subsequent meeting could have adverse legal or financial implications for the City; and
 - 2.6 Late reports included in the Agenda in accordance with clause 2.5 above are to include justification for inclusion, which considers the impact that late publication may have on community engagement.
3. Council Briefings
- 3.1 Council Briefings will be held for the purpose of and in accordance with the City of Vincent [Meeting Procedures Local Law 2008](#) and [Council Briefing Guidelines Council Proceedings Guidelines](#).
 - 3.2 Council Briefings shall be open to the public except for confidential items.
4. Approval of Guidelines
- Amendments to the guidelines supporting this Policy are to be approved by Council.

OFFICE USE ONLY	
Responsible Officer	Executive Manager Corporate Strategy and Governance.
Initial Council adoption	DATE: 15/09/2020, REF# D20/165439
Reviewed / Amended	DATE: <APPROVAL DATE>, REF#: <TRIM REF>
Next Review Date	DATE: 15/09/2024,