



CITY OF VINCENT

FORUM GUIDELINES

Adopted at the Ordinary Meeting of Council held on
10 August 2004

TABLE OF CONTENTS

1. INTRODUCTION	1
2. PRINCIPLES OF THE ACT	1
3. COUNCIL FORUMS	1
3.1. CONCEPT FORUMS	1
3.2. AGENDA FORUMS	2
3.3. PUBLIC INTEREST FORUMS.....	3
4. PRINCIPLES GOVERNING PROCEDURAL AND BEHAVIOURAL CONTROLS FOR FORUMS	3
4.1. FORUM PROCEDURES AND PROTOCOLS.....	3
4.2. ACCOUNTABILITY	3
4.3. OPENNESS AND TRANSPARENCY	4
4.4. PROBITY AND INTEGRITY	4
4.5. AUTHORITY FOR THE CHAIR.....	4
4.6. MEETING NOTIFICATION	4
5. PARTICULAR ISSUES OF CONCERN IN THE FORUM PROCESS	5
5.1. DEALING WITH PROPOSALS UNDER THE CITY PLANNING SCHEME	5
5.2. FORMULATING MANAGEMENT DOCUMENTS	5
5.3. FORUMS IMMEDIATELY PRIOR TO AN ORDINARY MEETING OF COUNCIL	5
6. CONFIDENTIAL ITEMS	6
7. DECLARATION OF INTEREST PROVISIONS	7
8. GENERAL	7
8.1. RECORDS/MINUTES	7
8.2. ELECTRONIC RECORDING.....	7
8.3. VENUE	7
8.4. FORUM AGENDA	7
8.5. RECORDING OF APOLOGIES.....	7
8.6. PRESENTATION AND DEPUTATIONS.....	8
APPENDIX 1	9
APPENDIX 2	13

1. INTRODUCTION

- 1.1 Since the inception of the City in 1994, various formats and procedures have been used to allow Elected Members and Officers to meet and discuss matters relating to the operation and affairs of the City outside of the formal council meeting framework.

This has been done through an informal meeting process, including *briefing* or *information sessions*, *workshops* and *corporate discussions*. The term “*forum*” will be used to encompass such meetings.

- 1.2 The forum approach has allowed the ordinary meeting of council to focus on the decision-making needs of the City. These guidelines are designed to assist the Council by listing appropriate procedural and behavioral controls for such Forums and will be under the auspices of the Local Government Act 1995 and relevant regulations and the City of Vincent Local Law Relating to Standing Orders (*Part 4*). The adoption of such controls should reassure the community that the council decision-making mechanisms are accountable, open and transparent and in accordance with legislative requirements.

2. PRINCIPLES OF THE ACT

- 2.1 The Local Government Act 1995 (Part 5) sets out the framework whereby Elected Members meet as the governing body for the purpose of decision-making on behalf of the City.

- 2.2 It is an intention of the Act that Councils conduct business and make decisions:

- openly and transparently;
- with a high level of accountability to their community;
- efficiently and effectively;
- with due probity and integrity;
- acknowledging relevant community input;
- with all available information and professional advice; and
- with the fullest possible participation of Elected Members.

- 2.3 It is a legal requirement that **all decisions** made on behalf of the local government **are to be made only at Council meetings** called and convened under the provisions of the Act.

3. COUNCIL FORUMS

The City will operate forum sessions which will cover the following:

3.1. Concept Forums

"Concept Forums" involve Elected Members and employees meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts for the development of the City.

Examples of the type of issues concept forums may include:

- current matters of a local or regional significance;
- matters relating to the future development of the City;
- significant revenue-raising requirements or expenditure needs;
- the development of internal strategic, planning, management and financial documents; and
- development of the selection criteria and performance objectives for the Chief Executive Officer (CEO).

In discussing such items, Officers will acknowledge the Elected Members' feedback and comments and this will be researched for inclusion into the final report which will be considered at a subsequent Council Meeting.

Concept forums will not normally be open to the public

3.2 Agenda Forums

"*Agenda Forums*" are for specific major agenda items which are to be considered by the Council at a forthcoming meeting.

These are matters which are of complexity or magnitude which may involve considerable discussion and/or explanation (eg large or significant developments).

Deputations by developers will be considered in this category. The relevant precinct groups and affected ratepayers and residents will also be able to make a presentation to present the community's view. Where there is no established precinct group covering the area of the proposed development, any affected ratepayer or resident will be able to present their views.

Procedures Specific to Agenda items at forthcoming meetings:

- Items to be addressed will be limited specifically to the matters which are proposed to be listed on a forthcoming agenda, at a date to be determined by the CEO.
- Briefings will only be given by employees or consultants for the purpose of ensuring that Elected Members and the public are more fully informed.
- There shall be no "debate style" discussion at these forums as this needs to take place in the ordinary meeting of council when the matter is set for decision.

Agenda forums will normally be open to the public.

3.3 Public Interest Forums

"Public Interest Forums" are for topics of significant interest, identified by the Elected Members or the CEO

These are matters which have been identified by Elected Members or the CEO which require additional background information, are of a complex nature or are of a lengthy duration. Examples include:

- City Planning scheme matters;
- Heritage;
- Draft budgets;
- Principal Activities Plan.

Presentations by external persons or organisations will also be considered in this category.

Public interest forums will normally be open to the public.

4. PRINCIPLES GOVERNING PROCEDURAL AND BEHAVIOURAL CONTROLS FOR FORUMS

The principles and associated protocols set out below will ensure that all requirements of accountability, openness, transparency, probity and integrity, for the forum procedures and conduct are strictly adhered to at all times.

4.1 Forum Procedures and Protocols

The specific clauses of the City of Vincent Local Law Relating to Standing Orders (as amended to meet the needs of forums) as shown in Appendix 1 will apply to forums;

4.2 Accountability

4.2.1 The Act requires that ordinary and special council meetings (and committee meetings that have delegated authority) must be open to the public. This openness allows the community to view the decision-making process from the time an issue is first presented to Elected Members through to the final decision.

It is important there be no opportunity for a collective council decision or implied decision that binds the City, to be made during a forum.

4.2.2 Forums are primarily for Officers or other persons to present information and for Elected Members to ask questions, not for opportunities to debate the issues. Elected members are strictly prohibited to debate or carry out vigorous discussion that could be interpreted as debate at forums.

4.3 Openness and Transparency

4.3.1 A significant strength of the City is its openness and accessibility of its processes to the community. In conducting forums, the City will make a conscious decision to promote the community perception that it embraces the concept of openness and transparency.

Forums for topics of significant interest and specific agenda items to be addressed at a forthcoming council meeting will therefore normally be open to the public.

Concept forums will not normally be open to the public. However, in some circumstances, the information may subsequently be made available at a forum open to the public (either at a separate forum or by inclusion into the Information Bulletin of the Council Agenda).

4.4 Probity and Integrity

4.4.1 The Local Government Act 1995 and its regulations provides that in meetings, Elected Members, employees, consultants or other participants must disclose conflicts of interest and exclude themselves from proceedings where they have a financial or proximity interest. Disclosure requires an individual to depart the forum. Interests of Impartiality must also be recorded by the CEO.

4.4.2 Disclosure in forums is a matter of ethics however, the principles of the interest provisions of the Act will apply to the City's Forums and the CEO will record any declarations in a Forum Register

4.5 Authority for the Chair

Properly managed forums rely on strength and leadership from the chair. Forums will therefore be chaired in accordance with the City's Standing Orders:

- Questions must therefore be asked through the chair;
- Free-flowing discussion between Elected Members is not permitted.

4.6 Meeting Notification

4.6.1 The provisions of the Act are designed to ensure that Elected Members are given timely notice of, and information for, council and committee meetings. Formal provisions do not apply to forums, however, the City's Standing Orders meeting notification requirements will apply in relation to the time, date, location and content of the forum.

4.6.2 Forums will be held on a regular basis such as an alternative third week to the ordinary council meeting. The dates will be advertised in accordance with the Council policy relating to Community Consultation.

4.6.3 The Mayor, in liaison with the CEO will set the topics for such forums.

5. PARTICULAR ISSUES OF CONCERN IN THE FORUM PROCESS

There are a specific number of concerns relating to the content and conduct of forums. These are set out below:

5.1. Dealing with Proposals under the City Planning Scheme

The discretion available to Council when making decisions under the Act is not always available when making decisions under City planning legislation. When the Council is dealing with City planning matters, it does so under the powers conferred by the State planning legislation. Council assumes the role of a planning authority (ie Western Australian Planning Commission) and an Elected Member the role of a planning commissioner. Council is not only constrained by the conditions of its City Planning Scheme but also by the relevant State Acts.

Decision-making in City planning matters requires the decision-maker to maintain a high degree of independence from the process leading up to the decision being made. The Elected Member needs to be in a position of being able to make his or her decision after taking into account the relevant and material facts and circumstances as presented to all fellow Elected Members. Elected Members need to be wary of involvement in the lead-up process to a certain decision, especially as a sole agent or member of a small group and being subjected to information from a developer or parties associated with the developer. This may be interpreted as reducing the independence of the decision-maker.

Councils will often have forums/briefings relating to development issues and these are important in terms of the Elected Members becoming fully informed on the matter on which they have to vote. The nature of the decision means that briefing sessions involving planning matters should be conducted with the strictest of rules. There should be no implication of debate between Elected Members; the session should primarily involve information being given by the relevant officer and other parties with questions from the floor directed through the chair. In cases where an Elected Member has relevant information on a development matter to be conveyed to the meeting, it must be done through the chair so that all decision makers are privy to that information.

5.2 Formulating Management Documents

Documents, such as budgets, principal activity plans and policy manuals are often formulated through a forum. No formal decisions shall be made as in due course the documents are adopted at a formal meeting of Council, at a subsequent date after the forum.

5.3 Forums Immediately Prior to an Ordinary Meeting of Council

Forums will generally not be held immediately prior to ordinary council meetings.

This familiarity with the issues and known attitudes can lead to debate at the ordinary council meeting being stifled or non-existent, particularly to those who are not privy to the earlier discussions.

6. CONFIDENTIAL ITEMS

Some items are required to be kept confidential until finalized by the Council. The Chief Executive Officer, in assigning the confidential status designation, shall do so judiciously in circumstances deemed to be in the public interest and/or the best interest of the Council.

The designation of confidential documents may be assigned to matters such as:

- (i) industrial/personnel matters;
- (ii) legal matters;
- (iii) internal working documents/discussion papers;
- (iv) matters referred to in Local Government Act 1995 such as:
 - matters affecting an employee or employees;
 - the personal affairs of any person;
 - contracts which relate to matters to be discussed at the Council meeting;
 - legal advice obtained on a matter to be discussed at the meeting;
 - a matter that if disclosed would reveal a trade secret; information that has a commercial value to a person, or information about the business, professional, commercial or financial affairs of a person;
 - a matter that if disclosed could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; endanger the security of the local government's property; or prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - information which is the subject of a direction given under Section 23(1a) of the Parliamentary Commissioner Act 1971;
 - other matters which may be prescribed from time to time;
 - the reason for a forum to be closed to the public is to be recorded in the details of the forum.

7. DECLARATION OF INTEREST PROVISIONS

The Department of Local Government recommends that Councils adopt a set of procedures for types of forums which include the following:

- Elected Members, Council employees, consultants and Council appointed consultants shall disclose their financial and conflicts of interest in matters to be discussed.
- Interests are to be disclosed in accordance with the provisions of the Act as they apply to ordinary council meetings. Persons disclosing a financial or proximity interest shall not participate in that part of a forum relating to their interest and leave the meeting room.
- There is to be no opportunity for a person with an interest to request that they continue or participate in the forum.

8. GENERAL

8.1 Records/Minutes

A record shall be kept of all forums. As no decisions are made, the record will only be a general record of items covered, however, disclosures of interest with appropriate departures/returns shall be recorded.

8.2 Electronic Recording

Forums will not be electronically recorded.

8.3 Venue

Forums will normally be held in the Council Chamber (which is already set-up for meetings and has a public gallery).

The Mayor, in liaison with the CEO, may determine that a forum be held in the Committee Room or Function Room to suit the specific needs of the forum (eg large public attendance).

8.4 Forum Agenda

The draft agenda for forums is shown in Appendix 2.

8.5 Recording of Apologies

Elected Members who are unable to attend the forum are required to submit their apology to the CEO prior to the forum.

The CEO will record any apologies received in the forum record.

8.6 Presentation and Deputations

The Chief Executive Officer, in consultation with the Mayor, shall determine the most appropriate time period to be allocated for each presentation and/or deputation. (However, as a guide, the following is to be used;)

Item	Presentation	Questions & Answers
Small Developments	10 minutes	5 minutes
Medium Size Developments	15 minutes	15 minutes
Large/Complex Developments	30 minutes	30 minutes
Concept Forum Items	At the determination of CEO and Mayor	
Public Interest Forum Items	At the determination of CEO and Mayor	



FORUMS PROCEDURES AND PROTOCOLS

(Specific Clauses of the City of Vincent Local Law Relating to Standing Orders [as amended] that apply to Forums)

Clause No:

1.5 *Meetings, forums, proceedings and business to be conducted according to Standing Orders*

The meetings, forums, proceedings and business of the Council shall be conducted in accordance with the Act or its regulations and where not specifically prescribed, according to the City of Vincent Local Law Relating to Standing Orders.

Members of the public will not be permitted to ask questions, make statements, address the forum or participate in debate at any forum.

2.1 *Mayor to preside*

Subject to the Act, the Mayor or in his or her absence the Deputy Mayor, or in his or her absence, a Councillor chosen by the Councillors present, is to preside at any forum.

2.2.1 *Notice of ordinary meetings*

Notice of Forums are to:-

- (i) be given to Members in writing;
- (ii) be signed by or on behalf of the CEO;
- (iii) state the place, date and hour of the forum;
- (iv) state the agenda of the forum; and
- (v) be transmitted by post, or electronic mail or delivered to the Members at the usual or last known place of residence or business, or to another address any Member may request in writing to the CEO, together with an agenda at least seventy-two (72) hours before the time of the commencement of the meeting.

2.2.2 *Notice of adjourned forums*

When a forum is adjourned, notice of the adjourned forum is to be given in the manner provided by the Standing Orders and at least twenty-four (24) hours notice is to be given before the time of commencement of the adjourned forum.

2.18 *Declaration of interests*

2.18.1 *Interests to be declared*

Any person who has an interest, within the meaning of the Act, in a matter proposed to be discussed at any forum is to declare the interest and the nature of the interest, in accordance with the provisions of the Act.

2.18.2 *Dealing with a person's interest*

The forum shall deal with a person's interest in a matter to be discussed at a forum in accordance with the provisions of the Act. (PART 5 Division 6). However, a person who has declared an interest must depart the forum room and shall not participate or be present during the Item.

2.18.6 Disclosures by employees

- (1) If an employee within the meaning of section 5.70 of the Act presents a written report to a forum, on a matter in which the employee has an interest, the nature of the interest is to be disclosed at the commencement of the report.
- (2) If such an employee makes a verbal report to a meeting on a matter in which the employee has an interest, the employee is to preface his or her advice to the meeting by verbally disclosing the nature of their interest.

2.21.1 CEO to prepare reports

The CEO shall prepare or cause to be prepared for presentation to any forum such reports, with recommendations (if applicable), preamble and information, dealing with any matter which in the opinion of the CEO should be drawn to the attention of the forum.

3.1.3 Titles to be used

In referring to any other person present in the capacity of a Member or employee of the Council, a speaker shall designate that person by the title of Mayor or Councillor, or by the title or name of the particular employee, as the case may be.

3.1.4 Councillors to address Presiding Member

A Councillor taking part in any discussion at a forum shall address the Presiding Member at any forum.

3.2.1 Presiding Member to preserve order

The Presiding Member shall preserve order, and may call any Councillor or person to order, whenever, in the Presiding Member's opinion, there is cause for so doing.

3.2.2 Definition of order

Any Member or person who does anything or behaves in a manner which is forbidden by any of the Standing Orders shall be deemed to be out of order.

3.2.3 Breaches of order

The following are to be recognised as breaches of order:-

- (i) any conduct or behaviour which is contrary to the Council's Standing Orders; or
- (ii) the use of offensive or insulting language; or
- (iii) any other violation of the Council's Standing Orders.

3.2.8 Continued breach of order

- (1) Where a Councillor:-
 - (a) persists in any conduct which the Presiding Member decides is out of order; or
 - (b) refuses to make any explanation, retraction or apology required by the Presiding Member under sub-clause 3.4.5;

the Presiding Member may direct that Councillor to refrain from taking any further part in the forum. The Councillor shall comply with the direction.

- (2) Any Member of the Council who converses aloud, or makes any noise, or disturbance after being called to order by the Presiding Member, or who wilfully obstructs or interrupts the orderly conduct of business shall, upon the request of the Presiding Member cease to do so. In the event of the Member persistently disregarding the authority of the Chair when requested, the Member may by order of the Presiding Member be removed from the room for the remainder of the forum.

3.2.9 Serious disorder

If at a forum the Presiding Member is of the opinion that by reason of disorder or otherwise the business of the forum cannot effectively be continued, the forum shall be adjourned to a time and date to be set.

3.2.10 Presiding Member may be heard

Whenever the Presiding Member speaks, any Councillor or person speaking or who is about to speak shall be silent so that the Presiding Member may be heard without interruption.

3.2.11 Prevention of disturbance

- (1) No person, shall interrupt or interfere with the proceedings of any forum, whether by expressing approval or dissent, or by loudly conversing or by any other means.
- (2) A person who fails to comply with paragraph (1) when so directed by the Presiding Member, shall immediately leave the room.
- (3) A person directed to leave the room and failing to do so may, by order of the Presiding Member, be removed from the room.
- (4) The direction of the Presiding Member is final and may not be challenged by moving dissent with the ruling.

3.4.2 No adverse reflection on Council decisions

A Member shall not reflect adversely upon any decision of the Council.

3.4.3 No adverse reflection on Member or Officer

A Member shall not reflect adversely upon the character or actions of another Member or Officer nor impute any motive to a Member or Officer.

3.4.5 Withdrawal of offensive language

- (1) Any Councillor who uses an expression which in the opinion of the Presiding Member reflects offensively on any Member or Officer of the Council, shall when required by the Presiding Member, unreservedly withdraw the expression and make a satisfactory apology.
- (2) If the Councillor in paragraph (1) declines, or neglects to do so, the Presiding Member may refuse to hear the Councillor further upon the matter then under discussion.

3.4.6 Disturbances not permitted

A Member shall not make any noise or disturbance or speak aloud while any other person is addressing the forum.

3.4.7 Continued irrelevance, repetition, or offensive expressions

- (1) The Presiding Member may:-
 - (i) call the attention of the forum to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Councillor; and
 - (ii) direct that Councillor, if speaking, to stop speaking;

When directed, the Councillor shall cease speaking.

- (2) A Councillor may call the attention of the Presiding Member to any continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Member and may call upon the Presiding Member to direct the Councillor to cease speaking.

3.4.11 Smoking prohibited

Smoking in the administration and civic centre or in any forum is prohibited.



FORUM
..... 2014

NOTICE OF FORUM AND AGENDA

Dear Elected Member

Notice is hereby given that a Forum will be held at the Administration and Civic Centre, 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday**, 2014 at **6.00pm**.

JOHN GIORGI, JP
CHIEF EXECUTIVE OFFICER
..... 2014

DISCLOSURE OF FINANCIAL INTERESTS

The Local Government Act 1995:-

- ◆ requires Elected Members and Officers who have an interest in any matter to be discussed at the Forum to give written notice to the Chief Executive Officer before the Forum or before the item is discussed;
- ◆ requires disclosures to be brought to the attention of the Forum;
- ◆ states that persons who make such disclosures must not be participate or be present during any discussion relating to the matter, in accordance with Section 5.68 or 5.69 of the Local Government Act 1995,
- ◆ specifies significant penalties for non compliance with the disclosure provisions.



CITY OF VINCENT

FORUM - ORDER OF BUSINESS

- 1. Declaration of Opening**
- 2. Apologies/Members on Approved Leave of Absence**
- 3. Declaration of Interests**
 - 3.1 Financial - Local Government Act 1995, s5.60A
 - 3.2 Proximity - Local Government Act 1995, s5.60B
 - 3.3 Impartiality - Local Government (Administration) Regulations, Reg 34
- 4. Forum Items for Discussion**
 - 4.1 Public Interest Forum
 - 4.1.1
 - 4.2 Agenda Forum
 - 4.2.1
 - 4.3 Concept Forum
 - 4.3.1
- 5. Closure**