

Policy

Title: Meetings: Procedures and Guidelines

Category: Corporate Governance

Date Last Adopted: 24 August 2020

1. Objectives

The objective of this Policy is to provide the framework for the effective conduct of the business of the Council and the governance of Council and Council committee meetings.

The Policy covers:

- A. [Meeting Procedures – Council Committees](#);
- B. [Improving Council and Committee Effectiveness](#);
- C. [Special Council Committees – Constitution and Procedures](#);
- D. [Guidelines for Sub-Committees](#);
- E. [Membership – City Planning Committee](#);
- F. [Meeting Times](#);
- G. [Communication with Government](#);
- H. [Placement of Correspondence concerning Elected Members on Agendas](#);
- I. [Public disclosure of Closed Council and Council Committee Meetings](#); and
- J. [Conduct of Council Workshops](#)

2. Background

The business of Council is channelled through a number of committees and special committees which have been established by the Council to assist in ensuring the good governance of the City.

The head of power around the conduct of meetings is contained in the *Local Government (Meeting Procedures) Regulations 2015*, which are referenced in this policy.

In addition to these references, the content of this policy contains a range of matters of relevance to the conduct of Council and committee meetings, which have been determined by the Council.

3. Policy

A. MEETING PROCEDURES – COUNCIL COMMITTEES

That in accordance with the *Local Government (Meeting Procedures) Regulations 2015*, the following procedures be adopted in respect to the operation of Council committees:

1. ELECTION OF CHAIRPERSONS

All Chairpersons of Council committees and Special committees be chosen by the full Council.

2. EX-OFFICIO MEMBERSHIP TO MAKE OR MAINTAIN A QUORUM

Unless already an appointed member an elected member who is in attendance at a Council committee meeting will be an ex-officio member of that committee for that meeting for the purpose of establishing and maintaining a quorum at that meeting.

3. ELECTION OF CHAIRPERSON IN THE ABSENCE OF AN APPOINTED CHAIRPERSON

That the following legal advice in respect to the election of a Chairperson of a Council committee, where the appointed Chairperson is absent, be utilised to assist with the process:

- (i) *The Local Government (Meeting Procedures) Regulations 2015 (MPR) govern procedures at Council committee meetings (see Section 23(3) of the Local Government Act 1993 (LGA));*
- (ii) *Regulation 10(4) of the Meeting Procedures Regulations provides the mechanism by which a Council committee may elect a replacement Chairperson, where the committee's appointed Chairperson is absent from a meeting.*

This Regulation further provides that elected members who are members of a Council committee are to elect one of their members present at a meeting to be the Chairperson of that meeting.

- (iii) *In the event that those committee members present at a meeting are unable to decide upon a replacement Chairperson, there are two options open to the committee. One option is for the committee to*

exercise its right to adjourn the meeting. This decision is to be made by a majority of those present.

- (iv) Where a committee member, including the Chairperson is absent, the committee has a power by virtue of Section 23(2) of the Local Government Act 1993, to request an elected member to fill a vacancy for a meeting.*
- (v) There is no procedure set out in the LGA or the MPR to determine the manner in which the Council committee is to fill a vacancy for a meeting by the appointment of another elected member.*
- (vi) Regulation 37 of the MPR provides that a Council may determine any other procedures relating to meetings it considers appropriate. In the absence of the Council having a set procedure for the filling of vacancies on Council committees, the Council committee should resolve to fill a vacancy on the committee, and should appoint a specific elected member to fill that vacancy.*
- (vii) Once a vacancy is filled, the substitute committee member will have a single vote per Regulation 26(2) of the MPR and the committee should then be in a position to elect a Chairperson without a deadlock in the voting.*

Notwithstanding the legal advice quoted above, in the absence of the elected Chairperson from a meeting of a committee, the Council has resolved to adhere to the longstanding practice that replacement Chairperson be appointed in recognition of order of precedence of those committee members present at a meeting where the appointed Chairperson is absent, who have not been appointed as Chairperson of a Council committee, and also noting that such nomination requires ratification at the meeting of the respective committee, in accordance with Regulation 10(3) of the *Local Government (Meeting Procedures) Regulations 2015*.

4. CO-OPTION OF COMMITTEE MEMBERS

- (i) Where a (casual) vacancy exists on a Council committee due to the absence of an *appointed* member(s), co-opting to the committee be undertaken with preference being given to non-committee members in order of precedence, who may be present at a meeting.
- (ii) The period of the *co-opting* be applied in the following terms:
 - (a) a co-opted *committee* member remains a committee member until an appointed member of the committee arrives, or for as

long as the co-opted elected member remains at the meeting, whichever shall first occur, and

- (b) in the event of the arrival of an appointed committee member, the co-opted member is automatically un-co-opted, unless discussion on a matter has commenced prior to the arrival of that committee member, in which case the co-opted member will remain co-opted until the matter under discussion has been completed.

5. MOTIONS – MOVING, SECONDING AND AMENDING

- (i) In accordance with Regulation 16(3) of the *Meeting Procedures Regulations 2015*, the requirement to second a motion in respect to all council committees be waived.
- (ii) It be acceptable procedure at a committee meeting for the Chairperson to allow a proposed amendment to be accepted into a motion, with the consent of both the mover of the motion and the proposer of the amendment.

6. PROCEDURAL MOTIONS

In respect to Regulation 20 of the *Meeting Procedures Regulations 2015*, the Chairperson of a committee may elect to:

- (i) accept the motion and put it forthwith, or
- (ii) reject the motion, with reasons which may include the wish of the Chairperson to hear further debate, followed by advice to the mover of the procedural motion that the motion may be taken as a foreshadowed motion at the end of debate.

Where the Chairperson rules as such, the mover of the procedural motion does not lose their right to speak to a motion already before the chair.

7. ADDRESSING COUNCIL

In accordance with Regulation 21(3) of the *Meeting Procedures Regulations 2015*, the following provisions, as contained in Regulation 21, be adopted in respect to all committee meetings:

- (i) A person is to refer to the chairperson by their title.
- (ii) If two or more councillors wish to address a meeting of the council, the chairperson is to decide the order in which they are to do so.

- (iii) If a councillor is addressing a meeting of a council, another councillor is not to converse aloud or interrupt the speaker or interject, except to call attention to a point of order or to call attention to the want of a quorum.

8. ACTING AS PLANNING AUTHORITY

Where a committee is acting as a planning authority pursuant to Regulation 25 of the *Meeting Procedures Regulations 2015*, and an amendment or contrary motion to that recommended is proposed, the supporting reasons are to be identified by the Chairperson of the committee to enable them to be read back to the committee and recorded accurately in the minutes.

9. VOTING PROCEDURE

In accordance with Regulation 27(2) of the *Meeting Procedures Regulations 2015*, the following voting procedure be adopted for all council committees:

- (i) The Chairperson shall take the vote on a motion verbally, first putting it in the affirmative, then in the negative.
- (ii) If no negative vote is forthcoming the Chairperson will seek the committee's confirmation that the vote is unanimous.
- (iii) Where a dissenting vote may be forthcoming, the Chairperson will call for an indication of the committee's vote on the motion, first in the affirmative, then in the negative.
- (iv) The Chairperson will then call out the vote, both in the affirmative and in the negative, to enable the vote to be recorded for the minutes.
- (v) The Chairperson will then declare the motion carried or lost.

10. QUESTIONS WITHOUT NOTICE

In respect to Section 29 of the *Local Government (Meeting Procedures) Regulations 2015*, the following procedures apply:

- (i) An elected member may, at a Council committee meeting, ask a question without notice of the chairperson or, through the chairperson, of another elected member, the General Manager or the General Manager's representative.
- (ii) In putting a question without notice, the proponent must have regard to the provisions of Section 15 of the *Local Government (Meeting*

Procedures) Regulations 2015, as they relate to matters which are to be discussed in the closed portion of a meeting.

- (iii) The chairperson will refuse to accept a question if it does not relate to the Terms of Reference of the Council committee at which it is asked.
- (iv) In putting a question without notice, an elected member must not:
 - (a) offer an argument or opinion; or
 - (b) draw any inferences or make any imputations – except so far as may be necessary to explain the question.
- (v) The chairperson must not permit any debate of a question without notice or its answer.
- (vi) The chairperson, elected member, General Manager or General Manager’s representative who is asked a question without notice may decline to answer the question if, in the opinion of the intended respondent it is considered inappropriate due to its being unclear, insulting or improper.
- (vii) The chairperson may require an elected member to put a question without notice in writing.
- (viii) Where a question without notice is asked at a meeting, both the question and the response will be recorded in the minutes of the meeting.
- (ix) Where a response is not able to be provided in relation to a question without notice, the question will be taken on notice and a written response circulated to all elected members, as soon as possible.
 - (a) In respect to such circumstances, the minutes of the meeting at which the question is put will record the question and the fact that it has been taken on notice.
 - (b) Upon the answer to the question being circulated to elected members, in accordance with 10(ix) above, both the question and answer be listed on the agenda for the next available ordinary meeting of the committee at which it was asked.
 - (c) As prescribed in Section 29(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the question and answer are to be noted only with no debate or further questions permitted.

11. QUESTIONS ON NOTICE

In respect to Section 30 of the *Local Government (Meeting Procedures) Regulations 2015*, the following procedures apply:

- (i) Questions are to be lodged with the General Manager at least seven clear days prior to an ordinary meeting of the Council or a Council committee.
- (ii) Questions which relate to another item which is listed on the same agenda of a Council or Council committee meeting will not be accepted by the General Manager.
- (iii) The General Manager will refuse to accept a question on notice for a Council committee if the subject matter does not relate to the Terms of Reference of the committee.
- (iv) In placing a question on the relevant agenda, the General Manager is to determine whether the subject matter necessitates placement on either the open or closed portion of the meeting, in consideration of r15 of the *Local Government (Meeting Procedures) Regulations 2015*.
- (v) The General Manager may refuse a request to place a question on an agenda if it has been previously asked, is unclear, defamatory or improper, in which case the elected member submitting the question will be notified accordingly.
- (vi) Where it has not been possible to prepare a response to a question for inclusion on the relevant agenda, the General Manager will note this accordingly on the agenda and provide advice as to the timing of the response.
- (vii) Where a response to a question has been provided by the General Manager the Council or Council committee, will permit debate of question on notice, or its response, and will accept amendments, including requests for further information.

12. DEPUTATIONS

The following procedures in respect to deputations to council committees apply:

- (i) A person may make a deputation to a Council committee with the approval of the committee chairperson.
- (ii) The deputation may relate to an item listed on an agenda for a Council committee meeting or,
 - (a) If the matter is not listed to be discussed on the appropriate agenda but is in accordance with the Terms of Reference of that Committee, the item is to be listed as a general deputation and the current procedure in relation to a deputation will apply.
- (iii) Any person who wishes to make a deputation to a committee may be requested to provide a written request to the Chairperson setting out:
 - (a) The likely members of the delegation.
 - (b) The purpose of the request.
 - (c) The nature of the matter or matters intended to be placed before the committee.
- (iv) The committee Chairperson is to decide whether or not the deputation is to be received.
- (v) If the Chairperson decides that the deputation is to be received, the Chairperson is to inform the General Manager to note the item on the appropriate agenda.
- (vi) Where the Chairperson decides the deputation not be received, the Committee will be advised.
- (vii) A deputation:
 - (a) is not to exceed 3 persons;
 - (b) is limited to a duration of 5 minutes in total irrespective of the number of people presenting; and
 - (c) time may be extended at the discretion of the chairperson.

13. PUBLIC QUESTION TIME

In accordance with the *Local Government (Meeting Procedures) Regulations 2015*, the Council conducts a Public Question Time Forum at each ordinary Council meeting to enable members of the public to ask questions on Council related matters.

The Chairperson will invite any member of the public present at the meeting to ask questions subject to the following conditions:

- The Chairperson will determine the order in which questions are heard. Priority will be given to those who lodge their question prior to the meeting.
- If there are a number of persons wishing to ask questions, the Chairman may take the questions in such order so as to hear as many members of the public as practical during the time allocated.
- Individuals will be allocated 60 seconds to provide background or rationale to introduce each question.
- Questions cannot relate to any item appearing on the Council Agenda.
- Persons asking questions consent to being live streamed to the public.
- Persons asking questions are to personally ask the questions otherwise the questions will be treated as correspondence and responded to in writing.

B. IMPROVING COUNCIL AND COUNCIL COMMITTEE EFFECTIVENESS

That the following procedures be adopted for the improved functioning of Council and Council committee meetings:

1. Chairperson are to liaise with the relevant Divisional Director prior to each Council committee meeting.
2. Motions and amendments moved in Council or council committee meetings should be clearly stated, and provided in writing if possible, and in the case of deferrals, the reason for such deferral recorded.
3. There needs to be an appropriate level of formality at Council committee meetings taking into account the requirements of *the Local Government (Meeting Procedures) Regulations 2015* and this Council Policy.
4. Dates, times and duration of Council committee meetings should be adhered to as much as possible.
5. The General Manager and Divisional Directors should provide advice when they consider it necessary, express opinion as appropriate but never debate at Council or Council committee meetings.
6. Reports to Council and Council committees are to be concise but informative.
7. Council committees and Council must make decisions which are not unreasonable nor abrogate statutory duties.
8. The Chairperson should move without amendment the recommendations of their Council committee at the Council meeting, or in the event that they do not wish to do so, should invite someone else to move the Council committee's recommendation.
9. The format of agendas will as much as is practical place like items together and, based upon the recommendation contained in the accompanying report, provide an indication of the delegation of items as being reserved either to the committee or the Council.
10. Where written officer advice may be provided to an elected member in respect to a matter under consideration by a Council committee or the Council, a copy of such advice is to be provided to all elected members by memorandum, at the first available opportunity prior to the relevant meeting.

C. SPECIAL COUNCIL COMMITTEES – CONSTITUTION AND PROCEDURES

The following procedures will be followed in respect of the appointment of special Council committees:

1. Where a proposal is put forward to appoint a special Council committee to deal with a matter that is already covered by the terms of reference of a single Council committee then, unless that proposal has been made by the relevant Council committee, it will be referred to the Council committee in question for its comment, before a decision on the appointment by Council is made.
2. In any case where the proposed special Council committee's function would relate to a matter not coming wholly within any one Council committee's terms of reference, the decision to proceed with the appointment or not may be made by the Council.
3. Where a decision to appoint a special Council committee is made, the Council will resolve its name, terms of reference, number and details of membership, its convenor for the first meeting and a date by which the special Council committee shall complete its task and be dissolved, unless before that date an extension of time is sought and granted by the Council.
4. Where a special Council committee formulates recommendations which, if acted upon, would introduce into the budget additional expenditure demands for development or redevelopment projects, or which would reduce the income expectation from any operation, the report of the special Council committee will first be directed to the Council committee with responsibility for that section of the budget.

D. GUIDELINES FOR SUB-COMMITTEES

That agendas and minutes of all Council constituted sub-committees be distributed to all elected members as a matter of course, subject to the following:

1. The method of distribution will generally follow the distribution pattern for Council committees unless there is a particular reason, approved by the Chairperson of the Sub-Committee and the General Manager, for special arrangements to be followed.
2. Material which, in the opinion of the General Manager, is confidential for commercial, legal or any other valid reason, may not be distributed to elected members other than to those persons directly involved in the matter as members of the relevant Sub-Committee.

3. All material shall, however, be available to all elected members when the matter is an issue before the Council or the relevant Council committee for consideration.
4. Copies of agendas and minutes are to be made available for perusal by elected members if required, in accordance with the tenor of this policy.

E. MEMBERSHIP – CITY PLANNING COMMITTEE

That in the allocation of Council committees, membership of the City Planning Committee is regarded as being the equivalent of serving on two of the other Council committees.

F. MEETING TIMES

That no change of meeting time or day be agreed to by a committee unless all its members are present or their agreement either verbally or in writing is provided to the meeting.

G. COMMUNICATION WITH GOVERNMENT

That:

1. Except where there is specific delegated authority, Council committees must not communicate directly to representatives of Government, views which have not been endorsed by Council and must not arrange deputations to Government on any matter without Council authorisation.
2. No recommendation of a Council committee to seek a grant or other financial assistance from a Government or outside body must be acted upon until the recommendation has been approved by the Council.

H. PLACEMENT OF CORRESPONDENCE CONCERNING ELECTED MEMBERS ON AGENDAS

That any letter received concerning an elected member be directed to the elected member in question prior to any action being taken by the Administration in placing the matter on any agenda.

I. PUBLIC DISCLOSURE OF CLOSED COUNCIL AND COUNCIL COMMITTEE MEETINGS

That:

1. In order for the Council or a Council committee to release content from a closed meeting, the following process should be followed:

- (i) Following the completion of an item on the agenda, or the whole of the closed section of the meeting, an elected member may wish to put a motion that all or part of the item discussed be released to the public.
 - (ii) The Council or Council committee needs to consider whether it wishes to release content from a closed meeting (whether it be minutes, discussion, decision, reports or documents relating to the closed meeting, as provided under Section 15(9) of the *Local Government (Meeting Procedures) Regulations 2015*. The content proposed to be released must be specifically articulated and identified in the resolution.
 - (iii) The Council or Council committee then needs to consider whether there are any privacy or confidentiality issues relevant to the parts of the closed meeting that the Council or Council Committee wish to release to the public. The General Manager will need to provide qualified advice in respect to this issue, and will submit a report providing such advice at the following meeting of the Council or Council committee.
 - (iv) If there are privacy or confidentiality issues, the Council or Council committee can decide to not release the content, or alternatively release only a limited part of what was originally proposed to be released. An example of this may be where the Council has entered into (or is proposing to enter into) a commercial arrangement with a party. The Council or Council committee may determine that they believe the details of this commercial arrangement ought to remain confidential, but they may elect to disclose the fact that it has been entered into to the public.
2. It is important that the context of any information to be released is considered by the Council or Council committee before the information is released to the public.
 3. It will not be possible to release certain information due to the confidential nature of these matters an example of this are discussions in relation to matters being mediated in the Resource Management and Planning Appeal Tribunal.
 4. Factors that may be relevant in considering privacy or confidentiality issues are:
 - (i) the basis on which information was provided to Council;

- (ii) whether the content of the meeting contained commercially sensitive information;
- (iii) if there is personal information of a third party;
- (iv) whether releasing content of the meeting may impact on a party's future dealing with the Council;
- (v) whether the release of the information may amount to a waiver of any right of the Council to claim privilege in legal proceedings; and
- (vi) the reason for closing the meeting.

(This list is not exhaustive and is only intended to be a guide for the Council or Council committee).

J. CONDUCT OF COUNCIL WORKSHOPS

The City of Hobart utilise the council workshops forum as allowed under the *Local Government (Meeting Procedures) Regulations 2015* as a mechanism to receive information in relation to specific matters, and adopt the following rules in relation to the conduct of workshops:

- (i) Elected members may utilise and participate in Council workshops to receive information on specific matters, so that they may gain maximum understanding and appreciation of the subject matter.
- (ii) As informal forums conducted for the purpose of providing elected members with information, attendance is optional.
- (iii) Decisions may not be taken on any matter at Council workshops as qualified advice is required in accordance with Section 65 of the *Local Government Act 1993* before any decisions can be made.
- (iv) Council workshops will not be used with the intent to gain consensus on matters, but it is reasonable that elected members will discuss issues and exchange views.
- (v) Where the General Manager deems appropriate, external parties may be used to facilitate or assist with the conduct of Council workshops.
- (vi) These rules will be published electronically in the calendar invitation.

4. Legislation, Terminology and References

Local Government Act 1993

Local Government (Meeting Procedures) Regulations 2015

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