

Policy

Title: Meetings: Procedures and Guidelines

Category: Corporate Governance

Date Last Adopted: 23 April 2018

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 Aldermen 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 CHAIRMEN

All Chairmen 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 Alderman 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 CHAIRMAN IN THE ABSENCE OF AN APPOINTED CHAIRMAN

That the following legal advice in respect to the election of a chairman of a Council committee, where the appointed chairman 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 chairman, where the committee's appointed chairman is absent from a meeting.*

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

(iii) *In the event that those committee members present at a meeting are unable to decide upon a replacement chairman, 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 chairman is absent, the committee has a power by virtue of Section 23(2) of the Local Government Act 1993, to request an Alderman 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 Alderman.*

- (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 Alderman 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 chairman without a deadlock in the voting.*

Notwithstanding the legal advice quoted above, in the absence of the elected Chairman from a meeting of a committee, the Council has resolved to adhere to the longstanding practice that replacement Chairmen be appointed in recognition of order of precedence of those committee members present at a meeting where the appointed chairman is absent, who have not been appointed as Chairman 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 Alderman 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 chairman 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 chairman 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 chairman 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 chairman 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 his or her title.
- (ii) If 2 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 chairman 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 chairman 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 chairman will seek the committee's confirmation that the vote is unanimous.
- (iii) Where a dissenting vote may be forthcoming, the chairman will call for an indication of the committee's vote on the motion, first in the affirmative, then in the negative.

- (iv) The chairman 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 chairman 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 Alderman may, at a Council committee meeting, ask a question without notice of the chairperson or, through the chairperson, of another Alderman, 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 Alderman 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, Alderman, 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 Alderman 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 Aldermen, 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 Aldermen, 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. DEPUTATIONS

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

- (i) Any person who wishes to make a deputation to a committee may be requested to provide a written request to the chairman 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.
- (ii) The committee chairman is to decide whether or not the deputation is to be received.
- (iii) If the chairman decides that the deputation is to be received, the chairman is to inform the General Manager to note the item on the appropriate agenda.
 - (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.
 - (b) Where the chairman decides the deputation not be received, the Committee will be advised.
- (iv) A deputation:
 - (a) is not to exceed 3 persons: and
 - (b) is limited to a duration of 5 minutes in total.
 - (c) time may be extended at the discretion of the Committee.

12. NOTICES OF MOTION

In accordance with the resolution of the Council dated 14 February 2012 and 8 October 2012, the following procedures apply in respect to the lodgement of Notices of Motions (NoMs), pursuant to Section 16 of the *Local Government (Meeting Procedures) Regulations 2015*:

1. All NoMs be submitted on the agenda of the relevant Council committee, in accordance with the committees' Terms of Reference, unless the Alderman submitting the Motion deems the matter to be urgent and therefore requiring determination prior to the next scheduled ordinary meeting of the relevant committee, in which case the Motion may be submitted directly to the Council where the following process shall apply:
 - (i) The Council, upon considering a NoM deemed urgent by the proponent is firstly to ratify by resolution that such a Motion is urgent, prior to considering the substance of the Motion.
 - (ii) Should the Council determine that the Motion is not urgent, the Motion may not be further debated but be subsequently referred to the next ordinary meeting of the appropriate committee for consideration.
2. Whether a Notice of Motion be won or lost at a committee meeting, the Motion will be referred to the Council for consideration where the normal rules of debate shall apply.
3. When a Notice of Motion is debated at Council, Aldermen may speak to a motion for no longer than three minutes with no extensions of time being granted.
4. Should an Alderman proposing a Notice of Motion not be a member of the committee considering the Notice of Motion, the Alderman is to become a supernumerary member of that committee, solely for the purposes of moving and resolving their Motion.
5. The General Manager is to provide qualification as to whether the substance of a NoM resides within the jurisdiction of the Hobart City Council.

B. IMPROVING COUNCIL AND COUNCIL COMMITTEE EFFECTIVENESS

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

1. Chairmen 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 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 Chairman should move without amendment the recommendations of his or her Council committee at the Council meeting, or in the event that he or she does 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 Alderman 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 Aldermen by memorandum, at the first available opportunity prior to the relevant meeting.

C. SPECIAL COUNCIL COMMITTEES – CONSTITUTION AND PROCEDURES

The following procedures shall 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 shall 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 forthwith by the Council.
3. Where a decision to appoint a special Council committee is made, the Council shall 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 shall 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 Aldermen as a matter of course, subject to the following:

1. The method of distribution shall generally follow the distribution pattern for Council committees unless there is a particular reason, approved by the Chairman 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 Aldermen 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 Aldermen 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 Aldermen 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 shall be 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 shall not communicate directly to representatives of Government, views which have not been endorsed by Council and shall 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 shall be acted upon until the recommendation has been approved by the Council.

H. PLACEMENT OF CORRESPONDENCE CONCERNING ALDERMEN ON AGENDAS

That any letter received concerning an Alderman be directed to the Alderman 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 Alderman 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) Aldermen 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 meetings conducted for the purpose of providing Aldermen 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 Aldermen 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 on the cover page of documentation provided for all workshops.

4. Legislation, Terminology and References

Local Government Act 1993

Local Government (Meeting Procedures) Regulations 2015

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