
ELECTED MEMBERS POLICIES

Council Delegates: Roles & Responsibilities



Policy Number:	E4
Relevant Delegation:	Not Applicable
Adoption Details:	28 January 2016
Last Review Details:	25 November 2019

POLICY OBJECTIVE:

To provide guidance to Council on the selection of delegates to external organisations and guidance to Councillors acting as delegates on their required roles and responsibilities

POLICY SCOPE:

This policy applies to all delegates appointed by Council resolution to external bodies, agencies or forums.

POLICY STATEMENT:

INTRODUCTION

The Shire of York community will be affected over time by decisions made by state and regional agencies, many of which will have a range of advisory or consultative forums, boards, and sometimes decision-making arms which allow for a local government presence at the table. From time to time, collaborative regional structures will be established to allow for cross-boundary and cross-function discussion.

There will be a number of local organisations where the Council has either provided one-off or on-going financial assistance, or the Council has a strong interest in the outcome where a direct Shire of York Council presence is desirable.

The customary approach to each of these situations is for the Council to appoint a Councillor delegate, or occasionally a Council employee as a delegate, to attend on Council's behalf. Being a Council Delegate representing the Shire of York is an important role and carries with it a high level of responsibility. It is important to ensure that the most appropriate person is appointed for a delegate position and that clear guidance is given as to the obligations of the role.

This Policy prescribes the manner by which those nominated as delegates to external committees or organisations may fulfil their representative role. It provides guidance to Councillors and the CEO on the process to be used in selecting and making appointments to external bodies and forums.

PRINCIPLES

- (a) Appointees to external bodies and forums are delegates of the Council and as such will take a position on any matter consistent with any formally established Council position, or with the Council's known strategic vision or direction.
 - (b) Where a matter arises requiring a decision which may be inconsistent with established policies, strategies or vision, these matters will always be referred to the Council for discussion and direction and any pressures for early decision on such matters will be withstood.
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- (c) Sign-off of any joint document involving the Shire of York must be achieved via formal Council resolution unless formally delegated by the Council.
 - (d) Where possible but within these parameters, delegates will have the ability to explore new ideas and possible solutions freely, and to achieve consensus with other members.
 - (e) Delegates to any organisation or forum will always advocate for their community but will also seek where possible wider outcomes which benefit other communities, provided the interests of the Shire of York community are not adversely affected.
 - (f) Councillors who are private members of an organisation or forum receiving financial assistance from the Council, or with a financial interest in the outcomes of any its deliberations, will not be appointed as a delegate to that organisation.

PROVISIONS

1. APPOINTMENT OF DELEGATES

- 1.1 Council will only consider the appointment of a delegate/s to another body or forum in the following circumstances:
 - (a) where the body/group/organisation or forum represents state or regional interests that are likely to have an impact on the Shire of York.
 - (b) where the body/ group/ organisation or forum is considering or working on a matter or issue of significant strategic interest to the Council. Note: this may be confined to local interests, involve state or regional matters, or be issue based at any level.
 - (c) where the body/group/organisation or forum represents local interests and the Council has a direct financial or strategic interest in the affairs of that group.
 - (d) where the body/group/organisation represents local interests and the group occupies Council property.
 - 1.2 The Council will review its appointment to external bodies and forums in conjunction with the regular election cycle.
 - 1.3 The Chief Executive Officer (CEO) will call for the nomination of delegates to all relevant bodies, groups, organisations and forums as soon as possible after the local government elections and appointment of Councillors to their positions. Where a position arises outside this process, the CEO will call for nominations within five days of notification of the position coming available.
 - 1.4 At the next available meeting of the Council:
 - (a) where the nominations equal available vacancies, the delegates will be appointed by resolution of Council.
 - (b) where there are more nominations than vacancies, the Shire President will conduct a secret ballot using the first past the post system to establish the preferred delegate or delegates to fill the position. In the event of a tied vote for a position, lots will be drawn by the Shire President to determine the preferred delegate.
 - 1.5 The Shire President will then call for a resolution of Council for the preferred delegate or delegates to be appointed to the vacant positions and for the next preferred delegate to be appointed the deputy for the position to carry out the duties of the appointed Councillor in his or her absence when required.
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- 1.6 Where the external time for acceptance of nominations closes prior to the next available Council meeting, the Chief Executive Officer is to forward any relevant nomination and subsequently advise Council of the nomination, so that it can be considered and ratified through the normal process. Where number of nominations from Councillors exceeds the number of vacant positions, the Chief Executive Officer will consult with the President to determine an order of preference, based on experience in the position of Councillor and interest and merit in the vacant position.

2. DELEGATE ROLES AND RESPONSIBILITIES

- 2.1 Where a Councillor has been approved as Council's delegate for an external committee, body organisation or forum the delegate shall:
- (a) understand that their appointment / membership is as a representative of the Council and is by virtue of their position with Council.
 - (b) ensure their availability to attend scheduled meetings, and where they are unable to do so, provide prior apology to the respective Presiding Member.
 - (c) provide timely notice of anticipated absences to any deputy delegate where one is appointed.
 - (d) ensure that in participating and contributing to decision making of the external organisation the delegate communicates and is cognisant of Council's determined position on matters before the external organisation.
 - (e) perform the functions and duties of a delegate in accordance with the principles set out in this policy and the standards set out in the Shire's Code of Conduct.
 - (f) keep Council informed of the activities and achievements of the external organisation in a timely manner.
 - (g) bring any significant matters to Council for discussion and direction where any matter may fall outside current Council policy positions or known strategic direction.
- 2.2 Where a delegate has failed to attend three successive external organisation meetings, with or without apology, during a period where leave of absence has not been granted, the Council shall consider appointing a replacement delegate to ensure that the purpose and integrity of Council's participation in the external organisation is maintained.
- 2.3 If a delegate is unable to fulfil his or her commitment to an external organisation then the delegate must advise the Chief Executive Officer so that Council's consideration of appointing a replacement delegate can be facilitated, and subsequent formal advice to the external organisation provided in a timely way.

PENALTIES:

Not applicable.

KEY TERMS/DEFINITIONS:

Not applicable.

Responsible Officer: Chief Executive Officer
Contact Officer: Chief Executive Officer
Relevant Legislation: Local Government (Model Code of Conduct) Regulations 2021

Review History:

Date Review Adopted:	Resolution Number
Adopted – 28 January 2016	
Reviewed / Amendments – 24 October 2016	121016
Reviewed / Amendments – 25 November 2019	291119
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