
GOVERNANCE POLICIES

Conduct of Council Forums



Policy Number:	G11
Relevant Delegation:	Not Applicable
Adoption Details:	28 January 2016
Last Review Details:	25 November 2019

POLICY OBJECTIVE:

To ensure Council Forums are held in a way that is consistent with principles of transparency and accountability.

POLICY SCOPE:

This policy applies to all Council Forums involving Councillors.

POLICY STATEMENT:

INTRODUCTION

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

It is the intention of the Act that Councils conduct business in a way that:

- is open and transparent.
- has a high level of accountability to their community.
- is efficient and effective.
- occurs with due probity and integrity.
- acknowledges relevant community input.
- has all available information and professional advice.
- occurs with the fullest possible participation of Elected Members.

Formal Council meetings are the mechanism by which elected representatives make decisions on behalf of the community. Agendas are primarily focused on reports requiring decision and there is little room, or sufficient flexibility under Standing Orders, to allow more general discussion and exploration of ideas. Traditionally there have been on going opportunities for general exchange of information between Councillors and Council staff under headings like workshops, information sessions or briefings. More recently and under the guidance of the Department of Local Government and Communities, these informal sessions have been collectively described as Council forums.

The absolute defining difference between a Council formal meeting and a Council forum is that Council can only make decisions in formal meetings held under the auspices of the Local Government Act and under Standing orders.

Councillors must also always be open to receiving information and to new ideas prior to making decisions. This means they must also avoid formal debate in a Council forum because of their

obligation to retain an open mind on a matter in a formal meeting. Any perception that there is a pre-determined position puts this basic democratic principle at risk. Council forums must be seen as essentially information exchange opportunities.

Even though these forums will not involve debate or decision, it is important that they are conducted in a way that is consistent with the intention of the Local Government Act in relation to the conduct of business.

This policy sets out the framework for the conduct of these Forums.

PRINCIPLES

- (a) debate does not occur at a Council forum.
- (b) decisions will not be made at a Council Forum.
- (c) Councillors will be required to adhere to the same probity standards that apply to formal meetings held under the Local Government Act 1995.
- (d) forums will be managed under the authority of the Chair in accordance with Standing Orders.

PROVISIONS

1. TYPES OF COUNCIL FORUMS

The Council will operate Forum sessions which will cover the following broad areas:

Concept Considerations

- 1.1 These will involve Councillors and Council staff meeting to discuss and explore philosophies, ideas, strategies and concepts relating to the development of the Shire. Examples of the type of matters concept forums might canvass are:
 - current matters of a local or regional significance.
 - matters relating to the future development of the Shire.
 - emerging changes to the local government sector and implications for the Shire.
 - cross-agency relationships.
- 1.2 Members of the public will not be present at these forums.

Agenda Considerations

- 1.3 These are opportunities for the Chief Executive Officer and Council staff to brief Councillors on upcoming agenda items for formal meetings.
- 1.4 Members of the public will not be present at these forums.

Public Interest Forums

- 1.5 The Council may from time to time hold separate Public Interest Forums whereby members of the public can attend to hear the information being provided about a particular matter.

2. GENERAL CONDUCT OF COUNCIL FORUMS

- 2.1 The following shall apply to all forums:
 - there will be no debate on any matter.
 - No decisions will be made.
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- Standing Orders will be followed e.g. all matters will be directed through the Presiding Member.
- no member of the public will be present unless it is at a Public Interest Forum. Members of the public will have no right to speak unless invited to do so by the Chair.

Town Planning Matters

When a Council is dealing with a town planning matter that is the subject of a formal application, it does so under the powers conferred by the State planning legislation. Council assumes the role of a planning authority and a Councillor the role of a planning commissioner. It is essential that in that role the objectivity of the participating Councillors is maintained and protected, so as not to put any decision process at risk.

- 2.2 A precautionary approach will be taken to inclusion of information briefings on a town planning matter which is under application at a Forum. Information exchange and the ability to question on town planning matters will be included only on issues considered significant to a general locality or the Shire as a whole. This will occur under the Public Forum process only.

3. DEVELOPMENT OF KEY STATUTORY DOCUMENTS UNDER THE LOCAL GOVERNMENT ACT

Many local authorities have their initial discussions and undertake the early shaping of their key statutory documents such as the Strategic Community Plan and the Corporate Business Plan through a workshop process. This is highly desirable as it allows Councillors to absorb general information and gradually develop ideas and thinking. While there are no decisions made, it is important that the information provided and the developing ideas are documented.

- 3.1 A summary of key themes arising at a Council Forum involving discussion of integrated planning and reporting requirements or key planning documents will be made, for the purpose of input into any further sessions. This information will also be included as background material in any formal report to Council.

PENALTIES:

Not applicable.

KEY TERMS/DEFINITIONS:

Not applicable.

Responsible Officer:	Chief Executive Officer
Contact Officer:	Executive Manager Corporate & Community Services
Relevant Legislation:	Department of Local Government & Community: Local Government Operational Guidelines, Number 05, 2004

Review History:

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