

Advice Note

Responsible Officer: Manager Governance and Property

Date of Meeting: 21 July 2020

Meeting of the: Ordinary Meeting of Council

Item: Elected Member Information Session Charter

DETAIL

Cr Kepert has submitted a Notice of Motion that:

The Council:

1. **Directs the CEO to create a charter for Elected Member Information Sessions. The charter is to include the following principles:**
 - a. **Elected Member Information Sessions are to be chaired by an Elected Member of the Council.**
 - b. **Office bearer positions consisting of Chairperson and Deputy Chairperson will be selected through a vote by the Council in accordance with the *City of Melville Meeting Procedures Local Law 2017*, or whichever subsequent relevant Local Law is applicable.**
 - c. **The election and appointment of office bearer positions is to be conducted annually, coinciding with the ordinary local government electoral cycle, that being the first meeting following the third Saturday of every October.**
 - d. **Elected Member Information Sessions will abide by the *City of Melville Meeting Procedures Local Law 2017*, or whichever subsequent relevant Local Law is applicable.**
 - e. **Elected Member Information Session Agendas will be distributed to Elected Members by close of business on the Friday prior to the meeting.**
2. **The Charter is to be presented to the 18th August 2020 Ordinary Meeting of Council for approval by the Council.**

Information was presented to Elected Members in the Friday 3 July 2020 Elected Member Bulletin relating to Council Forums. The Department of Local Government has published an Operational Guideline (Number 5) for the recommended approach to all Local Governments when conducting Council forums.

The Guideline describes two types of forums, Agenda Forums being the Councils formal Agenda Briefing Forum and informal Concept Forums being akin to the City's Elected Member Information Sessions.

Elected Member Information Sessions are not official formal meetings of Council and are not a decision making forum, but rather informal sessions that are coordinated by the CEO to provide a forum for officers or external agencies to present information on relevant topics directly to Elected Members, in an informal environment behind closed doors. The EMIS can also take the form of a workshop should that be needed. There is no agenda (even though described as such), but more of a list of topics to be presented and discussed at each information session. To date a Chairperson is not recorded, nor is an official minute taker designated or minutes recorded and published. Brief notes are however provided as are any PowerPoint Presentations made at the session. Being an officer presentation forum they are guided by the CEO. The CEO has no concerns if the Council wishes to nominate an Elected Member to facilitate the information sessions.

Meeting Procedure Local Law

In relation to the reference that the Meeting Procedure Local Law should apply to information sessions, the local law would need to be changed as the stated purpose and effect of the local law is that:

- (1) *These Meeting Procedures provide rules for the conduct of meetings of the **Council, committees and electors.***
- (2) *These Meeting Procedures are intended to result in-*
 - (a) *better decision making by the Council and committees;*
 - (b) *the orderly conduct of meetings dealing with the Council business;*
 - (c) *better understanding of the process of conducting meetings; and*
 - (d) *the more efficient and effective use of time at meetings.*

The Council has two Committees which both have Charters, designated purposes, have half of the Councillors plus the Mayor on each committee, make recommendations to the Council, and membership is reviewed every two years after each election.

If information sessions are conducted in accordance with the Meeting Procedure Local Laws they would constitute a formal meeting with all the attendant minute taking and record keeping requirements that will require:

- Members to declare interests and leave sessions where required.
- Rules of debate and procedural motions to be followed or the suspension of Standing Orders to allow free open discussion and,
- Additional minute secretary and administration resources to support the meeting.

Elected Members have the opportunity to request or suggest any topic that they would like presented at future information sessions either at the EMIS or through the Mayor.

In more recent times, the EMIS meetings were reviewed as part of the 2018 WALGA Review of the City of Melville Meeting Structure, which the then Elected Members had input into. This review recommended that each quarter, a scheduled EMIS will be substituted with a Strategic Concept Forum, in this case to be chaired by the Mayor. The first of these has already been held.

The topics to be discussed at future information sessions are advised in the Schedule of Meetings each Friday in the Elected Members Bulletin. The agenda that is distributed is

advice of the topics that presentations will be made on, which unless the topics change, is the same as those advised in the preceding Fridays EMB.

An Elected Member and the Mayor have recently raised the need for members to meet to discuss topics of their choosing in an informal, closed environment and the Mayor has recently introduced a Meeting of Councillors, with the first meeting held on Wednesday 15 July 2020.

Summary

Elected Member Information Sessions in their current format enable staff and external agencies to make presentations to elected members and allow the opportunity for discussion on matters, philosophies, ideas, strategies and concepts in an informal, behind closed door environment that is not practicable in a formal open meeting environment.

Relevant extracts from the Guidelines are provided below:

“Over recent years many local governments have introduced procedures that allow elected members and officers to meet and discuss matters relating to the operation and affairs of their local government outside of the formal council meeting framework. This has been done through an informal meeting process that has been given a range of titles including briefing or information sessions, workshops and corporate discussions. For the purposes of this guideline the term forum will be used to encompass such meetings.

Concept forums

Concept forums involve elected members and staff meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts for the development of the local government and the district. Such forums often involve projects that are in the early planning stage and are some time away from being presented to council for decision. In discussing such issues, staff are looking for guidance from the elected members as they research the matter and draft the report. Elected members and staff are also looking to present ideas and concepts for future consideration. If the response is favourable staff can proceed with their research and eventual report on the matter.

Examples of the type of issues concept forums may cover include:

- Current matters of a local or regional significance.*
- Matters relating to the future development of the local government.*
- Significant revenue-raising requirements or expenditure needs.*
- The development of internal strategic, planning, management and financial documents.*
- Development of the selection criteria and performance objectives for the Chief Executive Officer (CEO).*

Behind closed doors and in a relatively informal manner are the two notable characteristics of concept forums. Holding such meetings behind closed doors is justified in that many of the ideas and concepts are preliminary and while looking for that creative gem some may be extreme, expensive or impractical and never adopted.

Discussion on such proposals in a public forum would be counter-productive. Privacy and informality allows elected members to propose ideas, ask questions and discuss issues for the better understanding of those in attendance. Such forums assist individuals to become better informed and to clarify their views. The privacy and informality of concept forums also has pitfalls including the risk of neglecting proper standards of probity and public accountability.

Over time, participants can become too familiar, and therefore more lax, with the procedure and purpose of the meeting. Unless procedures are adopted and rigorously applied to these forums, there is a danger that collective or collaborative decisions may be made, implied and otherwise.

Agenda Forums

For proper decision-making, elected members must have the opportunity to gain maximum knowledge and understanding of any issue presented to the council on which they must vote. It is reasonable for elected members to expect that they will be provided with all the relevant information they need to understand issues listed on the agenda for the next or following ordinary council meetings. The complexity of many items means that elected members may need to be given information additional to that in a staff report and/or they may need an opportunity to ask questions of relevant staff members. Many local governments have determined that this can be achieved by the elected members convening as a body to become better informed on issues listed for council decision. Such assemblies have been termed agenda forums. It is considered they are much more efficient and effective than elected members meeting staff on an individual basis for such a purpose with the added benefit that all elected members hear the same questions and answers.

To protect the integrity of the decision-making process it is essential that agenda forums are run with strict procedures.

Meeting Notification

*The provisions of the Act are designed to ensure that members are given timely notice of, and information for, **council and committee meetings**. Formal provisions do not apply to forums but the principles remain the same. Adequate notice needs to be given of the time, location and content of the forum.*

The forum process is most successful in those local governments where forums are held on a regular basis such as on the alternative weeks to the ordinary council meeting (where they are held fortnightly) or a week before the ordinary council meeting. By setting the dates for forums well in advance, elected members, staff and the community can plan for their attendance.

Forums that are organised without adequate notice or a proper agenda are often poorly attended and inefficiently run. This will be detrimental to the purpose of the forum.”