

Council Forums

Introduction

This policy ensures that when a Council Forum is held outside the formal Council Meeting Framework to discuss matters before Council, or matters relating to the operation, and affairs of the Shire of Toodyay, Elected Members and Shire Officers comply with legislative provisions contained in Division 2 (Part 5) of the *Local Government Act 1995* (the Act).

Objective

To provide guidance consistent with the principles of transparency and accountability to Elected Members and Shire Officers in relation to the holding of Council Forums, where discussion of matters before Council, or matters relating to the operations and affairs of the Shire of Toodyay will occur.

Scope

This policy applies to all Council Forums that involve Shire Officers and Elected Members.

Definitions

Term	Definition
Act	<i>Local Government Act 1995.</i>
Briefing	Agenda Briefing as per 8.2.3 of the Governance Framework that refers to an “agenda forum” being an Agenda Briefing.
CEO	Chief Executive Officer
Council	Means the council of a local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire’s Standing Orders Local Law 2008.</i>
Council Forum	Encompassing Agenda or Information Briefings, Concept Forums, Information Sessions and Council Workshops.
Forum	Concept Forum as per 8.2.4 of the Governance Framework.
ISP	Integrated Strategic Planning
Key documents	Integrated Planning Strategies; Annual Budgets and Reports; Community Strategic Plans; Concept Plans; Project Briefs; Long-term Financial Plans; Asset Management Plans; Officer reports; Register of Delegations; Policies; and frameworks.

Term	Definition
Member	Means in relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Notes	Refers to Agenda Briefing Notes taken during a Briefing.
Regulations	<i>Local Government (Administration) Regulations 1996.</i>
Sessions	Information Sessions are where Elected Members are briefed in respect to matters that may be of Public Interest by representatives from public, community, or government organisations, Parliamentarians, or businesses.
Shire	the Shire of Toodyay.
Shire Officer	Employee of the Local Government
Shire President	Means a mayor or president elected by the council from amongst the councillors.
Workshops	Council workshops as per 8.2.2 of the Council Meeting Schedule of the Governance Framework.

Policy Statement

The Shire of Toodyay's Council Forum structure is supported by detailed guidelines within the Governance Framework, adopted by Council.

The difference between Council Meetings and Council Forums is that Council can only make decisions in formal meetings held under the auspices of Part 5 of the *Local Government Act 1995* and under the *Shire's Standing Orders Local Law 2008*.

1. Agenda Briefings

Agenda Briefings provide an opportunity for Members to ask questions about upcoming agenda items for formal meetings.

Wherever possible, questions are to be provided in advance to give Shire Officers and the CEO an opportunity to research and provide accurate and comprehensive information, dependent upon time constraints.

The CEO and Shire Officers may also brief Councillors on matters that arise through discussion at these briefings.

Notes will be taken to include attendance, questions and responses to further questions, requests for further information and interests declared. Where questions are taken on notice, the responses will be included in the Notes as information provided after the Briefing. The finalised Agenda Briefing Notes will be published on the Shire Website and Councillor Hub; and distributed to all Members and Shire Officers prior to the Ordinary Council Meeting.

The Briefing is open to the public and is livestreamed to the community.

2. Concept Forums

Concept Forums involve discussion and exploration of philosophies, ideas, strategies and concepts relating to the development of the Shire.

Examples of the type of matters that may be canvassed are:

- Reports from Working Groups, consultation forums or other non-formal activities involving Members or Shire Officers;
- Emerging changes to the local government sector and implications for the Shire;
- Matters that may be brought to Council as items for a decision to be made;
- Matters relating to the future development of the Shire;
- Current matters of a local or regional significance;
- Projects that are in the early planning stage; and
- Cross-agency relationships.

Where matters may require a future decision of Council, Shire Officers are looking for general guidance from Members so that they may research the matter further and finalise their report(s).

Forums are not open to the public and people from the community are not to be present unless:

- (a) they are invited to attend at the request of a Shire Officer;
- (b) they are presenting information at the Forum; or
- (c) they have the permission of the Shire President and CEO to be present.

At least 24 hours prior to the commencement of the Forum, Members are to be given notice of attendees and Agenda topics.

3. Workshops

Workshops are convened through the direction of either the CEO or a recommendation from the Shire President to the CEO.

No formal decisions are made at workshops. Specific issues discussed to provide Members with a better understanding of those issues may include:

- Development of Key documents;
- Risk Management Projects Review;
- Annual Budgetary Deliberations and Review.
- Significant revenue-raising requirements or expenditure needs; and
- Development of selection criteria and performance objectives for the CEO.

Members of the public are not to be present at these sessions unless invited to attend by the Shire President, or through the Office of the CEO.

At workshops, where issues may require a future decision of Council, Shire Officers are looking for general guidance from Members so that they may make improvements to their reports and relevant attachments.

Any actions or outcomes from workshops is the responsibility of relevant Shire Officers in attendance to make note of. At least 24 hours prior to the commencement of the Workshop, Members are to be given notice of attendees and Workshop topics.

4. Information Sessions

Information Sessions are convened through the direction of either the CEO or a recommendation from the Shire President to the CEO.

These sessions involve Members and Shire Officers attending to listen to information being provided about a particular matter.

The sessions involve opportunities for Members and Shire Officers to ask questions in relation to the information being provided.

Members of the public are not to be present at these sessions unless invited to attend by the Shire President, or through the Office of the CEO.

5. Development of Key documents under the Local Government Act

Council has initial discussions through forums or workshops that assist Shire Officers to initiate, amend and undertake review of key documents.

Attendance at forums or workshops allows Members to absorb the context of general information so that the intentions of Shire Officers presenting key documents can be understood and where required, ideas may be gradually developed with the intention of improving the look and the content of key documents.

While there are no decisions made, it is important that the information provided and the developing ideas are documented at briefings, forums, sessions and workshops so that the information may be included as consultation material in any formal report to Council.

5.1 Financial Planning

The Manager Corporate and Community Services has the opportunity at workshops or forums to provide information to Members and Shire Officers in relation to Budget Review matters or Annual Budget deliberation.

Project Briefs may be presented through this process to Members in relation to considering significant revenue-raising requirements or expenditure needs and the development of the Annual Budget and the review of the Annual Report.

5.2 Strategic Planning

Integrated Strategic Planning and Reporting gives local governments a framework for establishing local priorities and to link this information to operational functions.

The CEO and Administration leads the process in the preparation of the strategies after taking into consideration all key inputs and influences.

Workshops provide an opportunity to review ISP documents such as the Strategic Community Plan (r.19C) and the Corporate Business plan (r.19DA) in accordance with regulations.

Informing strategies such as long-term financial plans, asset management plans and workforce plans may also be brought to workshops.

5.3 Delegation and Policy Development

The Register of Delegations and any Policies that are reviewed, amended, or developed will be presented to Members and Shire Officers in accordance with the Corporate Documents Policy.

6. Protocols and Procedures

Standing Orders Local Law 2008

The *Shire of Toodyay Standing Orders Local Law 2008* will not apply to a Council Forum except for the following provisions:

- 7.15 Adverse Reflection;
- 7.16 Withdrawal of Offensive language;
- 8.1 Presiding Member to preserve order;
- 10.1 (g) That the ruling of the Presiding Member to be disagreed with;
- 10.11 Ruling of the Presiding Member to be disagreed with;
- 16.2 (1) Where Standing Orders do not apply.

For the avoidance of doubt these provisions apply only as a matter of policy and failure to comply with these provisions cannot result in any of the penalties set out in the Local Law.

Presiding Member

The Shire President will chair Council forums. In the absence of the Shire President the Deputy President will chair the forum. In the absence of both the President and the Deputy President, a Member will be appointed to chair the meeting by the Members present.

Disclosure of Interests

Members and Shire Officers will disclose financial or proximity interests and interests affecting impartiality in relation to matters discussed at forums.

Members and Shire Officers disclosing a financial or proximity interest will leave the room while the matter in which they have declared an interest is discussed;

Debate

Debate does not occur and decisions are not made at Council Forums.

Additional Matters

Members may request that matters be included on the Forum and Workshop Agenda, through the Shire President and/or the CEO.

Members may also ask questions, provide feedback, or propose ideas, in relation to other additional matters that may not be on the agenda.

Frequency of Meetings

Council will set the date and time of Council Forums and Workshops when adopting its annual Council and Committee Meetings schedule.

6.1 Conduct

Members shall adhere to the provisions of the Shire of Toodyay Code of Conduct for Council Members, Committee Members and Candidates in relation to their conduct at all Forums.

Shire Officers shall adhere to the provisions of the Shire of Toodyay Code of Conduct for Employees in relation to their conduct at all Forums.

6.2 Quorum

A quorum does not apply to Forums however if deemed necessary, the CEO in consultation with the Shire President may reschedule a Forum, Session or Workshop.

6.3 Managing Conflicts of Interest

No Member nor Shire Officer shall raise any matter at a Forum for which they have or may perceive to have a Financial or Proximity Interest.

As a matter of probity and integrity, Members and Shire Officers are required to make disclosures of interest in accordance with s.5.59 to s.5.90 of the Act (Financial and Proximity Interests) and clause 22 of the Shire of Toodyay Code of Conduct for Council Members, Committee Members and Candidates.

It may be noted that this is above or beyond the scope of legislation, however, it is required to ensure a high level of governance and transparency.

Members shall make written disclosures of Interest to the Presiding Member at all Forums.

Where the declaration is Financial, or a Proximity Interest the Member or Shire Officer shall leave the room for the duration of the discussions regarding the item so as not to add to the discussion in any manner and ensure appropriate independence for those Members and Shire Officers remaining.

Reference Information

- [Local Government Operational Guideline Council Forums](#);
- [Council Delegates Roles and Responsibilities Policy](#) (GOV12);
- [Live Streaming and Recording of Council Meetings](#) Policy (GOV19);
- [Corporate Documents Policy \(ADM1\)](#).
- [Risk Management](#) (ADM18) – containing the Risk Matrix tables.
- <https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/intergrated-planning-and-reporting>
- <https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/intergrated-planning-and-reporting/informing-strategies>

Legislation

Local Government Act 1995

- s.5.20 *Decisions of councils and committees.*

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- 5.56. *Planning for the future.*

Local Government (Administration) Regulations 1996

- 19B. *Information to be included in annual report (Act s. 5.53(2)(g) and (i))*
- 19C. *Strategic community plans, requirements for (Act s. 5.56)*

Associated documents

Code of Conduct for Council Members, Committee Members and Candidates

Standing Orders Local Law 2008

Governance Framework

Version control information

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V1	27/05/2014	Initial	CEO	Council
V2	14/07/2020	Full revision	CEO	CEO
V3	28/07/2020	Timing of Concept Forums	Council	Council
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