Council Meeting Code of Practice

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Responsible Officer	Chief Executive Officer
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1. Purpose

The purpose of this Code of Practice is to provide guidance on protocols and procedures at meetings of Council. This meeting procedure manual complements the *Local Government Act 1999* and the *Local Government (Procedures at Meetings) Regulations 2013* which prescribes procedures relating to Council meetings.

Pursuant to Regulation 6, Council has the ability to vary some regulations to suit its needs, along with providing the ability to establish protocols and procedures through the adoption of this Code of Practice.

Elected Members have a responsibility to be well informed in relation to any business that is before the Council. The staff, through the Chief Executive Officer, provide input into the decision-making process by providing advice and information based on their specialist skills and knowledge.

2. Scope

2.1 This Code of Practice applies to Elected Members and Council staff attending Council and Committee meetings. It applies to:

2.1.1 Ordinary and Special Council Meetings

2.1.2 Council Committees performing regulatory activities

2.1.3 Other Council Committees, if the Council has agreed that these rules apply to that Committee.

2.2 This Code of Practice does not exhaustively outline all meeting procedures that apply and must be read in conjunction with the Local Government Act 1999 (particularly

Chapter 6) and the Local Government (Procedures at Meetings) Regulations 2013, which prevail over this Code to the extent of any inconsistency.

3. Definitions

3.1 **Act** means the *Local Government Act 1999*.

3.2 **CEO** means the Chief Executive Officer of Council.

3.3 **Clear days** means the calculation of clear days in relation to the giving of notice before a meeting:

3.3.1 the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and

3.3.2 Saturdays, Sundays and public holidays will be taken into account.

3.3.3 For the purposes of the calculation of clear days under clause 3.2, if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.

3.4 A **Council staff member** means any person that is employed full-time, part-time or casually by Council who receives remuneration for their work.

3.5 **Deliberate vote** is the term used for the vote that expresses an individual's opinion on a matter being deliberated.

3.6 **Deputation** means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter.

3.7 **Member** means a member of the council or council committee (as the case may be).

3.8 **Presiding Member** means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting.

3.9 **Written Notice** includes a notice given in a manner or form determined by the council.

4. Guiding Principles

The following Guiding Principles (the Principles) will apply at Council and Committee meetings. Procedures will:

4.1 be fair and contribute to open, transparent and informed decision-making;

4.2 encourage appropriate community participation in the affairs of the Council;

4.3 reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;

4.4 be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

5. Behavioural Standards

Section 75E of the Act requires that members observe the Behavioural Standards as determined by the Minister. The Behavioural Standards are a public declaration of the principles of good conduct and standards of behaviour that the Mayor and members of Council

are expected to demonstrate in the performance of their responsibilities as elected community representatives and within the Council Chamber.

6. Council Staff

Internal Council policies require staff to ensure that they take reasonable care that they do not adversely affect the health and safety of others. Staff are required to:

- behave in a responsible and professional manner;
- treat others in the workplace with courtesy and respect ;
- listen and respond appropriately to the views and concerns of others; and
- be fair and honest in their dealings with others.

7. Members of the Public

Transparency and accountability of Council decision making is a key aim of the *Local Government Act 1999*. Public access to Council Meetings underpins this. To enable this**,** any person attending a meeting of Council is required to:

a) not behave in a disorderly manner

b) not disrupt or interrupt the meeting

c) be respectful in their language and behaviour

d) reserve discussion and conversation for before or after the meeting

e) observe the protocol for electronic devices to be switched off or switched to silent g. limit the number of distracting activities.

The Mayor, or the Presiding Member of a Council Committee, may remind any person attending a meeting of Council (as a participant or an observer) of the expectation of behaviour standards at the beginning of the meeting.

8. Council Meetings

8.1 Council meetings are the most important part of a Council's operations. The decisions made by the Members at formal Council meetings provide the direction and authority for the ongoing operation of the Council. The decisions of the Council give direction to the Chief Executive Officer to act.

8.2 At Council meetings, Members decide the policy direction of the Council and make decisions on other statutory and strategic organisational matters.

8.3 The Council is a corporate body and as such it can only make decisions by resolution i.e. a motion has to be put to a properly convened meeting and passed by the required majority.

8.4 Ordinary Council meetings are held monthly, on the third Wednesday of each month commencing at 6.00 pm, except for the December meeting which is held on the second Wednesday and the January meeting which is held on the fourth Wednesday. The Chief Executive Officer, in consultation, may vary the commencement time in extraordinary circumstances.

8.5 Council may convene up to two meetings in the community, with dates and locations to be determined following consultation between the Mayor and the Chief Executive Officer. These meetings will commence at 7.00 pm.

8.6 All meetings will finish no later than 10.00 pm, unless Council formally resolves (by resolution and vote) to continue past that time. One 60 minute extension of time is permitted via resolution, to allow the meeting to continue to 11.00pm.

8.7 All Ordinary and Special Council meetings held at Council's Principal Office will be live streamed and recorded (audio and video), excluding any matters dealt with under Section 90 (2) of the *Local Government Act 1999*, with all recordings being placed on a website as determined by the CEO, and retained in line with the *State Records Act 1997*.

8.8 **Order of Proceedings**

8.8.1 Opening Statement, Acknowledgement of Council, and Opening Affirmation.

8.8.2 Attendance and apologies

8.8.3 Deputations and petitions

8.8.4 Agenda reports

8.8.5 Matters raised by Elected Members

8.8.6 Confidential items

8.8.7 Meeting closure

8.9 **Preparation for Meetings**

Preparation for meetings is essential if Members are to join in constructive debate. Reading agendas and officers' reports thoroughly is vital. If Council Members are uncertain about a matter in the agenda then they should discuss it with the Chief Executive Officer prior to the meeting.

8.9.1 Prior to a meeting Members should:

- read the agenda and all accompanying papers carefully. It is good practice to set aside a specific time before each meeting in which to read the agenda;
- allow time to follow up any queries before the meeting;
- where necessary, seek clarification or other information from the Chief Executive Officer on matters in the agenda;
- visit sites which are the subject to decisions;
- where desirable, sound out local resident opinion on issues to be discussed at the meeting.

8.9.2 Agendas will be distributed electronically five clear days prior to the Council meeting. Should an Elected Member require hard copies of meeting agendas, a request should be made to Administration.

8.10 **Apologies from Council or Committee Members**

8.10.1 If a Member of the Council or a Committee is to be absent from a meeting, they should provide an apology either in person, by phone or email to the:

a) Presiding Member, or
b) CEO, or
c) Governance.

8.10.2 The Chief Executive Officer or Governance will advise the Presiding Member of

any requests for leave of absence and/or apologies received.

8.10.3 An apology shall be listed in the agenda for each meeting the apology relates to, if submitted prior to the collation of the agenda.

8.10.4 For absences from Council meetings, the Council may formally consider a motion to permit a "leave of absence" for members who have submitted an apology (including retrospectively for those who due to unforeseen circumstances provide a late apology).

8.10.5 Apologies will be recorded in the minutes provided the meeting is made aware of the apology.

8.10.6 Members who do not lodge an apology will be listed as absent.

8.11 **Leave of Absence for Council Members**

8.11.1 Whilst absence from a meeting may, on occasion, be unavoidable, should a Member know in advance that they will be unable to attend two or more consecutive Council meetings, that Member must request a 'leave of absence'.

8.11.2 A Leave of Absence is legally distinct from an apology as it is recognised under the Act and occurs when a Council Member requests and receives approval, in advance, to be absent from a meeting or meetings.

8.11.3 All Leave of Absence applications for Council consideration will be made available by the CEO to Council Members for their consideration, whether in public or for confidential consideration. It is at the absolute discretion of the Council to approve or refuse the Leave of Absence request after being provided with all relevant information.

8.11.4 Leave of Absence resolutions do not apply to Section 41 Committee meetings and non-attendance at such meetings is managed via an apology.

8.11.5 The office of a Member of Council becomes vacant if a Member is absent from three or more consecutive ordinary meetings without leave of the Council (section 54(d)).

8.12 **Quorum**

8.12.1 The quorum is the number of people that must be present at the meeting to enable it to commence and / or continue.

8.12.2 The quorum for a Council meeting is the number obtained by dividing the total number of Members of the Council (including Mayor), by two, ignoring any fraction and adding one.

8.13 **Public Forum - Deputations**

8.13.1 Whenever possible, requests for a deputation to address Council should be received in writing by the Chief Executive Officer no later than the close of business seven (7) days prior to the scheduled Meeting.

8.13.2 If the deputation relates to a matter of business on the agenda, a person wishing to appear as a deputation at a meeting must deliver their written request to the principal office of the Council by noon on the day of the meeting.

8.13.3 Requests falling outside this guideline (i.e. requests received later than specified above) will be accommodated whenever possible with the consent of the Mayor.

8.13.4 Deputation requests must include sufficient information regarding the issue and indicate the preferred meeting that the individual/group wishes to be heard.

8.13.5 Whether or not a deputation may appear is to be determined on a case-by-case basis, meeting by meeting, and with regard to the particular matter upon which the person/s wish to address the meeting. In determining whether a deputation is allowed the following considerations will be taken into account:

- the subject matter of the proposed deputation
- whether it is within the powers of the Council
- relevance to the Council or Council Committee agenda nominated – and if not,
- relevance to the Council's or Council Committee's powers or purpose
- the integrity of the request, and
- the size and extent of the agenda for the particular meeting.

8.13.6 A person or persons wishing to appear as a deputation at a Council meeting must appear in person in the Council Chambers.

8.13.7 A person, or persons wishing to appear as a deputation at a Council Committee meeting may address the Committee via electronic means should they wish to do so.

8.13.8 Where a deputation is to be heard, the person/s making the deputation may speak for no more than five minutes without leave of the meeting.

8.14 **Petitions**

8.14.1 Should be forwarded to the Chief Executive Officer on receipt. Not to be tabled at Meetings. Petitions should be legible and clearly state the request.

8.14.2 Council is not concerned about the 'form' and multi-signature letters are acceptable. Each page of the petition should state clearly the request, for it to be included in the petition.

8.14.3 A summary of the petition only will be included in the agenda.

8.15 **Addressing Council**

8.15.1 Where Members seek to address the Council, a Member must seek acknowledgment and consent from the Mayor, generally by raising their hand. Once consent has been granted then the Member speaks through the Mayor and speaks for a maximum of five (5) minutes, at the discretion of the Mayor.

8.15.2 Members should preserve a respectful silence while another Member, Staff or the Mayor is addressing Council with the exception of items as listed at Regulation 29 (2).

8.15.3 If the Member refers to a section of a Council Policy, Procedure or any Guide, Code, Regulation or Legislation then the Mayor may suspend the address until the document can be displayed on the overhead screen for the information of the whole meeting.

8.16 **Leave of the Meeting**

8.16.1 A vote on whether leave of the meeting is granted may be conducted by:

- a show of hands; or
- a formal resolution

8.17 Voting at Meetings

8.17.1 Decisions at Council meetings are decided by a majority of the votes of the Members present at the meeting and entitled to vote. Voting is generally by a show of hands. Each Member present at the meeting has a deliberate vote and must vote on any question for decision except for the Mayor or in cases where a Member is precluded from doing so by the Act, eg if the Member has a conflict of interest in the matter being decided. A Member is not entitled to abstain from voting, there is a duty to be present and a duty to vote.

8.17.2 The Mayor does not have a 'deliberative' vote. However, if the numbers voting for and against are even then he has a casting vote.

8.17.3 The Mayor or any other Member, may ask the Chief Executive Officer to read out a motion or amendment before a vote is taken.

8.17.4 The Mayor may refer to a successful resolution as “Carried Unanimously”, when the voting is unanimous. This will be shown in the minutes.

8.18 Questions

This procedure enables Members to obtain information at the Council meeting that is relevant to their role as a Member of the governing body and the function of that body.

8.18.1 The question should relate to functional, strategic or policy issues of the Council.

8.18.2 Questions of an operational nature are the domain of the Chief Executive Officer and should be directed to the Chief Executive Officer outside of a meeting and during business hours.

8.18.3 In accordance with Regulation 9(3) a Member may ask a question without notice at a meeting but the question must not amount to a statement. A question without notice that cannot be answered at the time it is asked will not result in a later report to the Council unless it is resolved by motion that a report is provided.

8.18.4 Questions without Notice will be included in the minutes of the meeting only if there is a resolution to that effect.

8.18.5 The Mayor may use their discretion to rule that a question with or without notice not be answered if the Mayor considers that the question is vague, irrelevant, insulting or improper (Regulation 9(6)). In the instance of ruling that a question is not answered that decision cannot be overturned by the meeting.

8.18.6 Unless Council resolves by motion the decision of the Mayor to rule that a question not be answered, the reasons for the ruling will not be included in the minutes.

8.18.7 Members may ask questions for clarification on agenda items before them for consideration, although in the interests of efficiency Members are encouraged to contact the Chief Executive Officer with those queries prior to the Meeting.

8.19 Amendments

8.19.1 There can only be two amendments to any motion. A mover of the original motion has a right to reply.

8.20 Formal Meeting Proceedings

8.20.1 Two thirds of Members may resolve to move into 'informal mode' for informal discussion. If this occurs, no decisions can be made; a quorum must remain;

and the meeting resumes when set time expires or the Mayor or two thirds of Members so resolve. The reason for the adjournment and times for this must be entered into the minutes.

8.21 **Conflict of Interest**

8.21.1 A Member of Council must not make improper use of their position to gain, directly or indirectly, an advantage for themselves or for another person. They must make sure there is no conflict between their private interest and their role as a public decision maker.

8.21.2 It is imperative that Council Members are not only aware, but fully understand the conflict of interest provisions in the Act.

8.21.3 It is the Member's responsibility to make sure they are aware of and understand the provisions of Sections, 74 and 75 of the Act in relation to conflict of interest. The Act has determined that two types of conflicts exist; General and Material. For further definitions of these types of Conflict of Interest, please refer to the Act.

8.21.4 If a member of a Council discloses a conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting:

- the member's name;
- the nature of the interest, as described by the member;
- the manner in which the member dealt with the general conflict of interest;
- if the member voted on the matter, the manner in which the member voted;
- the manner in which the majority of persons who were entitled to vote at the meeting voted on the matter

8.21.5 Elected Members should complete the Conflict of Interest form available on the Council's extranet or in hard copy available at each meeting.

9. Delegations

9.1 The Chief Executive Officer, or their delegate, are authorised to implement this Code of Practice.

9.2 Council or its officers with delegated authority will, when implementing decisions under this Code, act in accordance with financial delegated authority, Council's budget, relevant policies, strategies, plans, agreements and resolutions.

10. Code of Practice Responsibility

The Chief Executive Officer is responsible for ensuring the proper operation of this Code of Practice.

11. Availability/Accessibility

11.1 This Code of Practice and Council's *Fees & Charges Register* are available to be downloaded free of charge from Council's website: www.claregilbertvalleys.sa.gov.au.

11.2 This Code of Practice is available for inspection at Council's offices during ordinary business hours. Hard copies, for a fee in accordance with Council's schedule of *Fees & Charges*, can be provided upon request.

12. Legislative Framework / Other References

12.1 *Local Government Act 1999*

12.2 *Local Government (Procedures at Meetings) Regulations 2013*

13. Document History

This Code of Practice shall be reviewed at least once in every financial year

Version	Adopted	Minute	Description of Change
1	25/11/2018	403-18	Adopted by Council
2	16/09/2019	301-19	Reviewed by Council
3	20/04/2020	84-20	Reviewed by Council added Electronic
4	20/04/2020		Reviewed by Council removed electronic and made known LGA Reform changes
5	30/11/2022	431-22	Reviewed by new Council 2022
6	15/12/2022	450-22	Reviewed by Council added LG Reform changes
7	17/06/2026	157-26	Substantial changes to order, addition of leave of absence process, meeting curfew.
8	21/10/26	292-26	Addition of Audio/visual recording.