

Code of Practice for Meeting Procedures Review

Tuesday, 17 September 2024
City Finance and Governance Committee

Strategic Alignment - Our Corporation

Program Contact:
Kathryn Goldy, Acting Manager
Governance

Public

Approving Officer:
Anthony Spartalis, Chief
Operating Officer

EXECUTIVE SUMMARY

At its meeting on 22 August 2023, Council resolved to adopt its current Code of Practice for Meeting Procedures (COP). The COP is supported by section 6 of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) and is to be reviewed annually.

The COP has been reviewed in conjunction with the Terms of Reference for the Core Committees. Several areas of improvement have been identified and it is recommended that Council adopt a separate Code of Practice for Meeting Procedures specific to Council Meetings and that Core Committee meetings have their own Terms of Reference and Meeting Procedure document, creating a regulatory delineation between a meeting of Council and a meeting of a Core Committee. This separation reflects our current governance practices and is intended to provide clarity regarding the roles, responsibilities, operation and purpose of both Council and Core Committees for all stakeholders including Council Members, Administration and members of the public.

RECOMMENDATION

The following recommendation will be presented to Council on 24 September 2024 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL THAT COUNCIL

1. Adopts the Code of Practice for Meeting Procedures as contained in Attachment A to Item 7.3 on the Agenda of the City Finance and Governance Committee held on 17 September 2024.
 2. Authorises the Chief Executive Officer to make any typographical or syntactical updates as required to finalise the Code of Practice for Meeting Procedures as contained in Attachment A to Item 7.3 on the Agenda for the City Finance and Governance Committee held on 17 September 2024.
-

IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Corporation
Policy	<u>Code of Practice for Meeting Procedures (Link 1)</u>
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	<u>Local Government Act 1999 (SA)</u> <u>Local Government (Procedures at Meetings) Regulations 2013</u>
Opportunities	Not as a result of this report
24/25 Budget Allocation	Not as a result of this report
Proposed 25/26 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
24/25 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Background

1. At its meeting on 22 August 2023 Council resolved (in part) that Council:

‘Adopts the Code of Practice for Meeting Procedures, as contained in Attachment A to Item 4.4 on the Agenda for the meeting of the City Finance and Governance Committee held on 15 August 2023.’
2. Under section 6(2) of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) any adopted Code of Practice of Meeting Procedures (COP) is to be reviewed on an annual basis.
3. Meetings of Council must adhere to the formal provisions under Part 2 of the Regulations, specifically: discretionary procedures, commencement time of meetings, quorum, minutes, questions, motions (including amendments and variations) petitions, deputations, voting, divisions, tabling of information, adjourned business, suspensions of proceedings and tabling of information.

Review

4. A comprehensive review of the current COP has been undertaken and areas of improvement have been identified.
5. It is recommended that Council adopt a separate COP specific to Council Meetings and that Council adopts separate Terms of Reference and Meeting Procedure document for the meetings of Core Committees.
6. This separation creates a regulatory delineation between a meeting of Council and a meeting of a Core Committee, enabling the formal requirements of a Council Meeting to be adhered to and allowing Core Committees to engage in robust and informal discussion prior to making recommendations to Council.
7. The Core Committee Terms of Reference and Meeting Procedures have also been revised and are reported separately to this review.
8. The material amendments to the COP include the removal of any provisions for and references to Committee Meetings and the inclusion of provisions in relation to the start times of Special Meetings of Council.
9. A table outlining the proposed amendments to the COP is set out below:

Current COP	Proposed Amendments and inclusions
General updates	<ul style="list-style-type: none"> • Revised to focus on meetings of Council • Inclusion of mandatory meeting regulations varied (discretionary procedure). • Removal of Core Committee information which has been included in a separate Terms of Reference. • Inclusion of paragraph numbering. • Inclusion of mandatory legislative requirements from both the Act and Meeting Regulations. • Summary of legislative requirement, wherever possible with use of plain language. • Inclusion of procedure, practice or protocol that supports meeting documentation preparation and publication, Council Member & public contribution to a meeting and conduct in a meeting. • Inclusion of a legislative identifier reference column.
Part 1 - Guiding Principles	<ul style="list-style-type: none"> • Expanded to reference and identify legislative requirements to be observed. • Revised to identify purpose of a Code of Practice. • Identify the operation of meeting regulations able to be varied by Council (discretionary procedures).
Nil - New Part	<p>Part 3 – Behaviours</p> <ul style="list-style-type: none"> • Expanded to include behavioural standards adopted by Council in the Council Member Behavioural Support Policy.

	Identify Presiding Member options and consequence in event behavioural requirements not met by a Council Member or a member of the public.
Part 3 – Before the Meeting	<p>Structural change – split into 2 parts:</p> <p>Part 4 – Meetings</p> <ul style="list-style-type: none"> • Overview of Council & Council Committee governance structure. • Inclusion of Information and Briefing session provisions. • Identified frequency of meetings. <p>Part 5 – Before the Meeting</p> <ul style="list-style-type: none"> • Publication requirements expanded upon. • Developing the Agenda expanded to identify actions for members of the public and Council Members when wishing to contribute to an Agenda (ie Deputation, Petition, Question on Notice, Motion on Notice). • Includes discretionary procedure – Petition - Meeting Regulation 10 (operation of meeting regulation varied by Council). • Consideration in confidence provisions identified. • Attendance at Meetings information. • Identifying conflict of interest considerations for both Council Members and staff.
Part 4 – At the Meeting	<p>Part 6 - At the Meeting</p> <ul style="list-style-type: none"> • Information expanded upon and restructured. • Includes discretionary procedure – Adjourned Business – Regulation 19 (operation of meeting regulation varied by Council) at 164. • Includes discretionary procedure – Addresses by Members – Regulation 15 (operation of meeting regulation varied by Council) at 182, 201 and 202. • Voting & decision-making process expanded for ease of understanding the process. • Includes discretionary procedure – Divisions – Regulation 17 (operation of meeting regulation varied by Council) at 193. • Includes discretionary procedure – Motions – Regulation 12 (operation of meeting regulation varied by Council) at 198 and 227. • Agenda structure – purpose of items on the agenda described and instructional information • Point of Order process included • Motions, Amendments and Variations in decision making process described. • Provisions to manage interruptions or improper/disorderly behaviour expanded and role of Presiding Member or meeting in response. • Provisions for revoking or amending a Council decision incorporated. • Includes discretionary procedure – CEO submitting a report to revoke – Regulation 21 (operation of meeting regulation varied by Council) at 267.
Part 5 – After the Meeting	<p>Part 7 – After the Meeting</p> <ul style="list-style-type: none"> • Updated to expand upon Minutes processes.

	<ul style="list-style-type: none"> • Inclusion of a decision of Council that the Office of the Lord Mayor will write to thank Deputation Speakers. • Inclusion of live streaming information
Part 6 – Other Matters	Part 8 – Other Matters <ul style="list-style-type: none"> • Special meetings information expanded on • Inclusion of provision that where practicable, special meetings of Council and Committee, CEO Briefings and Council Member Training Sessions will not be held prior to 5:00pm. • Code of Practice – Discretionary Procedures identified for ease of reference.
Review	Part 9 – Review <ul style="list-style-type: none"> • The operation of a variation to meeting regulation (discretionary provision) identified.

Undertaking – Start time of Meetings

10. In response to the Chief Executive Officer (CEO) undertaking provided at the meeting of Council on 23 July 2024 regarding a 5:30pm start time of any meeting, the following considerations are set out:

Council Meetings

- 10.1. Under section 81 (6) of the *Local Government Act 1999* (SA) (the Act) ordinary meetings of Council must not start before 5pm, unless the Council resolves otherwise by a resolution which is supported unanimously by all members of the council.
- 10.1.1. On 17 January 2023 Council resolved to hold all ordinary meetings of Council at 5:30pm.
- 10.2. Under section 82 (3) of the Act, special meetings of Council may be held at any time.
- 10.2.1. The intention of this section is to enable Council to meet and consider urgent business at a time and place suitable for the circumstances.

Committee Meetings

- 10.3. Section 87 (1) of the Act, states:
- ‘Ordinary meetings of a council committee will be held at times and places appointed by the council, or subject to a decision of the council, the council committee.’*
- 10.4. Section 87 (2) of the Act states:
- ‘A council or council committee must, in appointing a time for the holding of an ordinary meeting of a council committee, take into account—*
- (a) the availability and convenience of members of the committee; and*
- (b) the nature and purpose of the committee.’*
- 10.5. At the Council Meeting on 26 March 2024, Council resolved in relation to the four core committees that:
- 10.5.1. the City Community Services and Culture, and City Planning, Development and Business Affairs committees would be held on the first Tuesday of the month starting at 5.30pm and 7pm, respectively; and
- 10.5.2. the City Finance and Governance, and Infrastructure and Public Works committees will be held on the third Tuesday of the month starting at 5.30pm and 7pm respectively
- 10.6. Under section 87 (6) of the Act, special meetings of a council Committee may be held at any time.
- 10.6.1. The intention of this section is to enable Committees to be able to meet to consider urgent business at a time and place suitable for the circumstance.
- 10.7. As per the above legislation, Special Council and Committee meetings can be called at any time and therefore any decision of Council to only hold Special Council or Committee meetings at a specific time will be superseded by the Act and subsequent Regulations.

Information and Briefing Sessions (CEO Briefing) and Council Member Training Sessions

- 10.8. Under section 90A of the Act, Information or CEO Briefing sessions, can be called by the CEO who also may determine the time and place;
 - 10.8.1. CEO Briefings are typically held at a time immediately prior to an ordinary meeting of Council or Committee for the convenience of Council and Committee members wishing to attend the briefing.
- 10.9. Attendance at CEO Briefings is not compulsory nor recorded.
- 10.10. Should Council Members prefer for the remainder of this term to hold CEO Briefings and Council Member Training Sessions after 5:30pm on a Tuesday night, then a motion rescinding Council’s 26 March 2024 decision will be required to facilitate later start times for Council and Committee meetings.
- 10.11. Should Council Members prefer to hold CEO Briefings and Council Member Training Sessions on an alternate time or day of the week the following will need to be considered:
 - 10.11.1. Time and availability implications for Council Members, external facilitators and any staff required.
 - 10.11.2. Frequency of CEO Briefings and alignment with items to be considered at Committees and Council Meetings
 - 10.11.3. No provision under the Act for Council to determine time or place of CEO Briefings called by the CEO.

Proposed amendments

- 10.12. Noting that the CEO in consultation with the Presiding Member of a Council or Committee has delegated authority as per the decision of Council 28 November 2023 to amend the start time of a Council or Committee Meeting, section 8, paragraph 278 of the proposed document has been amended to state that where practicable, the CEO will endeavour to ensure that special meetings of Council and Committee, CEO Briefings and Council Member Training Sessions will not be held prior to 5:00pm, taking into consideration the following:
 - 10.12.1. Urgency of business
 - 10.12.2. Expected length of meeting
 - 10.12.3. Quorum requirements and availability of Council Members.

Next Steps

- 11. Should Council adopt the draft COP, the updated COP will be in effect for Council Meetings from 24 September 2024.

DATA AND SUPPORTING INFORMATION

[Link 1 - Code of Practice for Meeting Procedures](#) (Current)

ATTACHMENTS

Attachment A – Draft Council Code of Practice for Meeting Procedures

- END OF REPORT -