

Council Policy

1.15 Councillor Briefing Framework

Introduction

Shire of Capel (the Shire) Councillors, Executive Management Team and officers hold briefings to advise and consult with Councillors to enable informed decision making by Council. In accordance with the Local Government Act 1995, briefings do not provide an opportunity for debate and no decisions are made.

Purpose

This policy provides the purpose, procedures and conduct of briefings involving Councillors, other than Ordinary and Special meetings and meetings of standing or occasional committees established under section 5.9 Local Government Act 1995.

Policy statement

Agenda Briefing – a monthly briefing to discuss the agenda for the following Council Meeting.

Round Table Meeting – a monthly meeting following the Agenda Briefing, to discuss the agenda for the following Council Meeting.

Strategic Issue Briefing – a briefing to update Councillors on strategically significant issues or projects that are not open to the public.

Quasi-Judicial Matters – the Chief Executive Officer in liaison with the Shire President will determine if a matter that relates to town planning should be held without the public being in attendance due to the context and stage of the planning issue, particular matters that are considered confidential that are still being developed as concepts by proponents or the Shire of Capel.

1. General Provisions

The Shire President, or Deputy in his or her absence, will preside at Agenda and Round Table and Meetings. If neither President or Deputy is present, a Councillor will be chosen by present Councillors.

- 1.1. All questions must be through the Chair and are to be related to the upcoming Ordinary Council Meeting agenda.
- 1.2. There is to be no free flowing discussion between Councillors and debate is strictly prohibited
- 1.3. The legislation does not require disclosure of conflicts of interest at agenda briefings, however in the interests of transparency and accountability, and the provisions of the Code of Conduct it is considered ethically unacceptable to participate in a matter if there is a conflict of interest.

- 1.4. This policy requires Councillors and officers to declare interests in accordance with the provisions of the Local Government Act 1995 as they apply to Ordinary Council Meetings.
 - 1.5. No formal minutes are required to be taken. Records will only be kept of conflict of interest disclosures and items covered.
 - 1.6. Decisions will only be made at Council Meetings.
2. Agenda Briefing and Round Table Meeting
- 2.1. The start time of Agenda Briefings is to be advertised on the Shire web site, Facebook page and other medium where necessary.
 - 2.2. Agenda Briefings and Round Table Meetings are open to members of the public, except where items are confidential in nature under section 5.23 Local Government Act 1995. Confidential items will be discussed once the open briefing has closed and members of the public have left.
 - 2.3. The Presiding Member will manage receiving of questions from the public. Public questions are to be confined to 5 minutes per person and a maximum of 15 minutes. Public questions that members of the public wish to be recorded in the minutes of the Ordinary Meeting of Council will be required to ask that question at the Ordinary Meeting of Council.
 - 2.4. The Presiding Member is to announce the Agenda Briefing is ending and the Round Table meeting is commencing.
 - 2.5. There are to be no questions from the public during the roundtable discussion without the Presiding Members approval.
 - 2.6. The Presiding Member may invite elected members to introduce matters that they have been dealing with on behalf of the Council or ideas they would like to be discussed.
3. Strategic Issue Briefing
- 3.1. Strategic Issue(s) Briefings are a mechanism by which Shire employees can confidentiality update Councillors on developments related to significant projects, strategic or sensitive matters.
 - 3.2. In these circumstances it is important for Councillors to be involved and be able to speak freely without members of the public in attendance.
 - 3.3. There is to be no debate.
 - 3.4. A decision of the Council may be made at a future date to open the discussion on major projects and inviting members of the public to participate in workshops. This will be a decision of Council.
4. Quasi-Judicial Matters
- 4.1. Matters that require Councillors to make quasi-judicial decision, such as planning and development, require the Councillor to maintain a high degree of independence in the lead up to the decision being made.

- 4.2. Councils will often have briefings relating to development issues and these are important in terms of the elected members becoming fully informed on the matter on which they have to vote.
- 4.3. The nature of the decision means that briefing sessions must be conducted with the strict adherence to the rules outlined within this policy, including maintaining confidentiality.
- 4.4. Councils will often have briefings relating to development issues and these are important in terms of the elected members becoming fully informed on the matter on which they have to vote. The nature of the decision means that briefing sessions involving planning matters should be conducted with the strictest of rules. There should be no implication of debate between elected members; the session should primarily involve information being given by the relevant officer and other parties with questions from the floor directed through the chair. In cases where an elected member has relevant information on a development matter to be conveyed to the meeting, it must be done through the chair so that all decision makers are privy to that information.
- 4.5. Elected members need to be wary of involvement in the lead-up process to a certain decision, especially as a sole agent or member of a small group and being subjected to information from the developer or parties associated with the developer. This may be interpreted as reducing the independence of the decision-maker.

Application

This Policy applies to all Shire of Capel Elected Members, staff and members of the public attending forums convened by the Shire.

Procedure

Department:	CEO's Division	Next review:	December 2022
Reviewer:	CEO	Legislation:	Local Government Act 1995) Shire of Capel Code of Conduct
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