

Elected Member Meeting Procedures Policy 2018



City of
Fremantle



Meeting Procedures Policy 2018

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Part 1 - Definitions

In these meeting procedures, unless the context requires otherwise –

Absolute majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

Amendment means a change to a motion that does not negate the original motion or the intent of the original motion;

CEO means the Chief Executive Officer or Acting Chief Executive Officer for the City;

City means the City of Fremantle;

Clause means a clause of these meeting procedures;

Committee means a committee of council (established under section 5.8 of the Act);

Council means council of the City;

Councillor has the same meaning as is given to it in the Act;

Department means the state department responsible for administering the Act;

Deputy Mayor means the deputy mayor of the City;

Elected member means Councillor or Mayor of the City;

Employee has the same meaning as is given to it in the Act;

Mayor means the mayor of the City;

Meeting means a meeting of council or of a committee, or an electors' meeting, as the context requires;

Member has the same meaning as given to it in the Act;

Minister means the Minister responsible for administering the Act;

Presiding member means -

(a) in respect of council, the person presiding under section 5.6 of the Act, and

(b) in respect of committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act;

Procedural motion means a motion that relates to how the meeting is conducted.

Regulations means the *Local Government (Administration) Regulations 1996*;

Rules of Conduct Regulations means the *Local Government (Rules of Conduct) Regulations 2007*;

Simple majority means more than 50% of the members present and voting;

Special majority has the same meaning as is given to it in the Act; and

Substantive motion means an original motion/recommendation relating to the business of the meeting, or an original motion as amended, but does not include a revocation or amendment motion or a procedural motion.

Part 2 - Meetings of council

2.1 Ordinary and special council meetings

(1) Ordinary and special council meetings are dealt with in the Act (s5.3).

2.2 Calling council meetings

(1) The calling of council meetings is dealt with in the Act (s5.4).

2.3 Convening council meetings

(1) The convening of a council meeting is dealt with in the Act (s5.5)

(2) Subject to subclause (3), the CEO is to give at least 72 hours' notice, for the purposes of section 5.5 of the Act, in convening a special meeting of council.

(3) Where, in the opinion of the Mayor or at least 1/3 of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special council meeting.

2.4 Calling committee meetings

(1) A meeting of a committee is to be held –

- (a) if called for in a verbal or written request to the CEO by the Mayor or the presiding member of the committee, advising the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting;
- (c) in accordance with a decision of council or committee; or
- (d) if called for by the CEO in a notice to elected members advising of the date and purpose of the proposed meeting.

2.5 Public notice of meetings

(1) Public notice of meetings is dealt with in the Regulations (r12)

Part 3 - Presiding member and quorum

3.1 Who presides

(1) Who presides at a council meeting is dealt with in the Act (s5.6).

3.2 When the Deputy Mayor can act

(1) When the Deputy Mayor can act is dealt with in the Act (s5.34).

3.3 Who acts if no Mayor

(1) Who acts if there is no Mayor is dealt with in the Act (s5.35).

3.4 Election of presiding members of committees

(1) The election of presiding members of committees is dealt with in the Act (s5.12).

3.5 Election of deputy presiding members of committees

(1) The election of deputy presiding members of committees is dealt with in the Act (s.5.12)

3.6 Functions of deputy presiding members

(1) The functions of deputy presiding members are dealt with in the Act (s5.13).

3.7 Who acts if no presiding member

(1) Who acts if no presiding member is dealt with in the Act (s5.14).

3.8 Quorum for meetings

(1) The quorum for meetings is dealt with in the Act (s5.19).

3.9 Reduction of quorum for council meetings

(1) The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act (s5.7).

3.10 Reduction of quorum for committee meetings

(1) The reduction of a quorum for committee meetings is dealt with in the Act (s5.15)

3.11 Procedure where no quorum to begin a meeting

(1) The procedure where there is no quorum to begin a meeting is dealt with in the Regulations (r8).

3.12 Procedure where quorum not present during a meeting

- (1) If at any time during a meeting a quorum is not present –
- (a) the presiding member is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
 - (b) if a quorum is not present at the expiry of the suspension period under subclause (a), the presiding member may either adjourn the meeting to some future time or date or may extend the suspension period for a further period of 30 minutes; and
 - (c) if a quorum is not present at the expiry of the extended period of suspension under subclause (b), the presiding member is to adjourn the meeting to a later time on the same day or to another day.

3.13 Names to be recorded

- (1) At any meeting –
 - (a) at which there is not a quorum present to begin the meeting; or
 - (b) which is adjourned for want of a quorum,

the names of the members then present are to be recorded in the minutes.

Part 4 - Business of a meeting

4.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of council other than that specified in the agenda, except as permitted in accordance with these meeting procedures.
- (2) No business is to be transacted at a special meeting of council other than that given in the notice of the meeting as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda, or in the notice of the meeting as the purpose of the meeting, except as permitted in accordance with these meeting procedures.
- (4) Where a council meeting is adjourned to the next ordinary meeting of council, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
- (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
- (6) Where a council or committee meeting is adjourned to a meeting not described in subclause (4) or (5), no business is to be transacted at that later meeting other than that-
 - (a) specified in the notice of the meeting that is adjourned; and
 - (b) which remains unresolved.

4.2 Order of business

(1) Ordinary Meeting of Council

Unless otherwise decided by the presiding member, the order of business at any Ordinary Meeting of Council is to be as follows:

- 1. Official opening, welcome and acknowledgement**
- 2. Attendance, apologies and leaves of absence**
 - 2.1 attendance
 - 2.2 apologies
 - 2.3 approved leave of absence
- 3. Applications for leave of absence**
- 4. Disclosures of interests**
 - 4.1 financial
 - 4.2 proximity
 - 4.3 impartiality
- 5. Responses to previous questions taken on notice**
- 6. Public question time**
- 7. Petitions**
- 8. Deputations**
 - 8.2 special deputations
 - 8.3 presentations
- 9. Confirmation of minutes**
- 10. Elected member communication**
- 11. Reports and recommendations from committees**
- 12. Reports and recommendations from officers**
- 13. Motions of which previous notice has been given**
- 14. Urgent business**
- 15. Late items**
- 16. Confidential business**
- 17. Closure**

(2) Committee Meeting

Unless otherwise decided by the presiding member, the order of business at any Committee Meeting is to be as follows:

- 1. Official opening, welcome and acknowledgement**
- 2. Attendance, apologies and leaves of absence**
 - 2.1 attendance
 - 2.2 apologies
 - 2.3 approved leave of absence
- 3. Disclosures of interests**
 - 3.1 financial
 - 3.2 proximity
 - 3.3 impartiality
- 4. Responses to previous questions taken on notice**
- 5. Public question time**
- 6. Petitions**
- 7. Deputations**
 - 7.1 special deputations
 - 7.2 presentations
- 8. Confirmation of minutes**
- 9. Elected member communication**
- 10. Reports and recommendations**
- 11. Motions of which previous notice has been given**
- 12. Urgent business**
- 13. Late items**
- 14. Confidential business**
- 15. Closure**

4.3 Notices of motions

- (1) Unless the Act, Regulations or this policy otherwise provide, a member may raise at a meeting such business of the City as they consider appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be given at least 7 working days before the meeting at which the motion is moved.
- (3) A notice of motion must relate to the good government for persons in the district.
- (4) The CEO –
 - (a) with the concurrence of the Mayor, may propose, for determination by the meeting at which it is to be considered, the dismissal of any notice of motion that they consider to be out of order, or irrelevant, for the purposes of these meeting procedures; and
 - (b) may propose, for determination by the meeting at which it is to be considered, such amendments to the form, but not the substance, as will bring the motion into due form.
- (5) A motion is not out of order because the content involved is considered to be objectionable.
- (6) A motion is to lapse unless –
 - (a) the member who gave notice of it, or some other member authorised by them in writing, moves the motion when called on; or
 - (b) council or committee on a motion agrees to defer consideration of the motion to a later stage or date.
- (7) A motion presented in the first instance to an ordinary meeting of council, is to be referred to the appropriate committee for consideration before final determination by council.
 - (a) The presiding member may determine that the notice of motion may be presented directly to council if they consider the subject of the motion to be time sensitive.

4.4 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), “cases of extreme urgency or other special circumstances” means matters –
 - (a) that have arisen after the preparation of the agenda that are considered by the meeting to be of such importance and urgency that they are unable to be dealt with administratively by the City and must be considered and dealt with by council before the next meeting; and
 - (b) that, if not dealt with at the meeting, are likely to –
 - (i) have a significant adverse effect (financially or otherwise) on the City; or
 - (ii) result in a contravention of a written law.

- (3) Before debate begins on a matter under this clause that is not the subject of a written employee report to the meeting –
 - (a) the presiding member is to ask the CEO to give; and
 - (b) the CEO, or the CEO's nominee, is to give,

a verbal report to the meeting.

- (4) The minutes of the meeting are to include –
 - (a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.

4.5 Late items

- (1) In cases, where information is received after the finalisation of an agenda, that is considered by the CEO to be necessary for a meeting to consider, matters may, on a motion that is carried by the meeting, be raised and decided by the meeting when -
 - (a) a supporting report is provided, and
 - (b) the report has been distributed to elected members a minimum of 24 hours before the meeting is to begin.
- (2) The minutes of the meeting are to include –
 - (a) the reasons for any decision made at the meeting that is significantly different from any recommendations made in the supporting report.

4.6 Adoption by “en bloc” resolution

- (1) In this clause adoption “en bloc” means –
 - (a) a resolution of council that has the effect of adopting, for each of a number of specifically identified reports, the committee or employee recommendation as council resolution; and
 - (b) a resolution of a committee that has the effect of adopting, for each of a number of specifically identified reports, the employee recommendation as the committee resolution.
- (2) Council or committee may pass an “en bloc” resolution providing that the required majority is met.
- (3) An adoption by “en bloc” resolution may not be used for a matter –
 - (a) in which a financial or proximity interest has been disclosed;
 - (b) that is a matter on which a member wishes to make a statement; or
 - (c) that is a matter on which a member wishes to move a motion that is different to the recommendation.

4.7 Closure – time limits for council or committee meetings

- (1) A committee or council meeting will not last longer than 3 hours unless a resolution by the meeting is made to extend this time. Where 3 hours is reached while a motion is under consideration then the meeting may continue until the final determination of that motion.

Part 5 - Public participation

Deputations, presentations, statements or questions relating to a tenderer that seek to influence a decision of Council or Committee, in relation to the awarding of a tender to procure goods and / or services by the City of Fremantle, will NOT be permitted by the presiding member.

5.1 Meetings generally open to the public

- (1) Meetings being generally open to the public is dealt with in the Act (s5.23)

5.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public
- (2) The council or committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.
- (3) A resolution under this clause may be made without notice of the relevant motion.
- (4) Unless council or committee resolves otherwise, once the meeting is reopened to members of the public the presiding member is to ensure that –
 - (a) any resolution of council or committee made while the meeting was closed is to be read out; and
 - (b) the vote of a member or members is recorded in the minutes.

5.3 Question time for the public

- (1) Question time for the public is dealt with in the Act. (S5.24)

5.4 Question time for the public at certain meetings

- (1) Question time for the public at certain meetings is dealt with in the Regulations.(r5)

5.5 Minimum question time for the public

- (1) Minimum question time for the public is dealt with in the Regulations. (r6)

5.6 Procedures for question time for the public

- (1) Procedures for question time for the public are dealt with in the Regulations. (r7)

5.7 Other procedures for question time for the public

- (1) The presiding member may determine the order in which members of the public are invited to ask questions.
- (2) A member of the public who wishes to ask a question or make a statement during question time must –
 - (a) first state their name and Suburb;
 - (b) direct the question or statement to the presiding member;
 - (c) ask the question or make the statement briefly and concisely;

- (3) Each member of the public is entitled to ask questions or make public statements for up to 3 minutes before other members of the public will be invited to ask their questions or make their statements.
- (4) A member of the public may give prior written notice to the CEO of the text or substance of a question or statement that they wish to ask at a meeting.
- (5) Unless the presiding member determines otherwise, a question or statement of which prior written notice has been given to the CEO is to be given priority in question time.
- (6) Where a member of the public gives written notice of a question or statement, the presiding member may determine that the question or statement is to be responded to as normal business correspondence.
- (7) A question may be taken on notice by council or committee for later response.
- (8) When a question is taken on notice, the CEO is to ensure that –
 - (a) a written response is given to the person who asked the question; and
 - (b) a summary of the response is included in the agenda for the next meeting of council or committee.
- (9) A response to a question or statement –
 - (a) is to be brief and concise; and
 - (b) is not to be the subject of any discussion, except that if in the opinion of a member, false information or any adverse reflection is contained in any question asked or comments made by a member of the public, then (through the presiding member) the member may correct or clarify the matter.
- (10) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes.
- (11) The presiding member may decide that a question is not to be responded to where –
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the person who asked the question is directed to the minutes of the meeting at which the response was provided;
 - (b) it is in the form of a statement, provided that the presiding member has taken reasonable steps to assist the person to phrase the statement as a question; or
 - (c) the question is offensive or defamatory in nature, or is one which, if asked by a member, would be in breach of this policy or any law.
- (12) The presiding member may extend public question time.

5.8 Distinguished visitor

- (1) If a distinguished visitor is present at a meeting of council or a committee, the presiding member –
 - (a) may invite the distinguished visitor to sit beside the presiding member or at the council table;
 - (b) may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting; and
 - (c) may direct that the presence of the distinguished visitor be recorded in the minutes.

5.9 Special deputations

- (1) Any person or group wishing to make a special deputation on matters not included on the agenda of a council meeting is to apply, 7 working days preceding the meeting, to the CEO for approval.
- (2) The CEO may either -
 - (a) approve the request and extend an invitation to attend a meeting of council; or
 - (b) refer the request to the Mayor to decide whether or not to approve the deputation.
- (3) Unless council resolves otherwise, a special deputation attending a council meeting -
 - (a) is not to exceed 5 persons, only 2 of whom may address council, although others may respond to specific questions from members;
 - (b) is not to address council for a period exceeding 10 minutes without the agreement of the presiding member; and,
 - (c) additional members of the deputation may be allowed to speak with the leave of the presiding member.
- (4) The presiding member may determine the order and time in which deputations will be invited to present to the committee or council.

5.10 Presentations

- (1) In this clause, a “presentation” means the acceptance of a gift or an award by council on behalf of the local government or the community.
- (2) A presentation, by any person other than an elected member, may be made to council at a meeting only with the prior approval of the CEO.

5.11 Public inspection of agenda material

- (3) The right of a member of the public to inspect the documents relating to a Council or committee meeting are dealt with in the Regulations. (r13).

5.12 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be –
 - (a) identified in the agenda of a council or committee meeting under the item “confidential business”;
 - (b) marked “confidential” in the agenda; and
 - (c) kept confidential by members and employees until council or committee resolves otherwise.

- (2) A member or an employee who has –
 - (a) confidential information under subclause (1); or
 - (b) information that is provided or disclosed for the purposes of or during a meeting or part of a meeting that is closed to the public,

must not disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out their duties.

- (3) Subclause (2) does not prevent a member or employee from disclosing information –
 - (a) at a closed meeting;
 - (b) to the extent specified by council and subject to such other conditions as council decides;
 - (c) that is already in the public domain;
 - (d) to an officer of the Department;
 - (e) to the Minister;
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

5.13 Recording of proceedings

- (1) The CEO may record the proceedings of a meeting in any way that they consider to be appropriate.

- (2) Unless with the written authorisation of the CEO, a person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting.

- (3) If a person is permitted to record proceedings under this clause, the presiding member is to advise the meeting, immediately before the recording is commenced, that the recording is permitted and the extent of that permission.

5.14 Prevention of disturbance

- (1) A reference in this clause to a “person” is to a person other than a member.

- (2) A person must ensure that their mobile telephone or audible pager is not switched on or used during any meeting of council or committee.

- (3) A person addressing council or committee must extend due courtesy and respect to council or committee and the processes under which it operates and must comply with any direction by the presiding member.

- (4) A person present at or observing a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

- (5) The presiding member may warn a person who fails to comply with this clause.
- (6) The presiding member may expel a person from the meeting by ordering them to leave the meeting room, if –
 - (a) after being warned, the person again acts contrary to this clause, or to this policy; or
 - (b) a person refuses or fails to comply with a direction by the presiding member,
- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding member, be removed from the meeting room and, if the presiding member orders, from the premises.

Part 6 - Communications by elected members

6.1 Elected member communication

- (1) An elected member may speak at a committee or council meeting when written notice:
 - (a) containing a summary of the subject of the proposed communicationhas been provided to the presiding member and CEO by 12 noon on the day preceding the meeting.
- (2) A presiding member is exempt from the requirement to give notice to speak at a meeting at which they are presiding.
- (3) The presiding member may determine to suspend notice requirements when in their opinion:
 - (a) the subject of the proposed communication is appropriate and is considered to be time sensitive; or
 - (b) a reasonable explanation for failing to provide notice has been provided.
- (4) An elected member may not speak for longer than 5 minutes without the approval of the presiding member.

6.2 Questions

- (1) A member may ask a question at a meeting of a committee or council
- (2) Every question and answer is to be presented as briefly and concisely as possible and no discussion is to be allowed, unless with the consent of the presiding member.
- (3) Where it is not possible to provide a full and detailed answer at the meeting, the question will be taken on notice.

6.3 Questions during debate

- (1) At any time during the debate on a motion before the motion is put, a member may ask a question.

6.4 Restrictions on questions and answers

- (1) Questions asked by a member, and responses given by a member or an employee –
 - (a) are to be brief and concise; and
 - (b) are not to be accompanied by –
 - (i) expression of opinion, statement of fact or other comment, except where necessary to explain the question or answer; or
 - (ii) any discussion or further question, except with the consent of the presiding member.
 - (2) In answering any question, a member or an employee may qualify their answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend their original answer.
-

Part 7 - Conduct of members**7.1 Apologies for meetings**

- (1) A member who is an apology for a meeting must notify the CEO as soon as practicable.

7.2 Acting as deputy at committee meetings

- (1) A member who is attending a committee meeting as a deputy must notify the CEO as soon as practicable.

7.3 Participation at committee meetings

- (1) A member who attends a committee meeting (who is not attending as a member or deputy member of that committee) who chooses to sit in the area allocated for public seating -
 - (a) is not permitted to address the committee other than during the allotted times provided for members of the public (unless seated at the meeting table).
 - (b) will not be recorded as attending the committee meeting in the Minutes of that meeting.

7.4 Entering or leaving a meeting

- (1) During the course of a meeting, a member must not enter or leave the meeting without first giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

7.5 Members who wish to speak

- (1) A member who wishes to speak at a council meeting –
 - (a) must indicate their intention to speak by raising their hand, or by any other method determined by the presiding member; and
 - (b) when invited by the presiding member to speak, and unless otherwise determined by council, must address the meeting through the presiding member.

7.6 Priority of speaking

- (1) At a council meeting, where 2 or more members of council indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled to be heard first.
- (2) At a committee meeting, the presiding member is first to invite committee members to speak followed, at the discretion of the presiding member, by other members and attendees.
- (3) A decision of the presiding member under this clause is not open to discussion or dissent.

7.7 Relevance

- (1) At council meetings, members must restrict their remarks to the motion or amendment under discussion, or to a point of order.
- (2) The presiding member, at any time, may –
 - (a) call the attention of the meeting to any irrelevant or repetitious remarks by a member; or
 - (b) direct that member, if speaking, to discontinue their speech.
- (3) A member must comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

7.8 Speaking twice

- (1) A member must not address council more than once on any motion or amendment except –
 - (a) as the mover of a substantive motion, to exercise a right of reply;
 - (b) to raise a point of order; or
 - (c) to request clarification on or explanation of committee reports or recommendations.
- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.
- (3) This clause does not apply to committee meetings.

7.9 Duration of speeches

- (1) A member must not speak on any matter for more than 10 minutes without the consent of the presiding member which, if given, is to be given without discussion.

7.10 No speaking after conclusion of debate

- (1) A member must not speak on any motion or amendment –
 - (a) after the mover has replied; or
 - (b) after the question has been put.

7.11 No interruption

- (1) A member must not interrupt another member who is speaking unless –
 - (a) to raise a point of order;
 - (b) to call attention to the absence of a quorum;
 - (c) to make a personal explanation or
 - (d) to move a procedural motion that the member be no longer heard.

7.12 No reopening of discussion

- (1) A member must not reopen a discussion on any council or committee decision, except to move that the decision be revoked or changed.
-

Part 8 - Preserving order

8.1 Presiding member to preserve order

- (1) The presiding member is to preserve order and, whenever *they* consider it necessary, may call any member to order.
- (2) When the presiding member speaks during a debate, any member then speaking, or indicating that *they* wish to speak, is to stop talking and every member present must be silent so that the presiding member may be heard without interruption.
- (3) Subclause (2) is not to be used by the presiding member to exercise the right to take part in debate.

8.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of –
 - (a) this policy; or
 - (b) any written law.
- (2) Examples of valid points of order are –
 - (a) a speaker's remarks not being relevant to the motion or amendment being debated; and
 - (b) a speaker's use of offensive or objectionable expressions.
- (3) Despite anything in this policy to the contrary, a point of order –
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

8.3 Procedures on a point of order

- (1) A member who is addressing the presiding member must not be interrupted except on a point of order.
- (2) A member interrupted on a point of order must resume their seat until –
 - (a) the member raising the point of order has been heard; and
 - (b) the presiding member has ruled on the point of order, and, if permitted, the member who has been interrupted may then proceed.

8.4 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order –
 - (a) is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that –
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

8.5 Continued breach of order

- (1) If a member –
 - (a) persists in any conduct that the presiding member had ruled is out of order; or
 - (b) fails or refuses to comply with a direction from the presiding member,

the presiding member may direct the member to refrain from taking any further part in the debate of the item, other than by voting, and the member must comply with that direction.

8.6 Presiding member may adjourn meeting

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

Part 9 – Debate of motions**9.1 Motions to be stated and in writing**

- (1) A member who wishes to move a substantive motion, or an amendment to a substantive motion is to state the substance of the motion before speaking to it.

9.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a council or committee meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.
- (3) A motion that is not carried (a 'lost' motion) by the majority outlined as required for that motion does not form a decision of a committee or council.

9.3 Only one substantive motion considered

- (1) When a substantive motion is under debate, no further substantive motion is to be accepted.

9.4 Complex motions

- (1) The presiding member may require that a complex substantive motion, or a complex amendment to a substantive motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

9.5 Order of call in debate

- (1) The presiding member is to call speakers to a substantive motion in the following order –
 - (a) the mover to state the motion;
 - (b) a seconder to the motion;
 - (c) the mover to speak to the motion;
 - (d) the seconder to speak to the motion;
 - (e) other speakers against and for the motion, and
 - (f) mover takes right of reply which closes debate.

9.6 Limit of debate

- (1) The presiding member may offer the right of reply and put a substantive motion to the vote if they believe that sufficient discussion has taken place even though all members may not have spoken.

9.7 Alternative recommendations and amendments

- (1) Elected members must give notice of proposed amendments and alternative recommendations on council agendas.
- (2) Written notice must be provided to the CEO for any proposed amendments or alternative recommendations to a council motion by 12 noon on the day preceding the meeting; and
- (3) All notices of proposed amendment or alternative motion must be distributed by the CEO to all elected members, and published on the council website before 5 pm on the day preceding the meeting; and
- (4) Amendments or alternative motions that are moved at a committee meeting without notice being given in accordance with section 9.7(2) will be referred to council for final determination.
- (5) Any proposed amendments or alternative motion that relate to matters which, in the opinion of the CEO, is or is likely to be closed to members of the public in accordance with S 5.23 (2) of the Act, will not be published on the council website; and
- (6) The presiding member –
 - (a) is to determine whether an amendment is a minor amendment; and
 - (b) is to make that determination on the basis that a minor amendment is one which, in their opinion:
 - (i) does not significantly or materially change the original motion; or
 - (ii) does not significantly or materially impact on an interested person; and
 - (iii) may be moved at a council or committee meeting without prior notice having been given.

9.8 Order of amendments

- (1) Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, lost or carried.

9.9 Amendments must not negate original motion

- (1) An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

9.10 Relevance of amendments

- (1) An amendment must be relevant to the motion in respect of which it is moved.

9.11 Mover of motion may speak on amendment

- (1) Any member may speak during debate on an amendment.

9.12 Effect of an amendment

- (1) If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

9.13 Withdrawal of motion and amendments

- (1) Council or committee may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder, provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment is to continue.

9.14 Limitation of withdrawal

- (1) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

9.15 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The right of the reply may be exercised only –
 - (a) where no amendment is moved to the substantive motion – at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion – at the conclusion of the discussion on the substantive motion and any amendments.
- (3) After the mover of the substantive motion has commenced the reply –
 - (a) no other member is to speak on the motion; and
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (4) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (5) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

9.16 Delegated decisions of committee

- (1) A committee member, with the support of at least one other committee member, may cause a decision of committee, made under delegated authority, to be referred to Council for final decision.
-

Part 10 - Procedural motions**10.1 Permissible procedural motions**

- (1) In addition to the right to move an amendment to a substantive motion a member may move any of the following procedural motions –
 - (a) that the meeting proceed to the next item of business;
 - (b) that the item be referred (for further information) or be deferred (for decision) to a council or committee meeting;
 - (c) that the meeting now adjourn;
 - (d) that the motion be now put;
 - (e) that the member be no longer heard;
 - (f) that the ruling of the presiding member be disagreed with; and
 - (g) that the meeting be closed to members of the public.

10.2 No debate

- (1) The mover of a motion stated in paragraphs (a), (b), (c), (f) or (g) of clause 10.1 may speak to the motion for not more than 5 minutes, the seconder may speak for not more than 3 minutes, and there is to be no debate on the motion without the agreement of the presiding member.
- (2) The mover of a motion stated in paragraph (d) or (e) of clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Who may move

- (1) A member who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, cannot move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

10.4 Right of reply on substantive motion

- (1) The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

10.5 Limit on deferrals

- (1) Committees may only procedurally defer a motion once.
- (2) This clause does not prohibit a committee from making a recommendation for deferral to council.

10.6 Meeting to proceed to the next business

- (1) The motion “that the meeting proceed to the next item of business”, if carried has the effect that –
 - (a) the debate on the substantive motion or amendment ceases immediately;
 - (b) no decision is made on the substantive motion;
 - (c) the meeting moves to the next item of business; and there is no requirement for the matter to be raised again for consideration.

10.7 Item to be referred or adjourned

- (1) A motion “that the item be referred or adjourned” –
 - (a) is to state the time to which the debate is to be adjourned (and the reasons for the motion); and
 - (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the meeting, and at the time, stated in the motion.

10.8 Meeting now adjourn

- (1) A member is not to move or second more than one motion of adjournment during the same meeting.
- (2) Before putting the motion for the adjournment, the presiding member may seek leave of the meeting to deal first with matters that may be subject of an adoption by exception resolution.
- (3) A motion “that the meeting now adjourn” –
 - (a) is to state the time and date to which the meeting is adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the presiding member or the meeting determines otherwise.

10.9 Motion to be put

- (1) If the motion “that the motion be now put”, is carried during discussion on a substantive motion without amendment, the presiding member is to offer the right of reply and then immediately put the motion to the vote without further debate.
- (2) If the motion “that the motion be now put” is carried during debate of the amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

10.10 Member to be no longer heard

- (1) If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if they are the mover of the substantive motion.

10.11 Ruling of the presiding member be disagreed with

- (1) If the motion “that the ruling of the presiding member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

Part 11 - Disclosure of interests

11.1 Disclosure of interests

- (1) The requirements for members and employees to disclose financial and other interests, the nature of the interests that must be disclosed, and related matters are dealt with in the Act (s5.60 & 5.61), the Regulations (part 6), the Rules of Conduct Regulations (r11).
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Part 12 – Voting

12.1 Motion – when put

- (1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the presiding member –
 - (a) is to put the motion to the meeting; and
 - (b) if requested by a member, is again to state the terms of the motion.
- (2) A member must not leave the meeting when the presiding member is putting any motion.

12.2 Voting

- (1) Voting is dealt with in the Act (s5.21) and the Regulations (r9).

12.3 Majorities required for decisions

- (1) The majorities required for decisions of council and committees are dealt with in the Act. (s 1.9 & 1.10).

12.4 Question – method of taking vote

- (1) In taking the vote on any motion, the presiding member –
 - (a) is to put the motion, first in the affirmative, and then in the negative;
 - (b) may put the motion in this way as often as may be necessary to enable them to determine whether the affirmative or the negative has the majority of votes;
 - (c) is to cast a second vote if the votes are equally divided;
 - (d) is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member's vote; and
 - (e) subject to this clause, is to declare the result.

Part 13 - Minutes

13.1 Keeping of minutes

- (1) The keeping and confirmation of minutes are dealt with in the Act (5.22).

13.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations (r11).
- (2) The minutes of meetings are to include the reasons for any decision made at the meeting that is significantly different from any recommendations made in the agenda to that meeting.

13.3 Public inspection of unconfirmed minutes

- (1) The public inspection of unconfirmed minutes is dealt with in the Regulations (r13).

13.4 Confirmation of minutes

- (1) The CEO is to give to each member –
 - (a) the unconfirmed minutes of each council meeting – within 10 working days after the meeting; and
 - (b) the unconfirmed minutes of a committee meeting – within 5 clear working days after the meeting.
- (2) If a member is dissatisfied with the accuracy of the draft minutes they may request amendments

Part 14 - Implementing decisions

14.1 Requirements to revoke or change decisions

- (1) The requirements to revoke or change a decision made at a meeting is dealt with in the Regulations. (r 10).

14.2 Meaning of terms

- (1) In this Part –

authorisation means a licence, permit, approval or other means of authorising a person to do anything;

decision means a decision that has effect under section 5.20 of the *Local Government Act 1995*.

implement, in relation to a decision, includes –

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) take any other action to give effect to the decision; and

valid notice of revocation motion means a notice of a motion to revoke or change a decision that –

- (a) complies with the requirements of the Act, Regulations and this policy and may be considered, but has not yet been considered, by council or committee as the case may be; and
- (b) if carried and implemented, would result in the decision being revoked or being substantially different.

14.3 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), council or committee is not to consider a motion to revoke or change a decision –
 - (a) where, at the time the motion is moved or notice is given, any action has been taken to implement the decision;
 - (b) where the decision concerns the grant of an authorisation, and where that authorisation has been communicated in writing by the City to the applicant; or
 - (c) where the decision is procedural in its form or effect.
- (2) Council or committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) or (b) if the motion is accompanied by a written statement, by or on behalf of the CEO, of the legal and financial consequences of the motion being carried.

Part 15 - Suspension and non-application of meeting procedures

15.1 Suspension of meeting procedures

- (1) A member may, at any time, move that the operation of one or more of the clauses of this policy be suspended.
- (2) A member moving a motion under subclause (1) is to identify the clause or clauses to be suspended, and state the reasons for the motion, but no other discussion is to take place.
- (3) A motion under subclause (1) which is seconded and carried is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

15.2 Where meeting procedures do not apply

- (1) In situations where –
 - (a) this policy has been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or this policy,

the presiding member is to decide questions relating to the conduct of the meeting.

- (2) The decision of the presiding member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 10.10.

Part 16 – Committees

16.1 Establishment and appointment of committees

- (1) The establishment of committees is dealt with in the Act (Part 5).
- (2) A council resolution to establish a committee under section 5.8 of the Act is to include –
 - (a) the terms of reference or functions of the committee;
 - (b) either –
 - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
 - (ii) the number of members, officers and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
 - (c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

16.2 Types of committees

- (1) The types of committees are dealt with in the Act. (5.9)

16.3 Delegation of some powers and duties to certain committees

- (1) The delegation of some powers and duties to certain committees is dealt with in the Act. (5.16)

16.4 Limits on delegation of powers and duties to certain committees

- (1) The limits on the delegation of powers and duties to certain committees are dealt with in the Act. (5.17)

16.5 Appointment of committee members

- (1) The appointment of committee members is dealt with in the Act. (5.10)

16.6 Tenure of committee membership

- (1) Tenure of committee membership is dealt with in the Act. (5.11)

16.7 Appointment of deputies

- (1) The appointment of a person to be a deputy of a member of committee is dealt with in the Act. (5.11A)

16.8 Resignation of committee members

- (1) The resignation of committee members is dealt with in the Regulations. (r4)

16.9 Register of delegations to committees

- (1) The register of delegations to committees is dealt with in the Act. (518)

16.10 Meeting procedures to apply

- (1) These meeting procedures apply generally to committees.

16.11 Committee to report

- (1) A committee –
 - (a) is answerable to council;
 - (b) is to report on its activities when, and to the extent, required by council; and
 - (c) is to prepare and submit to council a report containing recommendations.

16.12 Presentation of committee reports

- (1) The proposed adoption by council of recommendations of a committee is to be moved –
 - (a) if the presiding member of the committee is a council member and is in attendance – by the presiding member;
 - (b) if the presiding member of the committee is not a council member or is absent – by a member of the committee who is also a council member; or
 - (c) otherwise – by a council member who is not a member of the committee.

16.13 Reports of committees - questions

- (1) Where a recommendation of a committee is submitted for adoption by council, any council member may direct questions directly relating to the recommendation, through the presiding member, to the presiding member of the committee or to any member of the committee in attendance.

16.14 Permissible motions on committee recommendations

- (1) A recommendation made by a committee may be –
 - (a) adopted by council without amendment;
 - (b) rejected by council and replaced by an alternative decision;
 - (c) amended, and adopted as amended, by council; or
 - (d) referred back to the committee for further consideration.

Review information and related information

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