

## Council Policy

### 6.23 Town of Bassendean Advisory Group Policy

#### OBJECTIVES

To provide guidance for the establishment and operation of the Town's Advisory Groups.

#### POLICY STATEMENT

#### DEFINITIONS

"*Advisory Group*" means a group established by a resolution of the Council pursuant to this Policy.

"*Financial Interest*" has the same meaning as given by Section 5.60A of the *Local Government Act 1995*.

"*Proximity Interest*" has the same meaning as given by Section 5.60B of the *Local Government Act 1995*.

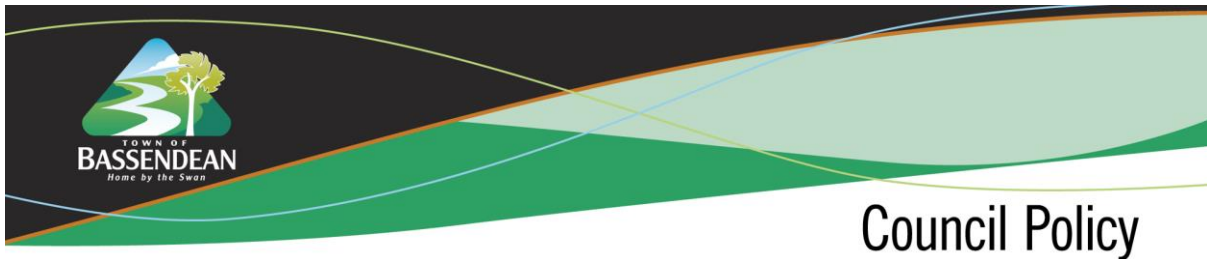
"*Impartiality Interest*" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having interest arising from kinship, friendship or membership of an association.

#### 1. ESTABLISHMENT

1.1 The Council may establish an Advisory Group to:

- (a) facilitate Council Member, stakeholder and/or community input and involvement opportunities;
- (b) to provide advice; and
- (c) support to the Town, in regard to strategic, special interest and/or operational activities.

1.2 Advisory Groups established pursuant to this Policy **are not, and are not intended to be,** Committees established under Section 5.8 of the *Local Government Act 1995*.



## 2. OPERATION

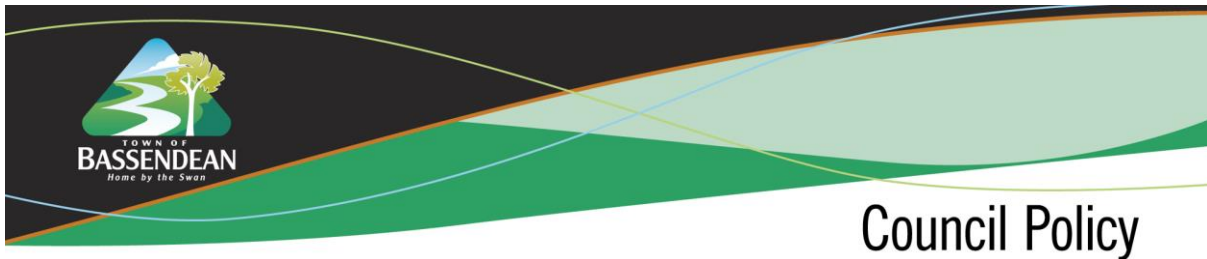
Operation of an Advisory Group is to occur in accordance with the following principles:

- 2.1 Advisory Groups may be established either by resolution of Council or at the recommendation of the Town's Administration.
- 2.2 Advisory Groups will operate in accordance with the adopted Terms of Reference which provide:
  - (a) A clear statement of objective and the scope of activity to be undertaken.
  - (b) Membership/stakeholder representation.
  - (c) The operational and administrative framework by which activities are to occur.

## 3. TERMS OF REFERENCE AND ROLE

Advisory Groups are to operate within the Terms of Reference approved by the Council and the following general administrative framework:

- 3.1 The role of an Advisory Group is to act in an advisory capacity, providing the Town's Administration and the Council with its views and/or proposals relevant to the Objectives for which the group was established.
- 3.2 The Advisory Group **will only** consider matters referred to it by the Council.
- 3.3 An Advisory Group **has no** decision making powers and **does not** have any authority to act on behalf of the Town. In operation, the group **cannot** direct employees, call tenders, award contracts, expend monies, direct volunteers or do anything which is the responsibility of the Town.
- 3.4 Advisory Group meetings will be conducted in an informal manner, providing opportunities for ideas to be raised and general discussion. The view and proposals of an Advisory Group are to be recorded in Minutes/meeting notes and retained in the Town's record keeping systems.
- 3.5 Advisory Group members either collectively or individually **are not** authorised to speak on behalf of the Town or provide comment to the media or other persons, in respect of any item under consideration, unless authorised by the Chief Executive Officer.



## Council Policy

### **4. ROLE OF THE CHAIRPERSON**

- 4.1 The Advisory Group Chairperson is to be appointed by the Council.
- 4.2 The Council appointed Chairperson will preside at all meetings. In the absence of the Chairperson, a person elected by the quorum will assume the Chair for that meeting. Preferably, the Advisory Group should be chaired by a Council Member (if possible), or then by a Senior Town Officer.
- 4.3 The Chairperson (in liaison with the most Senior Town Employee appointed to the Advisory Group) shall ensure that the Advisory Group operates in accordance with this Policy at all times.

### **5. MEETING PROCEDURES**

#### **5.1 Meetings**

- (a) Unless approved by the Council or there is a need to address an urgent issue (the latter to be agreed by the Chairperson and the Chief Executive Officer), the Advisory Group shall meet as required. Additional meetings may be convened at the discretion of the Chief Executive Officer.
- (b) At the first meeting after convening, the Advisory Group shall determine a Schedule of Meeting dates for the remainder of the year.

#### **5.2 Quorum**

A quorum will be by simple majority plus one.

#### **5.3 Agendas**

- (a) The Chief Executive Officer will determine the Agenda for each meeting. Members may submit items for consideration and listing on the Agenda.
- (b) All meetings shall be confined to items listed on the Agenda.

#### **5.4 Minutes/Meeting Notes**

- (a) The relevant Director having responsibility for the Advisory Group, in liaison with the Advisory Group Chairperson, shall be responsible to ensure the preparation and accuracy of the Minutes/meeting notes.



## Council Policy

- (b) Items considered at the meeting will not be voted upon. The Minutes/meeting notes of the Group will record consensus agreement on actions and any points of agreement/disagreement. They will not reflect verbatim discussion on issues or matters discussed during debate prior to consensus agreement being reached. At the end of each meeting, the Town's Officer in attendance will read out the agreed actions and any points of agreement to the meeting to ensure they are accurately reflected to the consensus view.
- (c) Minutes/meeting notes of the meeting will be prepared by the Responsible Officer and distributed to members within five working days after the date of the meeting.
- (d) Advisory Group unconfirmed Minutes/meeting notes are to be reported through relevant Directorate reports with recommendations regarding the views and proposals of the Advisory Group to the next available Ordinary Council Meeting. (Minutes/meeting notes not requiring a Council decision will be included on the Information Bulletin). Reports will consider each proposal to ensure it is:
- (i) Consistent with the Town's established strategic and operational planning and the objective for which the Advisory Group was established.
  - (ii) Within the Town's capacity relevant to staffing, resources and adopted budget and also operational effectiveness and efficiencies.
  - (iii) Endorsed by Council resolution, where funding from external sources is proposed.
- (e) The Minutes/meeting notes shall accurately record the details of any disclosure of interest and the extent of such interest. The Minutes/meeting notes shall also record the times any person who has made a disclosure, has departed and/or re-enters the meeting.

### **6. ADMINISTRATIVE ACTION AND SUPPORT**

- 6.1 A Town employee will be assigned to provide administrative support to the Advisory Group. This person will be responsible for the following:
- Issuing of the Agenda;
  - Recording of Apologies prior to the meeting;
  - Preparation of the Minutes/meeting notes;
  - Room booking; and
  - Catering requirements.



## Council Policy

- 6.2 Any items which have been dealt with by the Advisory Group will not be implemented by the Town's Administration until a report has been submitted to the Council for a decision.
- 6.3 The Town's Administration will not action Advisory Group requests unless in accordance with Clause 5.4 – "*Minutes/Meeting Notes*" and Clause 6.2 – "*Administration Action and Support*", above.

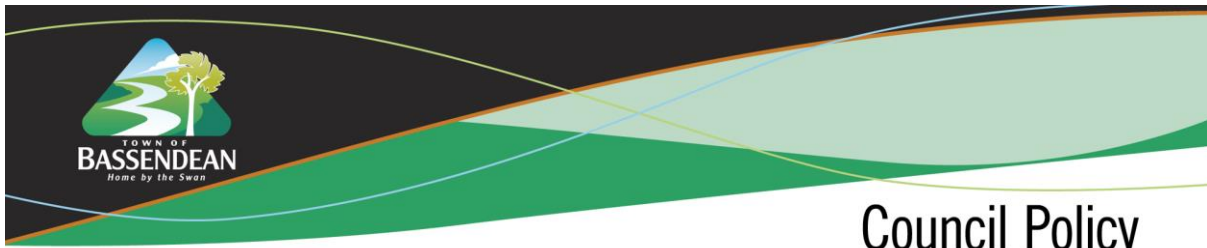
### **7. CODE OF CONDUCT**

- 7.1 Community Members of the Town's Advisory Groups will be advised of the relevant provisions of the Town's Code of Conduct and must comply with the relevant requirements.
- 7.2 The Town's Code of Conduct shall apply to members of the Advisory Groups.
- 7.3 All Advisory Group members shall be required to declare any conflicts of interest in matters being considered by the Group.
- 7.4 A copy of the Town's Code of Conduct will be provided to each member upon their appointment.
- 7.5 The Town's Chief Executive Officer is available to provide any assistance or guidance concerning the Code or any matters of Interest.

### **8. CONFLICT OF INTEREST**

The Chairperson, when opening the meeting, will acknowledge the traditional Owners of the land on which the Advisory group meeting is taking place, and will also make the following statement.

*"In the interests of ethical and impartial decision making all members of this advisory group will pay close attention to all matters being discussed, and any items of correspondence, or any other reports or written materials, to ensure that there is nothing before the working group in which the member has a conflict of interest. If the interest was not recognised when considering the agenda or at the beginning of the meeting, then the member shall bring the interest to the attention of the chair as a matter of urgency and excuse themselves from the meeting."*



## Council Policy

- 8.1(a) Whilst the financial, proximity and impartiality interest provisions of the *Local Government Act 1995* do not apply to the Town's Advisory and Working Groups (as it is not a Council appointed committee approved under section 5.8 of the *Local Government Act 1995* and does not have any legal status), all members need to be aware that any conflict of interest needs to be recognised, to ensure that probity is maintained at all times.
- (b) Generally, if a matter is being discussed by the Group and a member has an interest in the matter, then the member is required to declare the interest and remove themselves from the meeting whilst discussion on that issue is taking place.
- (c) If a Member discloses a financial or proximity interest in a matter under consideration by the Group and wishes to remain and participate in the meeting, the Member may seek approval from the Chairperson and meeting to determine whether the interest is:
- \* Trivial or insignificant; or
  - \* an interest in common to a significant number of electors or ratepayers.
- (d) The Member should make that request to the Chairperson at the meeting and not only disclose the nature of their interest, but also the extent of that interest.
- (e) The Member should then depart the meeting, whilst the meeting considers the request. The meeting should then be in a position to:
- determine that the Member should not participate in that part of the meeting;
  - remain in the meeting and participate in discussion; or
  - remain in the meeting only, but not participate in discussion on the matter.
- (Note: If the Disclosing Member is the Chairperson, such disclosure shall be made to the meeting.)
- (f) Once the meeting has made a decision concerning a request, the Chairperson shall inform the Member of the decision and the Member shall comply with the Meeting's decision.
- (g) The Minutes/meeting notes shall record the member's disclosure of interest and the extent of the interest. They shall also record the times a Disclosing Member has departed and/or re-entered the meeting and/or is absent from the meeting during the item of interest.



## Council Policy

- (h) If a member is unsure whether they have an interest in a matter, they are encouraged to raise the issue with the Senior Town Officer in attendance at the meeting.
- 8.2 Subject to 8.1 above, any person who has a financial or a proximity interest in a matter shall exclude themselves from the room and not participate in that part of the meeting.

Elected Councillors should be aware that they are still subject to the Local Government Rules of Conduct Regulations 2007 where they pertain to behaviours and general rules of conduct whilst in an advisory group meeting.

### **9. INSURANCES**

The Town will arrange all insurance to cover Advisory Group members whilst discharging their normal course of duty, including travel to and from the meeting.

### **10. MEMBERSHIP**

Membership of an Advisory Group is to be determined by the Council on a basis of relevancy to the purpose for which the group has been established. Membership may include; Council delegate/s (Council Members), employees and representatives of stakeholder organisations and members of the community.

- 10.1 Where Advisory Group membership includes representatives to stakeholder organisations, the Town shall seek written nomination/s from the organisation/s.
- 10.2 Where Advisory Group membership includes representatives to be drawn from members of the community; the Town shall publicly advertise and call for nominations to be received within a defined period. Members are to be appointed by the Council on the basis of demonstrated knowledge, skills and/or understanding relevant to the purpose for which the Advisory Group has been established.
- 10.3 The term of membership of an Advisory Group is to align with the local government elections cycle, with membership expiring at the next ordinary local government election, with the following exceptions:
- (a) Where the Advisory Group's operations are likely to conclude within a period that does not exceed 12 months following the next ordinary local government elections, the community and/or organisation representation shall continue to the planned conclusion of the Advisory Group's operations. The Council Delegate/s representation shall however, be reappointed following the ordinary local government election.



## Council Policy

- (b) Where the Advisory Group's Terms of Reference have been fulfilled, the Advisory Group may be concluded at the determination of either the Council or the Town's Administration, whichever was the convenor of the Advisory Group.

10.4 In any case, in order to facilitate specific aspects of the operations of an Advisory Group, membership with required skills or knowledge may also be co-opted on an 'as required' basis, by either the Chief Executive Officer or Advisory Group Chairperson.

### 11. TENURE OF APPOINTMENT

11.1 The Council will appoint a member to the Advisory Group including the prescribed Term and any conditions.

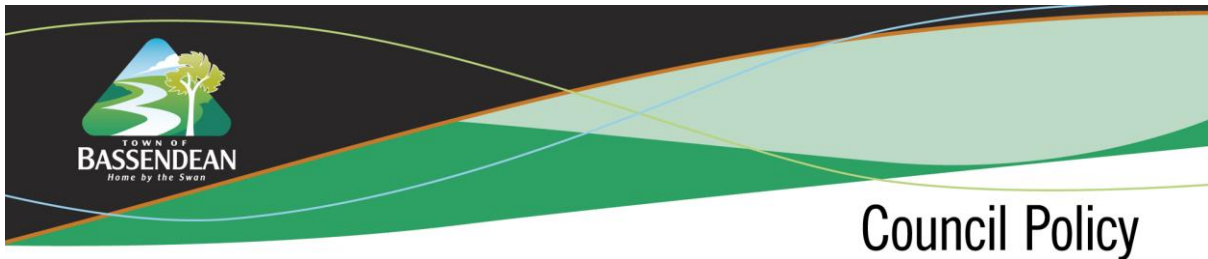
11.2 The Advisory Group Membership is normally for a period of two years from the period of the ratification of the advisory group by the Council. (Generally the term is from November after the Ordinary local government elections to October of the second year). Membership of the Group terminates when an Ordinary local government election occurs every two years, in October.

11.3 If a member fails to attend three consecutive meetings of the Advisory Group, his/her appointment shall be automatically terminated, unless Leave of Absence has been granted and approved by the Advisory Group. The Chief Executive Officer shall advise any member, in writing, when their membership of a group is terminated.

11.4 The Council may terminate the appointment of any member prior to the expiry of his/her term, if:

- (a) the Chairperson and Chief Executive Officer are of the opinion that the member is not making a positive contribution to deliberations of the group; or
- (b) the member is found to be in breach of the Town of Bassendean Code of Conduct or a serious contravention of the *Local Government Act 1995*; or
- (c) a member's conduct, action or comments brings the Town of Bassendean into disrepute.





## 12. VACANCIES

Vacancies shall be filled by calling for nominations of either the Council or community representatives. Members filling a vacated position will hold that position for the remainder of the two years duration of the convened Advisory Group, as approved by the Council.

## 13. COUNCIL DECISION

The Town's decision making obligations are guided by relevant legislative, strategic and operational requirements and therefore the views or proposals of an Advisory Group may not always prevail.

## 14. REVIEW

The operations of an Advisory Group shall be reviewed every two years, or sooner if required.

## Application

Responsibility for the implementation of this policy rest with the Mayor, Councillors, Council delegates and Chief Executive Officer. The Policy is to be reviewed every three years.

<b>Policy Type:</b> Strategic Policy <b>Link to Strategic Community Plan:</b> Leadership and Governance	<b>Responsible Officer:</b> Chief Executive Officer a <b>Last Review Date:</b> <b>Version 1</b> <b>Next Review due by:</b> May 2021
--	--