



# **COUNCILLOR BRIEFING POLICY**

**This Policy was approved by resolution of Darebin City Council on 7 March 2016**

## **1. Purpose of the Policy**

1.1 The purpose of the Councillor Briefing Policy (**Policy**) is to provide:

1.1.1 guidance on the manner in which Councillor Briefings will be conducted, including the structure of Councillor Briefings;

1.1.2 guidance for Councillors on their behaviour during the course of Councillor Briefings; and

1.1.3 powers for the Mayor with respect to the conduct of Councillor Briefings.

1.2 By complying with the Policy, it is expected that Councillor Briefings will be undertaken in a more efficient and respectful manner, enhancing the quality of information provided to Councillors.

## **2. Scope**

2.1 The Policy applies to all:

2.1.1 Councillors, and operates in conjunction with Council's Councillor Code of Conduct 2013 (**Councillor Code**); and

2.1.2 Council staff who attend Briefings, and operates in conjunction with Council's Employee Code of Conduct (**Employee Code**).

2.2 The Policy is to be applied during all Councillor Briefings.

## **3. Preliminary Matters**

3.1 A Councillor Briefing is an 'assembly of Councillors' as defined by the *Local Government Act 1989 (Act)* and, as such, Councillors are bound by the relevant provisions of the Act.

3.2 Without limiting the generality of paragraph 3.1 above, Councillors must:

3.2.1 disclose any conflict of interest in a matter before the Councillor Briefing and leave the Councillor Briefing, in accordance with section 80A(3) and (4) of the Act; and

3.2.2 respect and maintain the confidentiality of any confidential information (as defined by section 77 of the Act) before and after a Councillor Briefing.

## **4. Purpose of Councillor Briefings**

4.1 Councillor Briefings, in the form of strategic and operational briefings, will be held on a Monday, commencing at 5.30pm, prior to Council Meetings, Planning Committee Meetings and at such other times as Council or the Chief Executive Officer (**CEO**) determine.

4.2 Strategic briefings held prior to Council Meetings are designed to better inform and encourage robust discussion, relating to Council initiatives, policies, plans and strategies that contribute to the achievement of Council Plan objectives.

4.3 The primary purpose of Operational Briefings held prior to Planning Committee Meetings is to provide Councillors with information on matters coming to Council for resolution.

- 4.4 Councillor Briefings are an Assembly of Councillors and are not subject to Council's Governance Local Law. This means that Councillor Briefings offer a less formal environment in which Councillors can:
- 4.4.1 be provided with more detailed information about matters for determination without the time constraints that apply to an ordinary Council meeting;
  - 4.4.2 ask more general questions of Council staff and others in relation to matters coming up for Council decision; and
  - 4.4.3 discuss matters with other Councillors and Council staff without the constraints of Council's Governance Local Law.

## **5. Prohibition on Determination of Matters at Councillor Briefings**

- 5.1 A matter presented to Councillors at a Councillor Briefing is for discussion only and cannot be finally determined in that forum. Any matter requiring a Council decision (ie those that are not to be dealt with by a member of Council staff with the appropriate delegated authority) will be presented to a meeting of the Council.
- 5.2 In addition to paragraph 5.1 above, where a matter before a Councillor Briefing is within the power of, and therefore capable of being considered and determined by, Council, the Councillors present at the Councillor Briefing may refer a matter to Council for consideration if:
- 5.2.1 a Councillor proposes that the matter be referred to Council for decision, rather than determined by a delegate; and
  - 5.2.2 a majority of the Councillors present at the Councillor Briefing indicate its agreement with that proposal.

The Mayor (or, if the Mayor is absent from the Councillor Briefing, the Deputy Mayor) will then declare whether the majority of Councillors has indicated its agreement with the proposal.

## **6. Attendance at Councillor Briefings**

- 6.1 Councillor Briefings will generally be attended by all Councillors, the CEO, Directors and any other members of Council staff who may be required due to their involvement in a matter which is listed on the Agenda for discussion.
- 6.2 Persons external to Council may be invited to attend a Councillor Briefing from time to time. Their attendance will be noted on the Agenda for the relevant Councillor Briefing.

## **7. Information Considered at Councillor Briefings**

- 7.1 The CEO will determine the matters to be considered at a Councillor Briefing.
- 7.2 The types of matters deemed appropriate for consideration at a Councillor Briefing include matters which:
- 7.2.1 are of particular strategic significance for Council;
  - 7.2.2 involve notable community engagement, impact or concern;
  - 7.2.3 involve complex procedural, legal or factual considerations; or
  - 7.2.4 the CEO otherwise considers appropriate for a Councillor Briefing.

## **8. Procedure for Councillor Briefings**

- 8.1 The CEO will prepare an Agenda for each Councillor Briefing, which will adhere to the following structure, unless the CEO determines otherwise:

### *Briefing Sessions Prior to Planning Committee Meetings*

- 8.1.1 Presentations – 10 minutes each, plus 5 minutes of question time to be provided for each, with a maximum of three presentations;
- 8.1.2 External Presenter – time to be determined by CEO;
- 8.1.3 Clarification Reports – 5 minutes of question time to be provided for each;
- 8.1.4 Information Only Reports – presented for information purposes only.
- 8.1.5 Information Requests/Questions – a total of 5 minutes allocated for Councillors to seek information or clarification on matters that are not listed on the Agenda.

### *Strategic Briefings Prior to Council Meetings*

- 8.1.6 Presentations – a maximum of four presentations at 10 minutes each, plus 10 minutes of question for each.
- 8.1.7 External Presenter – time to be determined by CEO;
- 8.1.8 Open Forum – a total of 8 minutes allocated for Councillors to discuss, seek information or clarification on matters that are not listed on the Agenda.

- 8.2 The time allowed for presentations, questions and information requests can be amended by the Mayor in consultation with the CEO.
- 8.3 All presentations will be completed within the allocated time, without interruption, before Councillors will be invited by the Mayor (or, if the Mayor is absent from the Deputy Mayor) to ask questions.
- 8.4 Questions which remain to be asked and answered after the expiry of the allocated time will, subject to a decision of the Mayor (or, if the Mayor is absent, the Deputy Mayor) to extend the time allocated for questions, be sent by email to the CEO, copied to all Councillors. The CEO will then refer the question to the appropriate member of Council staff, who will respond to the question by return email, also copied to all Councillors.
- 8.5 The CEO may refuse to accept a question submitted by a Councillor under paragraph 8.3 above if the CEO is of the opinion that it:
- 8.5.1 has already been answered during the Councillor Briefing;
  - 8.5.2 is objectionable in language or nature; or
  - 8.5.3 is vague or unclear.

In the event that a question is rejected, the CEO will advise the Councillor of the reason for the rejection and invite the Councillor to submit a revised question.

## **9. Conduct at Councillor Briefings**

9.1 Councillors attending Councillor Briefings will:

9.1.1 treat other Councillors, members of Council staff and external persons invited to attend a Councillor Briefing with courtesy and respect at all times; and

9.1.2 adhere to the Councillor Code, to the extent that its terms are relevant, and can be applied, to Councillor Briefings.

9.2 Council staff who attend Councillor Briefings will:

9.2.1 treat Councillors, other members of Council staff and external persons invited to attend a Councillor Briefing with courtesy and respect at all times; and

9.2.2 adhere to the Employee Code.

## **10. Role of the Mayor at Councillor Briefings**

10.1 While Councillor Briefings are not subject to Council's Governance Local Law, it is important that they are conducted in an orderly and timely fashion.

10.2 To ensure that paragraph 10.1 above is complied with, the Mayor (or, if the Mayor is absent from the Councillor Briefing, the Deputy Mayor) will:

10.2.1 ensure that the timeframes specified in paragraph 8.1 above are adhered to;

10.2.2 call on Councillors, who indicate that they have a question, to ask it;

10.2.3 direct that questions or comments that are irrelevant to the matter being considered are to be disregarded;

10.2.4 direct that the Councillor Briefing move to the next item on the Agenda;

10.2.5 ask that Councillors refrain from behaviour that might contradict paragraph 9.1 above; and

10.2.6 reduce or extend the time allocated for presentations or questions under paragraph 8.1 above, if he/she considers it appropriate to do so.

## **11. Review**

This Policy will be reviewed annually, unless Council determines, by resolution, that the Policy should be reviewed sooner.