

A guide to Council and Committee meetings held by Bayside City Council

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Your Councillors

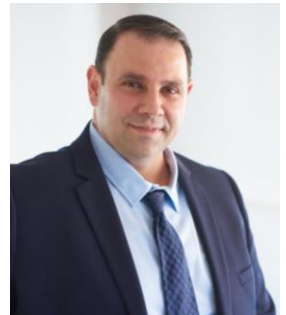
Bayside City Council comprises of seven Councillors elected at the General Election held in October 2020, with each Councillor representing a single ward.



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Cr Alex del Porto
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The Executive

The Councillors are supported by the following Council officers:



Mick Cummins
Chief Executive Officer



Jill Colson
Director Corporate Services



Adam McSwain
Director Environment,
Recreation and Infrastructure



Hamish Reid
Director City Planning
and Amenity



Bryce Craggs
Director Community
and Customer Experience



Rebecca Aldridge
Executive Manager People and Strategy

Introduction

The Mayor and Councillors of Bayside City Council welcome all members of the community to attend Council and Committee meetings. Seating is provided in the public gallery at the rear of the Council Chamber and tea, coffee and water is also available at the rear of the Chamber for your convenience. When attending meetings, visitors are bound by Council's [Governance Rules](#) and are not permitted to interrupt the meeting procedures.

The following guide aims to provide members of the community with the most commonly requested information about Ordinary Meetings of Council (also known as Council meetings) and Committee meetings.

What meetings does Council hold?

Council conducts its formal decision making process through Ordinary Meetings of Council, the Planning and Amenity Delegated Committee and Special Meetings of Council.

Where possible, the Ordinary Meetings of Council are generally held on the third Tuesday of a monthly meeting cycle. Meetings commence at 6:30pm at the Council Chamber, Boxshall Street Brighton.

The Planning and Amenity Delegated Committee Meetings are generally held monthly, and on occasion bi-monthly, in the Council Chamber, Civic Centre, Boxshall Street, Brighton.

From time-to-time, the Mayor and Councillors may call a Special Meeting of Council to deal with urgent items. These meetings are generally held at the Council Chamber at the specified time and date advertised in the public notice in the Age newspaper and Council's website.

Council may also conduct its formal meetings at another location outside the Civic Centre Precinct by resolution of the Council.



Agenda and Minutes

Before each Ordinary Meeting of Council, Committee Meeting and Special Council Meetings, an agenda is prepared detailing the items that are to be presented to the meeting for discussion.

Agenda papers are published on Council's website at least 48 hours prior to the relevant meeting.

The decision of the Council becomes a resolution of the Council and is recorded in the official Council Minutes. Both the Council agenda and the Council minutes are linked by the common item numbers and titles.

Council minutes are published on Council's website within 24 to 48 hours following the meeting.

Hard copies of agendas and minutes are also available on request at the Corporate Centre or at branch libraries; however, in the interest of sustainability, material is now only printed on demand and it is preferred, where possible, that the community limit requests for printing to their particular item/s of interest.

Ordinary Meetings of Council

1. General Information about Ordinary Meetings of Council

One of the most important functions undertaken by the Mayor and Councillors is to attend and participate in the decision making process at Council meetings.

Decisions made at a formal Council meeting provide the direction and authority for the ongoing operation of the Council. The decisions give direction to the Chief Executive Officer and are implemented by staff employed by Bayside City Council.

It is also at Council meetings that the Mayor and Councillors decide the policy direction of the Council and make decisions on other statutory matters.

Council is a corporate body and as such it can only make decisions by resolution, i.e.: a motion has to be put to a properly convened meeting and passed by the required majority of members of Council. A Council can only make decisions and pass resolutions about matters falling within its jurisdiction, otherwise it will be deemed to be acting 'ultra vires' – acting beyond its powers.

The meeting procedures are governed by the Governance Rules. The Governance Rules were developed to provide procedures for the conduct of Council meetings and Committee meetings and also sets out the rules of behaviour for those participating in or present at Council and Committee meetings.

The Mayor of the Day chairs Council meetings and has a casting vote if there is an equality of votes.

The method of voting is carried out by a show of hands. The Chair will ask the meeting all those in favour of the motion and against the motion. The Chair will then declare the motion either CARRIED or LOST.

An Agenda, listing the issues and relevant reports for discussion at the meeting, is published in advance so that everyone has the opportunity to be aware of matters before the Council.

Meetings are closed to the public when topics of a confidential nature are discussed, such as an individual's financial circumstances, a personnel matter, proposed development, contractual arrangements or legal matters. These are defined in more detail within Section 3 (*confidential information*) of the *Local Government Act 2020*.

2. Behaviour expected from the public

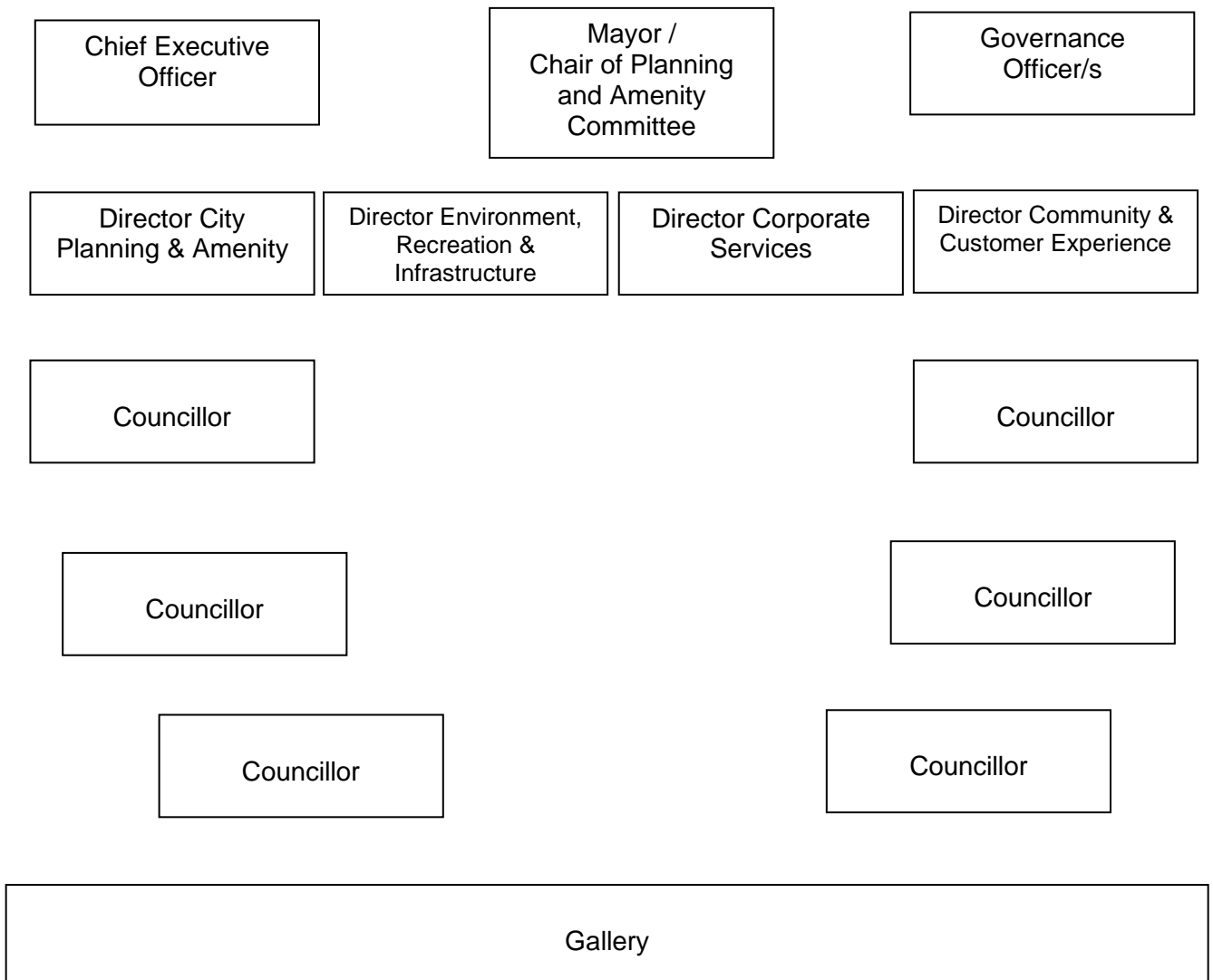
As indicated earlier, Council meetings are a formal meeting. This means that visitors are bound by the Governance Rules and are not permitted to interrupt the meeting proceedings.

The Governance Rules give the power to order a person to leave the Council Chamber if the person interjects or attempts to disrupt the meeting.

A person asked to leave the Meeting by the Chair, and not doing so, is guilty of an offence.

3. Seating arrangements

Detailed below is a plan showing where Councillors and officers sit during the meeting.



4. Business of the Council Meeting

All business to be dealt with at a Council meeting is listed in the agenda papers. A brief description of each section of the agenda is outlined below:

- **Welcome and Opening of the meeting**

The Mayor is Chair of the Council meeting and will open the meeting.

The Chair will invite a Councillor to read the Council prayer. All persons present in the Chamber must stand unless incapable of rising to their feet.

The Chair will invite a Councillor to read the acknowledgement of original inhabitants.

The Chair may also acknowledge former Mayors or any dignitaries present in the Chamber.

- **Apologies**

If any Councillor has advised that they are unable to be in attendance at the meeting, then their absence will be dealt with at this stage of the meeting.

- **Disclosure of any Conflict of Interest of any Councillor**

Councillors are required to declare any conflicts of interest in any items on the agenda. This is a requirement of the *Local Government Act 2020*.

The Chair will ask Councillors to declare any conflicts of interest in any item listed on the agenda at this stage of the meeting.

Councillors must clearly articulate to the meeting the item in which they have a conflict of interest, the nature of the conflict of interest and whether it is a general conflict of interest or a material conflict of interest;. The appropriate form must be completed and signed by the Councillors and handed to a Governance Officer at the time the conflict of interest is declared.

Where a Councillor has declared an interest in a matter, the Councillor will again declare the interest prior to the consideration of the item on the agenda and vacate the Chamber whilst discussion and voting takes place on the item and then must return to the Chamber for the continuation of the next item on the agenda.

- **Adoption and Confirmation of the minutes of previous meeting**

The minutes of the previous Council meeting have been previously circulated to Councillors and are confirmed with or without corrections as a true record of the previous meeting.

- **Public Question Time**

At every Ordinary Council meeting, 15 minutes is set aside for Public Question Time which provides the opportunity for members of the public to lodge a question with Council.

Questions submitted to Council for consideration at the ordinary meeting must be in writing stating name and address. Questions can be lodged electronically, by mail or in person, and all questions must be lodged by 11:00am on the business day immediately preceding the day of the ordinary meeting.

Questions are limited to 2 questions per person; however, each question may be split into two parts only. If more than two parts to a question is received only the first two parts will be responded to.

The Chair will read out the question in the meeting if the questioner is present in the gallery. Either the Chair or the Chief Executive Officer will respond to the question. If the questioner is not present, the question and response will not be read out in the meeting.

A question will be disallowed by the Chair if the Chair determines that it:

- relates to a matter outside the duties, functions or powers of Council;
- is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance
- deals with a subject matter already answered
- is aimed at embarrassing a Councillor or a member of Council staff
- relates to personnel matters
- relates to the personal hardship of any resident or ratepayer
- relates to industrial matters
- relates to contractual matters
- relates to proposed developments
- relates to legal advice
- relates to matters affecting the security of Council property or
- relates to any other matter which Council considers would prejudice Council or any person.

Where a questioner is present at the meeting, the question and response will be included in the minutes of the meeting.

Where a questioner is not present at the meeting the question will not be read out at the meeting and will not be included in the minutes; however, a written response will be provided to the questioner.

- **Petitions to Council**

At this point of the meeting Councillors are able to present any petitions on behalf of residents.

Generally, a motion to receive the petition or take some action will usually be moved by the Councillor presenting the petition. Council will communicate to the head signatory or organiser of the petition. It is then the responsibility of the head signatory to advise other signatories.

Hard Copy petitions

A hard copy petition is deemed a petition for the purpose of Council if the request of the petitioners or signatories is signed by at least 15 people.

Online or electronic petitions

An online or electronic petition is deemed a petition for the purpose of Council if the request of the petitioners or signatories is signed by at least 50 people and will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council Meeting.

All petitions must include a prayer on every page of the petition consisting of the following words:

We the undersigned hereby petition Bayside City Council to.....

- **Minutes of Advisory Committees**

Council receives minutes of advisory committees, such as the Audit Committee. Given these committees are of an advisory nature, Council is required to receive and adopt the recommendations with or without amendments in order that actions recommended by the advisory committee can be acted upon.

- **Reports by Special Committees**

The Council receives reports or minutes from various special committees established. If the Special Committee of Council has no delegated powers, the Council will receive and note the minutes of the Special Committee Meeting.

The Planning and Amenity Delegated Committee is a Special Committee; however, under an instrument of delegation, the Committee has the full delegated powers of Council, therefore it is not necessary to submit the minutes of the Planning and Amenity Delegated Committee to a Council meeting for consideration and adoption.

- **Reports by the Organisation**

This Section of the Agenda contains all the reports prepared by the organisation for consideration by Council. The reports are structured to provide an officer's recommendation at the conclusion of the report. Each item is considered separately unless Council by resolution agrees to group items together.

A member of the public may, upon written application, apply to speak to an item under this section of the agenda only, unless the report is summarising a decision already made by another body; or the report is a Tender Report relating to the awarding of a contract.

There is also no further opportunity to speak to an item before Council where a Delegated Committee was previously established in accordance with section 223 of the *Local Government Act 1989* to hear any submissions received in relation to that matter.

Written request to be heard must be delivered, or sent electronically using Council's Request to be Heard webform before 9:00am on the day of the meeting.

A list of speakers will be prepared in the order in which the requests to be heard have been received. The list will be available at the entrance to the Council Chamber.

Each listed speaker is able to speak for a period of 2 minutes.

In the event a listed speaker is not present in the Chamber at the time their name is called to the lectern and debate on the item has commenced, the speaker previously called will not be afforded the opportunity to speak to the item.

- **Reports by delegates**

In this section of the agenda, Councillors who have been appointed by Council to represent the Council on various organisations or at specific functions are able to report back to Council on matters of interest.

- **Urgent Business**

At this stage of the meeting, if a Councillor wishes to raise an item of business which cannot wait until the next Council meeting, then such business is proposed. The Council must first vote to consider that the item is accepted to be dealt with as Urgent Business. If the Council agrees to admit the matter as Urgent Business then a motion relating to the urgent business will be put forward and debate on the item will commence.

- **Notices of Motion**

Councillors may, by lodging a Notice of Motion to the Chief Executive Officer, ensure an issue requiring action is listed on an agenda for consideration at an Ordinary Meeting of Council.

A Councillor must lodge the written Notice of Motion on the prescribed form with the Chief Executive Officer by 12 noon at least 6 business days before the meeting.

Once the Notice of Motion has been received by the Chief Executive Officer within the specified timeframe, the Chief Executive Officer will ensure the Notice of Motion is listed on the Council agenda for consideration.

Once the Notice of Motion is moved and seconded by a Councillor at the meeting, the motion may be debated.

The purpose of a Notice of Motion is to provide advance notice to Councillors of an individual Councillor's intention to move a particular motion on a specific matter that is not the subject of a matter before Council on the agenda.

- **Confidential Business**

There will be some issues which are required to be dealt with in Closed Council i.e.: without the public gallery present and at this point in the meeting the Chair will seek a motion to formally close the meeting to the public to consider matters of a confidential nature, and as a result of the resolution will ask everyone in the public gallery to leave the Chamber.

5. Business of the Planning and Amenity Delegated Committee

- **Purpose of the Planning and Amenity Delegated Committee**

The Planning and Amenity Delegated Committee considers all matters relating to statutory planning, tree removal applications and traffic and parking matters. The Committee does not determine upon any policy or strategy matters.

The Committee has specific delegated powers from Council to be exercised only in accordance with an Instrument of Delegation pursuant to Section 11(1)(b) of the *Local Government Act 2020* which relates to the following functions:

- to exercise Council's powers, discretions and authorities and to perform Council's functions under the *Planning and Environment Act 1987*, and to do all things necessary or convenient to be done for or in connection with the exercise of those powers, discretions and authorities
- to determine upon any application made under clause 36 of the Neighbourhood Amenity Local Law or any like provision of a local law made by Council
- to determine any issue or thing or take any action in connection with any traffic or parking matter relating to the municipal district.

The membership of the Committee is all the Councillors, and the quorum of this Committee is a majority of the Council members.

The Chair of this Committee is elected by the Council at the Annual Meeting of Council.

- **Welcome and Opening of the meeting**

The Chair of the Committee will open the meeting.

- **Apologies**

If any Councillor had advised that they are unable to be in attendance at the meeting, then their absence will be dealt with at this stage of the meeting.

- **Disclosure of any conflict of Interest of any Councillors**

Councillors are required to declare any conflicts of interest in any items on the agenda. This is a requirement of the *Local Government Act 2020*.

The Chair will ask Councillors to declare any conflicts of interest in any item listed on the agenda at this stage of the meeting.

Councillors must clearly articulate to the meeting the item in which they have a conflict of interest, the nature of the conflict of interest and whether it is a general conflict of interest or a material conflict of interest. The appropriate form must be completed and signed by the Councillors and handed to a Governance Officer at the time the conflict of interest is declared.

Where a Councillor has declared an interest in a matter, the Councillor will again declare the interest prior to the consideration of the item on the agenda and vacate the Chamber whilst discussion and voting takes place on the item and then must return to the Chamber for the continuation of the next item on the agenda.

- **Reports by the Organisation**

In this Section of the agenda are the reports prepared by the organisation for consideration by the Committee. The reports are structured to provide an officer's recommendation at the conclusion of the report.

A member of the public may, upon written application, apply to speak to an item under this section of the agenda only, unless the report is summarising a decision already made by another body such as the Victorian Civil and Administrative Tribunal (VCAT).

The written request must be delivered or sent electronically to Council's Corporate Centre before 9:00 am on the day of the designated Committee or Council Meeting.

A list of speakers will be prepared in the order in which the requests to be heard have been received; however, in relation to planning applications, objectors will be listed first followed by supporters of the application and then the applicant/s.

The list will be available at the entrance to the Chamber.

Each listed speaker is able to speak for a period of 2 minutes.

In the event a listed speaker is not present in the Chamber at the time his or her name is called to the lectern and debate on the item has commenced, the speaker previously called will not be afforded the opportunity to speak to the item.

6. Business of a Special Committee of Council Meeting

- **Purpose of a Special Committee of Council Meeting**

Council from time-to-time will establish a Delegated Committee pursuant to Section 223 of the *Local Government Act 1989* to provide an opportunity to hear from community members in a formal setting on key issues. Commonly, this may include matters concerning road sales and discontinuance, leasing, the Council Plan, Strategic Resources Plan, or Annual Budget.

Matters pursuant to this process are first introduced at an Ordinary Meeting of Council where a Special Committee is established and a hearing date proposed. The Committee is comprised solely of Councillors and its membership may be all Councillors or as few as 3 Councillors depending on whether it is determined the matter is likely to affect a single Council ward or the broader municipality.

The Chair of a Special Committee of Council is the Mayor of the day.

Following the meeting to introduce the item of business, public notice of the proposal or matter for consideration is given in the Age newspaper and on Council's website inviting submissions. The submission period is open for a minimum of 28 days. Submitters must clearly state if they wish to be heard in support of their submission.

In the event that any submissions are received where one or more submitter has indicated they wish to be heard, a Special Committee of Council Meeting (hearing) will proceed (and only then).

- **Welcome and Opening of the meeting**

The Chair of the Committee will open the meeting.

- **Apologies**

If any Councillor had advised that they are unable to be in attendance at the meeting, then their absence will be dealt with at this stage of the meeting.

- **Disclosure of any conflict of Interest of any Councillors**

Councillors are required to declare any conflicts of interest in any items on the agenda. This is a requirement of the *Local Government Act 2020*.

The Chair will ask Councillors to declare any conflicts of interest in any item listed on the agenda at this stage of the meeting.

Councillors must clearly articulate to the meeting the item in which they have a conflict of interest, the nature of the conflict of interest and whether it is a general conflict of interest or a material conflict of interest.

The appropriate form must be completed and signed by the Councillors and handed to a Governance Officer at the time the conflict of interest is declared.

Where a Councillor has declared an interest in a matter, the Councillor will again declare the interest prior to the consideration of the item on the agenda and vacate the Chamber whilst discussion and voting takes place on the item and then must return to the Chamber for the continuation of the next item on the agenda.

- **Hearing of Speakers**

A registered speaker is afforded a maximum duration of 10 minutes to speak in support of their submission, with no further extension of time to be granted. Councillors may, through the Chair, question or seek clarification of any submitter in relation to their submission.

- **Resolution**

A summary of proceedings (minutes) of the Special Committee of Council Meeting is presented to a future Ordinary (or Special) Meeting of Council.

Council officers will present a further report under the 'Reports by the Organisation' section of the agenda, summarising the processes undertaken and a recommendation to Councillors for resolution on the matter.

No further opportunity is afforded to the members of the public to speak on the subject matter when it returns before Council at that time.

7. Conduct of the meeting – Council and Committee Meetings

There are a number of 'Rules' used for running the Meeting. Generally these rules are contained within Council's Governance Rules. To assist understanding the process of Council, a summary of the important requirements are outlined below:

- **Motions**

All motions must be moved and seconded i.e. 2 Councillors must indicate their support for a proposed motion before it is accepted for debate at the Meeting. The Mayor or Chair will then ask the mover of the motion if they wish to speak to the motion before the Chair. The Mayor / Chair will offer the same opportunity to the seconder of the motion. The Mayor / Chair invites any other Councillors to speak to the item. The Mayor / Chair will offer the mover of the motion the right of reply, then puts the motion to the vote.

If a majority of Councillors are in favour of the motion, the motion is carried. If a majority of Councillors are not in favour of the motion, the motion is lost.

Voting is undertaken by a show of hands. Councillors can be in favour or against the motion and can abstain from voting if they desire.

- **Request for a Division**

Any Councillor may call for a 'Division' which is a formal method of recording which Councillors have voted 'For' and which Councillors have voted 'Against'. In a division, a Councillor can change their vote from when the initial vote on an item was taken. The Mayor/Chair will first call for all those in favour of the motion, by raising their hand, their name will be read out by the Mayor/Chair. The Mayor/Chair will ask for those against the motion to raise their hand and their name will be read out. The Mayor/Chair will then declare the result as either CARRIED or LOST.

- **Casting Vote**

If there is an equal number of Councillors voting For and Against on an issue, whether in a normal vote or in a Division, the Mayor/Chair has a second vote, called a 'Casting Vote'. A Casting Vote may only be used after the Mayor/Chair's deliberative vote is cast and the Mayor/Chair should declare that he or she is exercising their Casting Vote. A Casting Vote is common to all organisations in the event that there is an equality of votes, otherwise some issues could not be resolved.

- **Moving an Amendment**

With the exception of Councillors who have already spoken on the issue before the meeting, including the mover and seconder, an Amendment may be moved by a Councillor who has not yet spoken on the matter. The Amendment requires a mover and seconder. The purpose of an Amendment is to alter the motion currently being considered by leaving out or adding words, but the Amendment must not be directly opposite to the motion.

The Amendment before the meeting must be debated until it is to be voted on. The mover of the Amendment does not have the opportunity to close the debate (right of reply) on the Amendment.

If the Amendment is successful, it will form the 'substantive motion' (replacing the original motion). Then the 'substantive motion' will be put to the meeting for a vote to be taken.

The mover of the original motion retains the right of reply to the substantive motion.

Should the Amendment be lost then debate will resume on the original motion.

Further Amendments are also able to be moved and seconded but they are not able to be similar to an Amendment already dealt with.

- **Use of Titles at Council /Committee Meetings**

Both Council and Committee meetings are formal meetings; therefore, Councillors and officers must refer to each other by their formal titles.

Councillors are required to stand at Council meetings when moving, seconding and speaking to a motion before the Chair.

Councillors may remain in their seats at Committee Meetings whilst moving, seconding and speaking to a motion before the Chair.

- **Time Limits**

Councillors must not speak longer than the allocated time set out below, unless an extension is granted by a Council resolution:

- Mover of a motion or an Amendment: 4 minutes
- Secunder of a motion or an Amendment: 4 minutes
- Any other Councillors speaking on the motion or Amendment: 4 minutes
- The mover of a motion exercising a right of reply: 2 minutes
- Any extended speaking time must not exceed: 1 minute

Only one extension of time is permitted for each speaker.

December 2020, Governance