

CEO Handbook

Supporting Council

Chapter 3

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Supporting Council

As CEO you will report to and support your governing council of Elected Members. Your role as principal advisor to the council is to inform good decision making and strategic development. You ensure the management of the council is carried out in accordance with council's strategic directions, planning and policy.

1. Elections

Local government general elections are held every 4 years and occur on the fourth Saturday in August. All local government elections are run by the Northern Territory Electoral Commission (NTEC). Most councils have a ward structure ensuring representation for each of the discrete areas or regions within the council area. The number of ordinary members varies from 6 to 14 per council.

Information sessions for candidates are usually held by councils prior to an election to provide prospective candidates with information about the roles and requirements of council members and to encourage nominations to council.

Principal Member

The principal member in municipalities (generally called the mayor) is chosen by election; in regional councils, the principal member (the Mayor or President) may be elected or chosen from within the council. Filling the office by appointment is the default position. The Principal Member serves in this position until the next general election. The council may also choose to appoint a deputy principal member for a term fixed by council.

By-elections

An Elected Member vacancy may occur during the council term due to the dismissal, resignation or death of a member. Under the *Local Government (Electoral) Regulations 2021*, if a vacancy occurs more than 18 months before the next general election, a by-election must be held. The by-election must be held within 4 months of the Electoral Commissioner receiving notification of the vacancy. However, if a vacancy occurs within 18 months or less before the next general election, a council may appoint a person to a casual vacancy or leave the position vacant in accordance with its policy.

Local Government Act 2019, Chapter 4 sub-division5, Chapter 8

2. Induction

Once the election has been declared and the CEO notified, the new council or new councillor will be sworn in and provided with an induction. This will include introductory information about roles and responsibilities and expectations, meetings, obligations such as declaration of interests, support and resources available. Each councillor must complete a suite of training courses to support their professional development within 12 months of being elected. There are currently 6 prescribed courses that are delivered face-to-face to each council by the Department of Housing, Local Government and Community Development.

3. Meetings

The first ordinary meeting of council is held within 21 days of the general election. At the first meeting a meeting schedule or calendar of meetings will be set and the meeting will also decide if the Chair will have a casting vote.

Council meetings must then be held at least once every 2 months. If a council does not schedule a meeting at least once a month then it must delegate to a Finance Committee the necessary powers to carry out the financial functions of council.

Council meetings are open to the public so that people in the council area can see how the council makes decisions. Scheduling of meetings should occur at a time and place that best suits your council, considering members' availability and transport and accommodation requirements. A good meeting is fuelled by healthy food. Make sure that video facilities are working and that there are enough chairs and a place for members of the public to sit. It is important to ensure your meetings are welcoming and accessible to your constituency. Consider rotating meetings through council wards and areas to ensure everyone has a chance to see democracy in action.

Notice of Meetings

Notice for a council meeting must:

- be in writing;
- give the details of the meeting such as date, time and place and provide the agenda and papers; and
- be provided to members and published on the consult website **at least 3 business days** before the date of the meeting.

Council members may request more notice than 3 business days.

Meeting rules

The requirements under the Act are contained at Appendix 2.

In addition to the regulatory requirements, the council may want to determine its own rules and policies for meetings. These may cover things like:

- The way papers and information are presented
- Keeping things on track and ensuring everyone has a say
- The standards and behaviour expected of council members and the values that are important to council
- The role of the Chairperson
- Attendance of visitors

Rules and procedures should only be as detailed or formal as the council needs. They are not meant to discourage discussion or debate or exclude people. Used well they will ensure the meeting is not dominated by the same voices and that everyone has a chance to have a say. They can help keep the meeting on track.

4. Information and support for decision making

The CEO supports good governance by providing and obtaining for the council the information and advice required to ensure decisions for the benefit of the community are made. This will include:

- Working closely with the Chair to plan the agenda
- Providing a timely set of papers in a way that is consistent and easy to navigate
- Ensuring information is presented in a way that is clear and accessible and as far as possible tailored to the needs of the council and councillors
- Indicating whether a matter is for information, discussion or decision
- Clarifying what the end point is and providing concise, evidence-based recommendations
- Facilitating option exploration and identifying associated risks and costs
- Understanding the community and any potential impacts

Some councils have **briefing days** prior to the council meeting. Briefing days should be used to seek to clarify information and what is being asked of council, but should not discuss the item or consider the merits in any way – this needs to be part of the open process at a council meeting. The public should be able to observe decision-making at the ordinary council meeting.

Agendas

The agenda provides a road map for the meeting and also notifies your community about the business of council. It is prepared by the CEO but shaped by the Chair and council.

Good meetings are meetings that run to schedule. Matters for decision should receive priority and be allocated an appropriate amount of time for discussion and consideration. Work with the Chair to suggest how time can be managed to enable this. Council's focus should be on strategic issues and things that will happen in the future, rather than operational matters or reporting on what has already been done.

A sample agenda is contained at Appendix 2.

Papers

Agenda papers should be concise but provide all the information needed to make a good decision. Adopt a consistent format for your papers so that they are easy to navigate. A good agenda paper will have:

- A clear recommendation – it doesn't mean that it will be adopted but it helps clarify why you are having the discussion and what the end point will look like.
- An analysis of options – what are the alternatives and why have they not been recommended?
- Risk assessment and cost estimation – how can risks be mitigated and what represents the best value for the community?
- Is it a strategic priority and included in your planning and budget? If not, why is it being proposed and what will be displaced if you proceed?
- Background to the matter – why and how it came to be on the agenda and needs a decision.

Consider how late agenda items or matters that come up in general business will be dealt with as these are unlikely to be supported by the detailed briefing and analysis provided for your strategic agenda items. Should they be on the agenda? Should decision making be supported by more information?

Environment

The CEO should create an environment for good decision making which includes:

- Where and when you meet
- Temperature control (as far as possible- bough sheds don't allow for this but may contribute to accessibility and openness in decision making) and good lighting (it doesn't hurt to have some spare pairs of reading glasses)
- A set up where everyone can see and hear all the other councillors.
- IT that works
- Comfortable and supportive chairs
- Some break out space to ensure that some discussions can continue informally
- Good, healthy food

Transparency

Ensure that your meetings are accessible and open to your community. It is important they see democracy in action and the council members are also reminded of their representative function. Closed meeting rooms sometimes feel like barriers and so do what you can to ensure that people in your council area feel welcome to come in.

Make sure there are enough chairs for visitors, provide hard copies of agendas, consider rotating meeting venue around the council area (particularly with regional councils), or have a community BBQ or other event to encourage people to come along. Consider livestreaming or uploading recordings of your meetings so that they are available to all.

Confidential business

Confidential business is the exception. Business is only considered confidential if an item:

- Contains information about a person's employment or the personal circumstances of a resident or ratepayer
- May prejudice a person or cause commercial prejudice or an unfair commercial advantage if disclosed
- Compromise the security of the council, its members or staff
- Many impact the administration of the law or be contrary to legal confidentiality requirements.

The agenda must state the nature of the item and reference the type of confidentiality claimed. Confidential papers should be distributed securely to members. The meeting will be closed to hear confidential items. A council must review confidential information in accordance with its policy to determine when and if it should be made public.

Minutes

The CEO must ensure that proper minutes of meetings are kept. Minutes don't have to be long and wordy and they don't need to record what everyone has said. The Chair will usually summarize the discussion and read out the decision, recommendation or action to be recorded in the minutes at the conclusion of each agenda item. It doesn't hurt to remind them if this step is missed or to seek clarification of what is to be recorded if it is unclear. Using video screens to present the resolution, make changes and record amendments also helps confirm the decision and the wording of the decision.

Once a decision is made it may be helpful to reflect where there were differing views and acknowledge that these were considered. It will show that different perspectives were represented, heard and taken into account. It will also help in communicating the decision, particularly where decisions may be contentious.

The minutes should also record when councillors come and go from meetings to ensure that conflicts of interest are dealt with appropriately and that a quorum is maintained.

A copy of the draft minutes must be available to the public on the website and at the Council's office within 10 business days after the meeting.

Ordinary vs special meetings

Ordinary meetings may deal with business of any kind but a special meeting can only deal with the specific business the meeting was called for. Notices of special meetings must be published and provided to members at least 4 hours before the time of the meeting. A special meeting may be in response to an emergency situation or urgent matters that need resolutions in between ordinary meetings.

Council committees

The council must create an Audit Committee to oversee financial management. In the case of regional councils who meet once every 2 months they must have a Finance Committee to monitor financial reports in the month that council does not meet.

All committees must have a terms of reference approved by council to clarify the purpose and what it will do. They support advice, strategy or priorities of the council. All committees report to council and are under the direction and control of council. The more committees you have the more council time they will take – it is important they are not diverting from the important business of council.

While the Act technically allows delegation of council functions to a committee, delegations are not encouraged because:

- Decision making does not have the full representative views of council
- Decisions are not subject to all the procedural requirements of the Act and tend to be out of the public eye
- Committees will not always have access to the full advice and information and range of views available to council
- Committee members may include non-elected members and are not required to undergo training for their role
- A code of conduct complaint cannot be lodged against a committee member who is not a council member
- Committees are under the control and direction of council and so even if decision making is delegated, councils are likely to be considered liable.

Local Government Act 2019, Chapter 6 and Chapter 5, Part 5.2, Local Government General Regulations, r50-53

5. Community engagement

Implementing and communicating decisions and the business of council

The CEO must ensure that council's policies, plans and decisions are implemented and that council reviews these in a timely manner. The CEO manages the feedback loop, particularly in relation to queries from the public.

The Act requires notification and publication of formal council documents; consider how best to provide this information in an accessible way.

Consultation

While councillors will bring to the table knowledge of local issues and represent the views of local people, an important function of the CEO is to involve people in the council area in the business of council and to provide advice to the council on the basis of an understanding of the views and needs of the community.

Local government needs to be an enabler of local democracy and for involvement to expand beyond traditional forms of engagement toward greater citizen-led democratic participation and deliberative processes such as community forums, citizens' assemblies, and focus groups. Consultation may take the form of ongoing information and engagement, such as newsletters, have your say forums, community events, and may also be required in relation to specific projects and priorities.

Municipal, Shire and Regional Plans

All councils must have a plan for their area. The plan is adopted by council resolution between 1 March and 30 June each year after a period of at least 21 days consultation with the public. Regional councils also often have community plans for each Local Authority which feed into the regional plan.

The planning process provides an important opportunity to check in with your community in relation to service delivery and budget as well as confirming priorities and needs that will guide council operations and promote community wellbeing.

Local Government Act 2019, Chapter 3, Part 3.3

6. Policy development, risk management and compliance

The council rely on the CEO to develop policies for the council to consider and adopt, to provide an analysis of risk and to work with the council on determining risk appetite and risk mitigation, and to ensure operational compliance and advise the council in relation to good governance.

Sample policies, support documents and guidance, and compliance requirements are available in the Local Government Resource Hub.

7. Returns of Interest

The CEO must retain a register of annual returns of interests of council members. Council members are required to submit an annual return in the prescribed form within 60 days of the council member's election and no later than 30 September each year for the duration of the council member's membership.

The CEO must also keep a register of declared conflicts of interest related to items before a committee, council or local authority and a register of declared gifts and benefits.

Local Government Act 2019, Part 7.2.

8. Resources

Resources for members and staff are on the website at:

<https://cmc.nt.gov.au/supporting-government/local-government>

Northern Territory Electoral Commission resources:

<https://ntec.nt.gov.au/elections/about-elections/local-government-elections/legislation>

Appendix 1 - Local Government Act Provisions – Members and meetings

| Item | Legislative Reference | Essential Elements | Calendar Action |
|--------------------------------|-----------------------------------|---|-----------------------|
| Member of council disqualified | s47 LGA r100 LGGR r101 LGGR | <p>A person is disqualified from office as a member of council if the person:</p> <ul style="list-style-type: none"> • holds a judicial office; or • is bankrupt; or • is sentenced to a term of imprisonment of 12 months or more for an offense against the law of the Commonwealth, State or Territory; or • is a staff member of the council; or • is a staff member of the local government subsidiary of which the council is a constituent council of the subsidiary; or • is indebted to the council and fails to discharge the debt within 6 months after the debt becomes due and payable in accordance with regulations; or • is certified mentally unfit to carry out the functions of a member; or • is disqualified from managing a corporation under the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>; or • is disqualified under s40 of the <i>Associations Act 2003</i> from being an officer or an incorporated association; or • is a member of the Commonwealth House of Representatives or the Senate; or • is determined by NTCAT to be unfit to be a member under s133 of the Act; or • is incapable of holding a local government office under s89(3) of the Criminal Code; or • ceases to be enrolled as an elector within the area; or • ceases to have a principal place of residence within the area; or • is absent, without permission of council, from 2 consecutive ordinary meetings of council. <p><i>Note: A person is not qualified to be a member of the council if the person is a member of the Legislative Assembly of the NT.</i></p> | In place at all times |

| Item | Legislative Reference | Essential Elements | Calendar Action |
|--|--|--|---|
| Council committees | s82 LGA s83 LGA s84 LGA s85 LGA | <p>A council may, by resolution, establish or abolish one or more council committees, in accordance with any guidelines that the Minister may make.</p> <p>Members of a committee are appointed by council resolution, and can include people who are not Elected Members.</p> <p>The council determines the functions, terms and conditions of the council committees. A council committee is subject to control and direction by the council.</p> <p>Subject to any direction by the council, a council committee may determine its own procedures.</p> | In place at all times. |
| Audit committee | s86 LGA | <p>Council must, by resolution, establish and maintain an audit committee.</p> <p>Members of the audit committee are appointed by council resolution.</p> <p>The members may consist of, or include, persons who are not Elected Members. However, the Chairperson of the audit committee must not be an Elected Member or council staff.</p> <p>The committee's terms and conditions are determined by council.</p> <p>Council may, by resolution, abolish an audit committee. Council must establish or abolish an audit committee in accordance with any guidelines that the Minister may make.</p> | In place at all times. |
| Notice of meetings – Council, Committees and Local Authorities | s92 LGA s93 LGA s97 LGA s292 LGA Schedule 3 LGA r103 LGGR r104 LGGR r105 LGGR | <p>A notice convening a council, committee or local authority meeting must:</p> <ul style="list-style-type: none"> • be in writing; • state the date, time, place and agenda for the meeting; • for council meetings – include any business papers to be considered at the meeting (including confidential matters); • be given to the members at least 3 business days before the date of an ordinary meeting, and at least 4 hours before a special meeting; and • be published on the council's website and posted on a notice board at council's public office – at least 3 business days before the ordinary meeting and at least 4 hours for a special meeting. <p>A notice may be given to a member personally, by post, by email, by any other electronic means or in any other way arranged by the CEO with the member.</p> <p>The CEO may, at the request of the chairperson of an audit committee, a council committee or a local authority, convene a meeting of the audit committee, council committee or a local authority.</p> | <p>Published and provided to members at least 3 business days before ordinary meeting.</p> <p>Must be available for 3 years from the last day on which the meeting was scheduled.</p> |

| Item | Legislative Reference | Essential Elements | Calendar Action |
|---------------------------------------|--------------------------------------|--|---|
| Confidential information and business | s.99 LGA s.293 LGA r51-53 LGGR | <p>If the council, council committee or local authority considers confidential business at a meeting, the agenda for the meeting must identify the type of matter that is to be considered at the meeting.</p> <p>A meeting of an audit committee may be conducted in private.</p> <p>The following information is prescribed as confidential:</p> <p>(a) information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual;</p> <p>(b) information about the personal circumstances of a resident or ratepayer;</p> <p>(c) information that would, if publicly disclosed, be likely to:</p> <ul style="list-style-type: none"> (i) cause commercial prejudice to, or confer a unfair commercial advantage on, any person; or (ii) prejudice the maintenance or administration of the law; or (iii) prejudice the security of the council, its members or staff; or (iv) subject to subregulation (3) - prejudice the interests of the council or some other person; <p>(d) information subject to an obligation of confidentiality at law, or in equity;</p> <p>(e) subject to subregulation (3) – information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest;</p> <p>(f) subject to subregulation (2) –information in relation to a complaint of a contravention of the code of conduct.</p> | Confidential papers must be provided to members securely at least 3 business days before a meeting. |

| Item | Legislative Reference | Essential Elements | Calendar Action |
|-------------------------|--|---|--|
| Postponement of Meeting | s100 LGA r105 LGGR | <p>If a quorum is not present within 30 minutes of the start time for the meeting of an audit committee, a council, a council committee or a local authority, the chairperson, the majority of members present, the CEO or a person authorised by the CEO may postpone a meeting to a time later on the same day.</p> <p>If it is impractical for a meeting to be postponed to a time later on the same day, the CEO may postpone the meeting for up to 21 days.</p> <p>If a meeting is postponed, the CEO must, in writing, record the fact that the meeting was postponed. The record must be published on the council's website and posted on the notice board at the council's public office.</p> | Notice of postponement of meeting must be published on website. |
| Minutes | s101 LGA s102 LGA s292 LGA Schedule 3 LGA r60 LGGR Guideline 1: Local Authorities | <p>The CEO must ensure proper minutes of meetings of an audit committee, a council, council committee and local authority are kept.</p> <p>The minutes must be in writing and set out:</p> <ul style="list-style-type: none"> • names of members present at the meeting; • business transacted at the meeting; • any confidential business considered at the meeting; • any other information required by the regulations; and • references to any written reports or recommendations considered, together with information about how to access the reports or recommendations. <p>The audit committee, council, council committee or local authority must, at its next meeting, confirm the minutes, including any confidential business considered at the meeting, as a correct record of the meeting.</p> <p>Council must report back to the local authority on its response to the local authority's minutes.</p> <p>Minutes for a council, council committee or local authority must be publicly available <u>within 10 business days</u> after the date of the meeting:</p> <ul style="list-style-type: none"> • on the council's website; and • at the council's public office. <p>Note: A confidential matter may be suppressed under s293 LGA.</p> | <p>Publish on website within 10 business days from meeting.</p> <p>Must be available for 3 years from the last day on which the meeting was scheduled.</p> |

| Item | Legislative Reference | Essential Elements | Calendar Action |
|----------------------------------|--|---|---|
| Member allowances | s106 LGA s107 LGA s292 LGA Schedule 3 LGA Guideline 1: Local Authorities Guideline 5: Budgets | A member of council or local authority is entitled to be paid the allowance or allowances determined by the Remuneration Tribunal. A council must publish members of council and local authority allowance amounts payable on its website. If council fixes a council member allowance at a rate less than the maximum amount set by the Remuneration Tribunal the allowance payable must be proportionate for all council members. | Council to adopt allowances before, or at the same time as, the adoption of the annual budget. Publish allowances on council website. Must be available for 3 years from the last day of the relevant financial year. |
| Member expenses | s109 LGA s292 LGA Schedule 3 LGA Guideline 5: Budgets | Council may, by resolution, adopt a policy providing that members of an audit committee, council, council committee or local authority are (subject to council's conditions and limitations) entitled to payment or reimbursement of reasonable expenses for travel and accommodation necessary for: <ul style="list-style-type: none"> • attending an audit committee, council, council committee or local authority meeting for which the person is a member; or • attending to council business in accordance with a prior resolution of council. The expenses or benefits must be provided for in council's budget and identified in monthly and annual financial reports of the council. <i>See also Monthly Financial Report Form.</i> | Monthly and annual reporting. Must be available for 3 years from the last day of the relevant year. |
| Disclosure of interest (members) | s115 LGA s116 LGA s292 LGA Schedule 3 LGA | As soon as practicable after a member becomes aware of a conflict of interest in a matter that has arisen or is about to arise before an audit committee, council, council committee or local authority, the member must disclose the interest that gives rise to the conflict: <ul style="list-style-type: none"> • at a meeting of the audit committee, council, council committee or local authority; and • to the CEO. A member must not: <ul style="list-style-type: none"> • be present at a meeting of the audit committee, council, council committee or local authority while a matter in which the member has a conflict of interest is under consideration; or • participate in any decision in relation to the matter; or • engage in behaviour that may influence the consideration of or decision in relation to the matter. | Must be available for 3 years from the conclusion of the next general election after the entry was made |

| Item | Legislative Reference | Essential Elements | Calendar Action |
|--|--|---|--|
| Committee to carry out financial functions | r19 LGGR s292 LGA Schedule 3 LGA | <p>If a council does not schedule an ordinary meeting at least once in each month, the council must delegate to a council committee the necessary powers to carry out, on behalf of council, the financial functions in the months the council does not hold an ordinary meeting.</p> <p>If a scheduled council or council committee meeting is not held in a particular month, the CEO must publish the previous month's monthly financial report on the council's website as soon as practicable.</p> <p>Note: Council must hold an ordinary meeting at least once every two months - s90 LGA. See also Monthly Financial Report Form.</p> | <p>Notice and minutes must be available for 3 years from the last day on which the meeting was scheduled</p> |

Appendix 2 – Council and Local Authority Meeting Provisions

1. Council Meeting Provisions under the *Local Government Act 2019*

1.1. When do meetings happen?

The first council meeting is to be held within 21 days of the election results declaration. After this, the council will approve a schedule or plan of meetings and council must meet at least once every 2 months. Council meetings are called by the CEO.

If a council does not plan an ordinary meeting at least once a month it must delegate to a council committee the necessary powers to carry out the financial functions of the council. A Finance Committee will perform the role of the council in between meetings of council. [*Local Government (General Regulations) 2021 19(1)*]

1.2. Notice of Meeting

Notice for a council meeting must:

- be in writing;
- give the details of the meeting such as date, time and place and the agenda and papers; and
- be given to members and published on the council website at least 3 business days before the date of the meeting.

1.3. Agenda

The CEO would usually set the agenda for the meeting together with the Mayor or President. An agenda template is provided at the end of Appendix 2.

1.4. Ordinary Meetings vs Special Meetings

Ordinary meetings may deal with business of any kind, or business as usual but a special meeting can only deal with the specific business the meeting was called for.

If a council decides to have a special meeting it can be called by the CEO, the Mayor or President, or 3 or more members of council.

Notices of special meetings must be published and provided to members at least 4 hours before the time of the meeting.

1.5. Openness and Accountability

- Council meetings are open to the public so that the people in your area can see how you make decisions;
- Council meetings should be in an accessible place; and
- Notice and papers for the meeting should be posted on the council website and made available to the public.

It helps people in your area understand the business of council and shows that the council is answerable to its community.

However, the public may be excluded while confidential business is being considered. If the council considers confidential business at a meeting, the agenda for the meeting must identify the type of matter that is confidential.

After the business is considered the council must decide whether the item remains confidential or if and at what time it can be made public.

1.6. Preparing for a Meeting

All Councillors should read the agenda papers for the meeting and consider if any of them raise a potential conflict of interest.

1.7. Apologies

If a councillor is unable to attend a meeting they need to advise the mayor or President or CEO at least 3 days before a meeting where possible.

The apology needs to be accepted by the majority of councillors. If not accepted the apology will be recorded as an absence.

A Councillor is disqualified from office if absent from 2 consecutive meetings of council without permission.

Each decision of a council is recorded in the minutes.

1.8. Quorum

When there are enough council members at the meeting to make decisions, this is called a “quorum”. A quorum for council meetings is the majority of all council members.

Council decisions are taken when a majority of members present at the meeting vote in favour. Each member has one vote, but some councils may have a policy that allows the chair a deciding vote if the vote is even. This is known as the casting vote.

1.9. Postponement of Meetings

The Chair may postpone the meeting for up to 21 days if a quorum is not present within 30 minutes of the start time for the meeting.

If the Chairperson is not present 2 or more members may postpone or if there is no Chair and less than 2 members the CEO may postpone.

Notification that the meeting was postponed must be provided to each member, published on the council website and posted on the noticeboard at the council’s office.

1.10. What happens at a meeting?

The Chair will go through the agenda items.

Anyone who has a conflict of interest should declare it at the start or when they first become aware of it.

The council would usually first discuss matters that need a decision and then would also consider any reports from local authorities, council officers, and the CEO, as well as the finance report.

The Chair is responsible for the conduct of meetings and to make sure:

- There is good and timely information from the CEO and council officers to inform decisions;
- There is enough time for decisions to be made;
- That decisions are recorded in the minutes
- That the meeting does not go off track;
- That everyone has an opportunity to be heard; and
- That meetings are respectful.

1.11. Making Decisions

Where a matter requires the council to make a decision, the council might decide to vote on the recommendation provided in the agenda paper or put up its own recommendation for voting.

Councillors must either vote **for** or **against** a recommendation. It is not an option to abstain or not vote.

Councillors might also decide that a matter be deferred or put off so that more information or other options are provided.

1.12. Minutes

The CEO must ensure that proper minutes of meetings are kept.

The minutes must be in writing and must set out:

- the names of the members present at the meeting;
- the business transacted at the meeting;
- any confidential business that was considered at the meeting;
- any other information required by regulation; and
- references to any written reports or recommendations considered in the course of the meeting together with information about how to obtain access to the reports or recommendations.

The minutes must be confirmed at the next meeting.

A copy of the minutes must be available to the public on the website and at the Council's office within 10 business days after the date of the meeting.

A member of the public may inspect the copy of the minutes and may obtain an identical copy of the minutes or a certified copy of, or extract from, the minutes of a meeting. Council may charge a fee for the copies.

If business that deals with confidential information was considered at the meeting, the copy of the minutes available to the public must contain a statement of that fact and the provision of the relevant regulation under which the information is confidential.

AGENDA

ABC Council

Date / Time

Council Members

Names of Members

- Time Item**
- Time Welcome and Apologies**
- Time Declarations of Conflict of Interest**
- Time Previous Minutes**
- Time Matters for Decision**
- Time Matters for Noting**
- Time Reports from Local Authorities (*Regional Councils*)**
- Time CEO Report**
- Time Financial Report**
- Time Visitor Presentations**
- Time General Business**
- Time Confidential Business**

2. Local Authority Meeting Provisions Under the *Local Government Act 2019*

2.1. When do meetings happen?

The Local Authority requests a meeting and the CEO organises it; unless the Local Authority resolves to meet less than 4 times a year and the lesser number of meetings is ratified by council.

2.2. Notice of Meeting

A notice convening a meeting:

- must be in writing;
- must state the date, time, place and agenda for the meeting;
- must be given to the members of the local authority at least 3 business days before the meeting;
- must be accessible on the council's website at least 3 business days before the meeting; and
- must be posted on a notice board at the council's public office at least 3 business days before the meeting.

The notice may be given to a member personally, by post, by email, by any other electronic means or in any other way arranged by the CEO with the member.

Local Authorities may ask for the agenda and papers to be available earlier.

2.3. Proxy Membership

A local authority may recommend to the council that proxies are allowed but a proxy can only substitute for each local authority member a maximum of 2 meetings in a financial year.

Council should be notified about a proxy appointment at least 2 days before a meeting. Council will provide a briefing to the proxy member, including:

- Minutes from the previous meeting;
- Current agenda items for discussion; and
- An outline of the role and expectations of a local authority member.

2.4. Agenda

The agenda for local authority meetings must be prepared in consultation with the chairperson of the local authority.

An Agenda includes:

- any declarations of conflicts of interest by members;
- previous minutes;
- items requested by members;
- a report from the CEO (or delegate) on all local authority matters before council; including progress and financial report on local authority projects and a report on current council services and projects in the local authority area;
- visitor presentations; and
- general business and community questions.

Once in each financial year, a local authority agenda must include a review of:

- the council's annual report for the previous financial year;
- the council's proposed regional plan for the next financial year;
- the council budget for proposed projects for the local authority area for the next financial year; and
- community plans of the council or local authority where they exist.

2.5. Openness and Accountability

- Meetings are open to the public and held in an accessible place so that the people in your area can see how you make decisions; and
- Notice and papers for the meeting should be posted on the council website and made available to the public.

It helps people in your area understand the business of local authorities and council and shows that you are answerable to its community.

However, the public may be excluded while confidential business is being considered. If the local authority considers confidential business at a meeting, the agenda for the meeting must identify the type of matter that is confidential.

2.6. Meeting Chair

The local authority members appoint a Chairperson for a period of time. It is good to have a consistent Chairperson as it is an important role, although policy must include the option of a rotating chairperson.

2.7. Quorum

When there are enough local authority members at the meeting to make decisions, this is called a “quorum”. A quorum for local authority meetings is the majority of local authority members.

Local authority recommendations and decisions are taken when a majority of members present at the meeting vote in favour. Each member has one vote, but some local authorities may have a policy that allows the chair a deciding vote if the vote is even.

2.8. Provisional Meetings

If there is no quorum for a local authority meeting but one third of total members are present then the local authority can hold a provisional meeting. The provisional meeting cannot exercise delegated powers and functions but can make recommendations to the Council which are qualified as provisional decisions. The minutes of a provisional meeting must identify decisions taken as provincial decisions.

A provisional meeting may be counted to satisfy the minimum numbers of meetings requirement.

2.9. Postponement of Meetings

The Chair may postpone the meeting for up to 21 days if a quorum is not present within 30 minutes of the start time for the meeting.

If the Chairperson is not present 2 or more members may postpone or if there is no Chair and less than 2 members the CEO may postpone.

Notification that the meeting was postponed must be provided to each member, published on the council website and posted on the noticeboard at the council’s office.

2.10. What happens at a meeting?

The Chair will go through the agenda items.

Anyone who has a conflict of interest should declare it at the start.

The local authority would usually first discuss matters that need a decision and then would also consider any reports from council, council officers, and the CEO, as well as the finance report.

The chair is responsible for the conduct of meetings and to make sure:

- there is good and timely information from the CEO and council officers to inform decisions;
- there is enough time for decisions to be made;
- that decisions are recorded in the minutes;
- that the meeting does not go off track;
- that everyone has an opportunity to be heard; and
- that meetings are respectful.

2.11. Making Decisions

Local Authorities have an advisory role to Council. The decisions of the Local Authority are reported to council as recommendations for a resolution by the Council.

Local Authorities may also have delegated authority from the Council for matters that affect their community, and in particular for Local Authority Project Funding. This means that Local Authorities have decision making power of those matters.

2.12. Minutes

The CEO must ensure that proper minutes of meetings are kept.

The minutes must be in writing and must set out:

- The names of the members present at the meeting;
- The business transacted at the meeting;
- Any confidential business that was considered at the meeting;
- Any other information required by regulation; and

- References to any presentations, written reports or recommendations considered in the course of the meeting together with information about how to obtain access to the reports or recommendations.

The minutes must be confirmed at the next meeting.

A copy of the minutes must be available to the public on the website and at the Council's office within 10 business days after the date of the meeting.

A member of the public may inspect the copy of the minutes and may obtain an identical copy of the minutes or a certified copy of, or extract from, the minutes of a meeting. Council may charge a fee for the copies.

If business that deals with confidential information was considered at the meeting, the copy of the minutes available to the public must contain a statement of that fact and the provision of this Act under which the information is confidential.

The minutes of a local authority must be included in the agenda for the next ordinary meeting of the council and the council's response to those minutes must be recorded in the minutes of the meeting of the council and reported back to the local authority.

The council should ensure that Local Authority projects are considered and approved as quickly as possible with feedback provided as soon as a decision is made. If a Local Authority project is not approved the council must advise the Local Authority with reasons for the decision.

Sample Local Authority Agenda

AGENDA

ABC Local Authority

Date | time Date | time |

Local authority members

Names of members

| Time | Item |
|-------------|--|
| Time | Welcome and apologies |
| Time | Declarations of conflict of interest |
| Time | Previous minutes |
| Time | Items requested by members/matters for consideration |
| Time | Responses from the council to matters raised at a previous local authority meeting or provisional meeting |
| Time | Report from the CEO (or the CEO's delegate) on current council services and projects in the local authority area |
| Time | Financial report for the local authority area/projects |
| Time | Visitor presentations |
| Time | General business and community questions |
| Time | Confidential business |
| Time | Close of meeting |