CP22 - Council Delegates - Roles and Responsibilities

Policy Objective

1. To prescribe how Delegates nominated by Council as members of external committees or organisations may fulfil their representative role.
2. The City provides Delegate representation on a range of external bodies and bodies including but not limited to those outlined in the City of Belmont – Elected Member Representatives on Committees and Other Groups document.
3. This policy sets out the roles and responsibilities Delegates must adhere to when fulfilling their role as a Delegate.

Policy Detail

1. Where an Elected Member has been endorsed as Council's nominated representative member on an external committee, body or organisation, the Delegate shall:
    a) Understand that their appointment/membership is as a representative of the Council and is by right of their position with Council.
    b) Ensure their availability to attend scheduled meetings, and where they are unable to do so, provide prior apology to the respective Presiding Member. Apology must also be provided to external meetings for periods where approved leave of absence is granted from Council.
        i) Delegates are responsible for ensuring that there is a quorum for meetings and that the City is represented at external group meetings. Where a Delegate is unable to attend an external body meeting in which they have been appointed, they are to advise their deputies in order of seniority to ensure that they will be replaced at the meeting. At least twenty-four (24) hours' notice to a deputy should be provided where possible.
        ii) Delegates are also to advise the Chief Executive Officer (or the relevant Director) of the arrangements made and the name of the alternate Delegate who will be attendance.
        iii) Where a Delegate has failed to attend three successive external body meetings, with or without apology and during a period where leave of absence has not been granted, the Council shall consider appointing

a replacement Delegate at the next possible meeting of Council or Special Council Meeting. This is to ensure that the purpose and integrity of Council's participation in the external body is maintained.

iv) If a Delegate is unwilling or unable to fulfil their commitment to an external body, then the Delegate must advise the Chief Executive Officer so that Council can consider appointing a replacement Delegate and formally advise the external body of the replacement.

c) Ensure that where Council has nominated a proxy or deputy Delegate, that the proxy is provided with early advice and adequate information to facilitate their attendance and participation in meetings if the Delegate is unable to attend.

d) Ensure that in participating and contributing to decision making of the External Body the Delegate is cognisant of, and communicates, Council's determined position. Council's position on a matter will be determined by (in descending order):

i) firstly, resolutions of Council dealing specifically with the matter at hand

ii) secondly, resolutions of Council dealing generally with the matter at hand

iii) thirdly, relevant statements of the Council's position contained in adopted Council policies or the City's Strategic Community Plan

iv) lastly, if Council has not established a formal position, the Delegate should give due consideration to the potential sensitivity and/or risk inherent to the matter i.e. potential for negative environmental or social impact, or risk of community conflict.

e) Where the Delegate evaluates potential for a significant level of sensitivity, commitment of Council resources or risk then, prior to committing to a position, the Chief Executive Officer will prepare a report for Council's consideration which provides Council with the professional opinion, advice and a recommendation from the Chief Executive Officer or Council determination. The report may include a position statement from the Delegate. Delegates must ensure that this occurs where a decision by the external body may require a commitment of Council resources.

f) Voting Rights

i) An Elected Member or employee appointed as a Delegate may have to participate in the decision-making process of the external body. The Delegate may also be entitled to vote on matters coming before the external body.

ii) The Delegate will have a fiduciary duty to the external body to participate in decision making processes and vote in accordance with the obligations to act in good faith for the purposes for which the external body was established.

iii) Council recognises that whilst it can require a Delegate to communicate the City's position to the external body, it is not appropriate to attempt to bind the Delegate's vote on a matter. The Delegate will have the benefit of discussion around the decision-making table and must vote in accordance with their good faith obligation to the external body.

iv) However, this does not entitle a Delegate to substitute their personal beliefs for Council's position. Where it is possible for a Delegate to act in good faith for the purposes of the external body and also to vote in accordance with Council's stated position, then Council expects that a Delegate will vote accordingly.

v) Where a Delegate votes in good faith, in a manner which is opposed to a Council position, the Delegate must provide a Delegates Report to the next Council meeting informing of the decision and the factors which influenced the outcome.

g) Perform the functions and duties of a Delegate in accordance with the standards set out in the Code of Conduct.

h) Ensure that a copy of minutes is provided to the City for record keeping purposes and that the record keeping responsibilities outlined in the *State Records Act 2000 (WA)* and Council Policy 43 - Records Management are fulfilled. Where confidentiality requirements exist over either Council or the external body's business the Delegate must ensure that confidentiality is appropriately maintained and protected.

i) Keep Council informed of the activities and achievements of the external body via a verbal report to the next Information Forum.

2. Elected Members who attend meetings of external bodies, as observers of the City (not the appointed Council Delegate), where access is not generally available to the public, need be cognisant of the fact that they remain representatives of the City and therefore shall:

a) As a matter of courtesy seek the prior consent of the external body's Presiding Member before attending as an observer.

b) Act within the meeting protocols as established by the external body.

c) Communicate with the meeting only through Council's nominated Delegate or only at the request of the Presiding Member of that meeting,

being mindful of not interfering with due process or the role of Council's nominated Delegate.

d) Act in accordance with the standards set out in the Code of Conduct.

3. Matters relating to the Development Assessment Panel fall outside the scope of this policy.
4. Elected Members who attend meetings of external bodies, in a private capacity (not as the appointed Council Delegate or an observer), where access to the meeting is generally available to the public need be cognisant of the fact that they remain through their positions as representatives of the City and therefore shall:

   a) Act within the meeting protocols as established by the external body.

   b) Make clear to the meeting that opinions or positions stated are their own and not those of the City.

   c) Not reflect adversely on a decision of the Council or a committee.

   d) Act in accordance with the standards set out in the Code of Conduct.

Reference/Associated Documents

Local Government Act 1995 (WA), Part 5, Section 5.17

State Records Act 2000 (WA)

Code of Conduct for Council Members, Committee Members and Candidates

Code of Conduct for Employees

Council Policy 43 – Records Management

Elected Member Representatives on Committees and Other Groups

Reference to Internal Procedure

Nil.

Definitions

'**Delegate**' means a person nominated to represent the City on an External Body

'**external body**' means an external body, statutory corporation, incorporated association, regional local government, committee, working or special interest group, or governmental advisory group.

‘Code of Conduct’ means the Code of Conduct for Council Members, Committee Members and Candidates or Code of Conduct for Employees as applicable.

This Policy is supported by:		
Policy No:	CP22	
Strategic Community Plan:	**Key Performance Area: Performance Outcome:** 10. Effective leadership, governance and financial management.	
Register of Delegations:	n/a	
Service Area:	Executive Services	
Policy Owner:	Manager Governance, Strategy and Risk	
Policy Stakeholder:	n/a	
Amendment Status:		
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25/06/13		12.8
22/09/15	None	10.7
27/09/16	Review - Minor	12.9
25/09/18	Review - Minor	12.5
10/12/19	Review – Minor	12.8
24/05/22	Review - Minor	12.7
12/12/23	Review - Minor	12.8
24/02/26	Review - Minor	12.11