

TITLE:	Local Authority Operations Policy		
DIVISION:	Corporate Policy		
ADOPTED BY:	Council		
DATE OF ADOPTION:	June 16, 2016	DATE OF REVIEW:	Election
MOTION NUMBER:	OC170/16		
POLICY NUMBER:	CP000018		
AUTHORISED:	Chief Executive Officer		

THIS POLICY APPLIES TO:

Appointed members and non – appointed members (Elected Members) of Local Authorities.

SUMMARY

This policy sets out arrangements for the operation and support of local authorities. The policy includes the nomination process for membership, meeting frequency, the annual inaugural meeting, agenda setting, allowances and other arrangements.

OBJECTIVES

To facilitate the effective operation of local authorities.

BACKGROUND

Local authorities have been formed to achieve integration and involvement of local communities in the system of Local Government. This policy has been developed to ensure local authorities operate in accordance with provisions of the *Local Government Act* and to allow opportunities for community members to meaningfully engage in local government processes. In 2016, the role of local authorities was expanded by the Northern Territory Government to consider other service delivery activities outside of local government services.

Local authorities have an advisory role to Council. Any decisions made in relation to the activities of Council will need the approval of Council, except where there is delegated authority.

POLICY STATEMENT

COUNCIL POLICY IS:

1 Administrative support and secretariat

Local authority meetings are convened by the Chief Executive Officer (CEO), who will determine, in consultation with the Chair of a local authority the date, time and venue for meetings. The CEO will ensure secretariat support is available for each local authority meeting.

2 Membership of a local authority

Local authority membership is made up of two (2) categories; appointed and non-appointed members. Appointed members are nominated by the community and a non-appointed member is a member of a local authority by virtue of section 53C (1) or (2) of the *Local Government Act*. The President of Council is a member of the local authority within his/ her Ward. The most senior Council employee on community cannot hold membership of a Local Authority.

Local Authorities will have a minimum number of six (6) and a maximum number of fourteen (14) members.

Membership of a local authority should:

- be representative of key groups within the local authority area
- include people who are able and available to attend meetings
- include people who understand the importance of giving feedback both ways between the community and Council
- Include men and women.

3 Nomination and appointment process

1. The CEO will call for nominations which must be advertised and promoted by appropriate means to ensure that residents of the relevant area are aware of it.
2. A period of twenty-eight (28) days' notice must be given for nominations to be received.
3. Persons ordinarily resident in the local authority area who are over the age of eighteen are eligible to be nominated.
4. Nominations are to be made on a form approved by the CEO.
5. Nominations are to be made by two people over the age of eighteen (18) who are ordinarily resident in the local authority area
6. The nomination form must include a signed statement by the person being nominated indicating that he or she consents to the nomination and is eligible to be appointed.
7. Nominations are to be returned to an officer of the Council nominated by the CEO (the Receiving Officer).
8. A person who has been nominated may withdraw his or her nomination at any time by notice in writing to the Receiving Officer who will then advise the CEO.
9. If the number of nominations exceed the number of vacancies, as soon as practicable after the close of nominations, the CEO shall call a meeting of the selection panel to consider the nominations received.

4 The selection panel

A selection panel, whose members are based in the local authority area, will be appointed by a local authority at the start of each financial year. The panel will sit when the number of nominations exceeds the available places. The panel will comprise up to two non-appointed members from the Ward in which the authority is located and two appointed members chosen by the local authority. The senior council officer resident in the local authority area will support the panel by acting as chairperson.

The selection panel will consider nominations and make recommendations to the first ordinary meeting of the Council to be held after the close of nominations. Selection panels need not physically meet and business can be conducted using electronic or other means at the Chair's discretion.

5 Term of appointment

Local authority members will be appointed for the term of Council (4 years). Once the new Council is elected, Council will call for new nominations. Previous local authority members will be eligible to apply for new local authority membership.

6 Vacancies and terminating membership

A local authority appointed member position becomes vacant when a member resigns in writing or the appointment is revoked by Council in accordance with this policy.

Apologies for not attending a meeting must be given to the senior staff member on community before the meeting. Apologies given by another local authority member will not be accepted and a member of a local authority may not be represented by a proxy (substitute) during a meeting or provisional meeting.

Appointed local authority members stop being members if they:

- resign in writing
- pass away
- miss two (2) meetings without an acceptable apology and Council revokes their membership
- commit a serious offence or are sent to prison for 1 year (Council can use its discretion)
- are dismissed by Council for a breach of Council's Code of Conduct.

7 Local Authority meetings

7.1 Frequency of meetings

The CEO must ensure a minimum of four (4) meetings or provisional meetings for each local authority are held in the financial year. Local authorities will be asked to confirm the forward meeting schedule at the end of each financial year.

7.2 Quorum

A quorum will consist of half plus one (1) of the membership of the local authority

7.3 Provisional meeting where quorum not present

- In the event of a quorum not being reached, but the majority of appointed members are present, members may hold a provisional meeting.
- During a provisional meeting, all agenda items may be discussed and minutes must be kept.
- Members present at a provisional meeting may make recommendations to Council, including local authority projects, provided recommendations are clearly marked as being made by a provisional meeting.

- A provisional meeting may not approve the minutes of a local authority meeting but a local authority may approve the minutes of a provisional meeting.

7.4 Employment selection advisory panel

A function of a local authority is to provide a representative for an employment selection advisory panel to select staff to fill a managerial position on community when a vacancy occurs.

7.5 First meeting of every financial year

At the first meeting of the new financial year, the following is to occur:

- Appointment of a chairperson and deputy chairperson for a term of twelve (12) months;
- Appointment of a representative on the employment selection advisory panel and a proxy for a term of twelve (12) months;
- Appointment of a selection panel and two proxies for a period of 12 months,
- Tabling and explanation of the Code of Conduct and its applicability to authority members.

7.6 Agenda and Minutes

7.6.1 The content of agendas will follow the relevant section in Guideline 8, Regional Councils and Local Authorities. In addition, the following items may be added at the discretion of the chairperson and in consultation with the CEO;

- Report from a non-appointed member
- Report from a Northern Territory Government agency on service delivery activity in the local authority area
- Agenda items listed by the chair or other members submitted prior to closure of the agenda including notices of motion.

7.6.2 Specific agenda items will be determined by the CEO in consultation with the Chair seven (7) days prior to the meeting; and

7.6.3 All business papers will be accessible to the public.

7.6.4. Each financial year a local authority agenda must include a review of; Council's annual report for the previous financial year, any relevant community plan of Council's or the local authority, Council's proposed regional plan and budget priorities for the local authority area for the next financial year.

8. Council consideration of local authority minutes

Council must consider the minutes of each local authority or provisional meeting at the next ordinary council meeting. Minutes of local authority meetings received after the Council's agenda cut-off date will be held over until the next Council meeting.

9. Local authority member allowances

9.1 Allowances for appointed local authority members

- A meeting allowance is payable by direct deposit, in arrears, and within two weeks of the meeting on presentation of the appropriate claim form.
- Any Council employee who is a appointed member of a local authority and attends a meeting of a local authority outside that employee's normal working hours will be paid for attendance at the same rate as other appointed members.
- Appointed members will be paid a sitting fee when participating in an employment selection advisory panel and selection panel to finalise nominations of vacancies.

9.2 Allowances for non-appointed local authority members who are Ward Councillors

- A meeting and travel allowance is payable by direct deposit, in arrears, and within two weeks of the meeting on presentation of the appropriate claim form, with the exception of any accommodation expense which it is necessary to pay in advance.
- Travel allowance will only be paid where the claim is made in writing and submitted within three (3) months of the date in respect of which it is claimed. Claims for reimbursement of travel by vehicle will only be accepted if the distance travelled on each occasion is in excess of 75km. (150 round trip). Claims for accommodation will only be accepted where approval has been granted in advance by the CEO or his or her nominee.

10 Council budgets and financial reporting

That the CEO be delegated authority to

- Prepare Council's budget documents and financial reports to achieve compliance with the Ministerial Guidelines;
- Make preliminary determinations in relation to local authority priorities and submissions when recommending a draft budget to Council for its consideration
- Undertake the necessary reporting back to a local authority once the Council has adopted its budget in the event that an authority's proposals have not been included in the budget.

11 Delegation

There will be no delegation made to a local authority.

LEGISLATION, TERMINOLOGY AND REFERENCES

- *Local Government Act*
- Ministerial Guideline 8 – Regional Councils and Local Authorities
- Changes to Local Authority Engagement and Coordination Policy Framework
- Council's Regional Plan
- Council's Code of Conduct

IMPLEMENTATION AND DELEGATION

The CEO has delegated authority to implement this policy.

EVALUATION AND REVIEW

The Policy should be evaluated prior to each periodic election.