



# Policies, Procedures and Guidelines

## INTERACTION BETWEEN COUNCILLORS & STAFF GEN009

### INTRODUCTION AND GENERAL PRINCIPLES

#### Background

The purpose of this policy is to establish an appropriate and effective framework for business related interactions between Councillors and staff.

The Local Government Act 1993 (NSW) (the Act) separates the roles and responsibilities of Councillors and staff. To effectively integrate those policy making and service delivery roles, Councillors and staff need to interact on a regular basis. This policy aims to provide direction on interaction between Councillors and staff to assist both parties in carrying out their roles and responsibilities.

#### Policy Statement

Interaction between Councillors and staff must comply with the Council's adopted Code of Conduct (the Code). While the Code does not prevent Councillors and staff from communicating in a social context, it does impose conduct obligations on Councillors and staff when interacting on Council business.

The Code recognises that it is appropriate for Councillors and staff to discuss policy issues relating to the exercise of Council's regulatory functions, strategic direction and allocation of resources. It also identifies a range of inappropriate interactions which must be avoided by Councillors and staff.

#### Scope

This policy applies to all Council officials including Councillors, Council employees, contractors, members of Council committees, and volunteers of Council.

#### Definitions

*Advice:* providing information in any manner to a Councillor including verbally, by written correspondence or by electronic means

*Council Official:* includes Councillors, members of staff of Council, administrators appointed under section 256 of the Act, members of Council committees, conduct reviewers, delegates of Council and volunteers of Council

*Information:* a policy of Council, a matter that is due to be considered by Council, a matter that has been considered by Council, the implementation of a policy decision of Council, a matter under

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consideration by Council, or information contained in a record held by Council

*The Act:*

*Local Government Act 1993 (NSW)*

*The Code:*

Council's adopted Code of Conduct

## POLICY DETAIL

### The Role of Councillors

Section 232 of the Act outlines the role of Councillors. The role of a Councillor as a member of the governing body of the Council is to:

- provide a civic leadership role in guiding the development of the community strategic plan for the area and to be responsible for monitoring the implementation of the Council's delivery program
- direct and control the affairs of the Council in accordance with the Act
- participate in the optimum allocation of the Council's resources for the benefit of the area
- play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions
- review the performance of the Council and its delivery of services, and the delivery program and revenue policies of the Council.

The role of a Councillor as an elected person is to:

- represent the interests of the residents and ratepayers
- provide leadership and guidance to the community, and
- facilitate communication between the community and the Council.

### Obligations of Councillors

Councillors may need to receive information or advice from Council staff on a range of matters in order to fulfil their civic responsibilities.

The General Manager has authorised selected members of staff to communicate with and provide information to Councillors (**see attached list**). The contact list will be updated from time to time as required and Councillors will be advised of those changes as they occur.

Only those members of staff nominated by the General Manager are authorised to provide information to Councillors.

However where appropriate, Directors, Executive Managers, the Chief Governance Officer and Managers may as required nominate alternative staff to communicate with Councillors on their behalf. In those circumstances the nominated staff member should inform the

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Councillor of that direction. This representation by the staff member is sufficient for the Councillor to rely on.

This policy does not prevent Councillors from contacting secretarial or administration staff to arrange meetings or discuss minor administrative matters.

In accordance with Council’s Code of Conduct Councillors must not:

- direct Council staff other than by giving appropriate direction to the General Manager in the performance of Council’s functions by way of Council or Committee resolution, or by the Mayor exercising their power under Section 226 of the Act
- in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the member or delegate
- contact a Council staff member on Council related business unless in accordance with this policy governing the interaction between Councillors and Council staff
- contact or issue instructions to any of Council’s contractors or tenderers, including Council’s legal advisors, unless by the Mayor exercising their power under Section 226 of the Act. This does not apply to Council’s external auditors who, in the course of their work, may be provided with information by individual Councillors.

**Inappropriate Interactions (Councillors)**

The Code states that the following interactions are inappropriate:

- Councillors approaching staff and staff organisations to discuss individual staff matters and not broader industrial policy issues
- Councillors who have lodged a development application with Council, discussing the matter with Council staff in staff-only areas of the Council
- Councillors being overbearing or threatening to Council staff
- Councillors making personal attacks on Council staff in a public forum
- Councillors directing or pressuring Council staff in the performance of their work, or recommendations they should make
- Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council’s General Manager or, in the case of the Mayor, exercising their power under Section 226 of the Act.

In addition to the Code’s conduct obligations it is Council’s policy that the following interactions are inappropriate:

- Councillors approaching staff other than Directors, for information on sensitive or controversial matters,
- Councillors approaching staff outside the workplace or hours of work to discuss Council business

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**The Role of the General Manager and Staff**

The General Manager is responsible for the efficient and effective operation of Council’s organisation and for ensuring the implementation of the decisions of the Council without delay. The General Manager and delegated staff are also responsible for determining and implementing operational policies that relate to the day to day management of Council.

Staff are responsible for giving effect to the lawful decisions, policies and procedures of the Council under the direction of the General Manager.

Under the direction of the General Manager staff are required to:

- give their attention to the business of Council while on duty
- ensure that their work is carried out efficiently, economically and effectively
- carry out lawful directions given by any person having authority to give such directions
- give effect to the lawful decisions, policies, and procedures of the Council, whether or not the staff member agrees with or approves of them.

**Obligations of Staff**

Only staff nominated by the General Manager are authorised to provide information to Councillors. The Code states that staff must not engage in any of the following inappropriate interactions:

- Council staff approaching Councillors to discuss individual staff matters and not broader industrial issues
- Council staff refusing to give information that is available to other Councillors, to a particular Councillor
- Council staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community
- Council staff meeting with developers alone and outside office hours to discuss development applications or proposals.

**ADMINISTRATION**

References

- Local Government Act 1993 (NSW)
- Model Code of Conduct – Division of Local Government, Department of Premier and Cabinet
- Council’s adopted Code of Conduct

**POLICY CONTACT**

For information regarding this policy please contact the General Manager’s Office on 68951900

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3.3 Document Control

<b>POLICY HISTORY</b>	<b>DATE</b>
Initial Policy Adopted	22 September, 2010
Policy Update	18 March, 2015

**Staff Authorised to Communicate with Councillors**

- All Directors
- Chief Financial Officer
- Manager Building Services
- Manager Environment and Development
- Manager Operations
- Manager Utilities
- Manager People Organisation and Development
- Manager Information Services
- Executive Assistant

Any other staff member approved at the time by the General Manager for specific requests.

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