SINGLETON COUNCIL

INTERACTIONS BETWEEN COUNCILLORS & STAFF

Policy | Governance

To clarify the differing roles of Councillors and staff, provide guidance on appropriate interactions and Councillors rights of access to Council buildings

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Responsible Director:	Director Corporate & Community Services Group		
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1 Background

1.1 Title of the Policy and Commencement Date

The Interactions Between Councillors & Staff Policy takes effect from 17 June 2019.

1.2 Purpose of the Policy

Based on the provisions in the *Local Government Act, 1993*, Councillors and Council staff have distinctly different roles to play. The Council is responsible for the strategic direction and for determining the policy framework of Council. The Council also has a statutory role as the consent authority, under both the *Environmental Planning and Assessment Act* and the *Local Government Act*, for applications for development consent and local approvals. The General Manager is responsible for the effective day to day management of the organisation and the carrying out of Council's policies and strategic objectives.

However, the distinction between these two roles may be unclear. There often needs to be interaction between Councillors and Council staff to effectively integrate policy making and service delivery.

This policy will help Councillors and staff understand their respective roles and how they should operate, in order to perform their roles effectively. The policy does not restrict Councillors' legal rights to access staff and information and does not limit any statutory and common law rights Councillors have to access information.

This policy is to promote a positive working relationship between Councillors as the elected people of the community and the staff employed to administer the operations of Council.

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2 Objective

2.1 Objectives and Coverage of the Policy

- To ensure Councillors and staff interact appropriately.
- To provide direction on Councillor's rights of access to Council buildings.

3 Application

3.1 Application of this Policy

This policy applies to all Council staff and Councillors.

4 Definitions

For the purposes of this policy:

Term	Meaning
The Act	The *Local Government Act, 1993*.
Administrator	An administrator of a Council appointed under the Act other than an administrator appointed under section 66.
Councillor	Any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations.
Council Committee	A group or advisory body established by a council comprising of councillors, staff or other persons.
The Regulation	The *Local Government (General) Regulation, 2005*.

5 Principles/Body

5.1 Obligations of Councillors and Administrators

5.1.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the Act, the role of the governing body of the Council includes the development and endorsement of the strategic plans, programs, strategies and policies of the Council, including those relating to workforce policy, and to keep the performance of the council under review.

5.1.2 Councillors or administrators must not:

- Direct Council staff other than by giving appropriate direction to the General Manager by way of Council or committee resolution, or by the Mayor or administrator exercising their functions 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 staff member or delegate.
- Contact a member of the staff of the Council on Council-related business unless in accordance with this policy.
- Contact or issue instructions to any of Council's contractors, including Council's legal advisers, unless by the Mayor or administrator exercising their functions under section 226 of the Act.
- Despite the above, Councillors may contact the Council's external auditor or the Chair of the Council's Audit Risk and Improvement Committee to provide information reasonably necessary for the external auditor or the Audit Risk and Improvement Committee to effectively perform their functions.

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5.2 Obligations of Staff

5.2.1 Under section 335 of the Act, the role of the General Manager includes conducting the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council, implementing without undue delay, lawful decisions of the council and ensuring that the Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

5.2.2 Members of staff of Council must:

- Give their attention to the business of Council while on duty.
- Ensure that their work is carried out ethically, efficiently, economically and effectively.
- Carry out reasonable and 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.
- Ensure that any participation in political activities outside the service of the Council does not interfere with the performance of their official duties.

5.3 Inappropriate Interactions

You must not engage in any of the following inappropriate interactions:

- Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters.
- Council staff approaching Councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters.
- Council staff refusing to give information that is available to other Councillors to a particular Councillor.
- Councillors and administrators who have lodged an application with Council, discussing the matter with Council staff in staff-only areas of Council.
- Councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- Councillors and administrators being overbearing or threatening to Council staff.
- Council staff being overbearing or threatening to Councillors or administrators.

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- Councillors and administrators making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media.

- Councillors and administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make.

- Council staff providing ad hoc advice to Councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.

- Council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals.

- 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 or administrator, unless they are exercising their functions under section 226 of the Act.

5.4 Interaction Between Councillors and Council Staff

5.4.1 During Meetings

- Interactions between Councillors and staff during meetings of Council and Committees of Council of which all members are Councillors are to be in accordance with Council's adopted Code of Meeting Practice.

- Interactions between Councillors and staff during all other Council Committee Meetings are to be in accordance with the Council Committees Procedure.

5.4.2 Outside of Meetings

- The General Manager is responsible to the Council for performance and direction of all staff and day-to-day management of Council. Therefore, it is appropriate that all requests for information and approaches to staff outside the forum of a Council or Committee Meeting be directed to the General Manager or persons nominated by the General Manager (refer to **Appendix A** – "Councillor/Staff Liaison Listing").

- Only those officers delegated by the General Manager (refer to **Appendix A** - "Councillor/Staff Liaison Listing") may provide advice to Councillors.

- For all but straightforward advice on administrative matters, Councillors should put their requests for information or advice in writing to be answered by the General Manager or the appropriate nominated Council officer. These written requests then form part of Council records and can be filed appropriately, monitored and reported on. The General Manager must indicate in writing any reasons for refusing a request. Further information on access to information can be found in Council's Policy 1021 – Recordkeeping and Information Access for Councillors Policy.

- A Council officer must refer any request from a Councillor for information to the General Manager or relevant Director.

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- If a Councillor is concerned about any refusal to provide information, they should firstly raise the matter with the General Manager (or the Mayor if it was the General Manager who refused to provide the advice). If the Councillor is still dissatisfied they should request the information by way of a Motion pursuant to Notice to the Council.

5.5 Access to Council Offices

- Councillors and administrators are entitled to have access to the Council Chamber, Committee Room, Mayor's Office (subject to availability), Councillors' Rooms, and public areas of Council's buildings during normal business hours and for meetings. Councillors and administrators needing to access these facilities at other times must obtain authority from the General Manager (or nominated delegate).

- Councillors and administrators must not enter staff-only areas of Council buildings without the approval of the General Manager (or nominated delegate).

- Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence Council staff decisions.

- Councillors and administrators not in pursuit of their civic duties only have the same rights of access to Council buildings and premises as any other member of the public.

5.6 Mode of Address

Councillors and staff shall address Councillors by their official designation, as Mayor or Councillor, as the case may be as a mark of respect for the position.

5.7 Councillor Questions of Which Notice Has Been Given and Requests

5.7.1 Councillors have the ability to raise written questions at Council meetings in accordance with Council's Code of Meeting Practice. Questions of which notice has been given are for those matters of a business nature which require a written response or a report for the attention of Council for either discussion or resolution or matters requiring detailed response by a Councillor to a resident.

The opportunity to raise questions at Council meetings should not be abused. Councillors should bear in mind that there may be other effective avenues of obtaining information, for example through the General Manager outside the formal meeting cycle (see 5.4.2).

As in the case of putting forward notices of motion, Councillors must, in submitting questions, balance their civic responsibility for representing the interests of their community with their obligation to use Council's resources effectively and efficiently.

5.7.2 All requests by Councillors for operational matters such as maintenance or repair of a Council asset or for action to be taken to satisfy an enquiry from a resident, will be

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recorded in Council's Customer Request Management System and managed in accordance with the Councillor Questions and Requests Procedure.

6 Relevant Legislation

- *Local Government Act, 1993*.
- Local Government (General) Regulation 2005.

7 Document Information

Related documents and reference information in this section provides a single reference point to develop and maintain site compliance information.

7.1 Related Documents

Related documents, listed in ***Table 7-1*** below, are internal documents directly related to or referenced from this document.

Number	Title
POL/1011	Code of Conduct
POL/1014	Code of Meeting Practice
POL/1021	Recordkeeping and Information Access for Councillors Policy
	Councillor Questions and Requests Procedure

Table 7-1 – Related documents

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8 Responsible Officer / Policy Owner

Ownership of this policy rests with the Coordinator Governance.

9 Responsibilities

Parties or Persons	Responsibilities
Councillors	• To comply with this policy.
General Manager	• To lead Councillors and staff in their understanding of, and compliance with, this policy and to manage any reports made in relation to this policy.
Staff	• To comply with this policy.

10 Approval

As per cover sheet.

11 Monitoring

This policy will be monitored by the Coordinator Governance to ensure compliance.

12 Review Date

This policy, once adopted, is to remain in force until it is reviewed by Council. This policy is to be reviewed approximately every two (2) years to ensure that it meets legislative requirements.

13 Last Review Date

18 June 2018.

14 Record Keeping, Confidentiality and Privacy

This policy is to be made available for public viewing as required under the *Government Information (Public Access) 2009, NSW*.

15 Breaches and Sanctions

All occasions of a Councillor or staff member not complying with this policy are to be immediately reported to the General Manager.

Reports relating to the General Manager should be made to the Mayor.

Where the report, other than a report relating to a breach of the Code of Conduct, relates to the conduct of a Councillor, the General Manager shall immediately report the matter to the Mayor.

Where the report, other than a report relating to a breach of the Code of Conduct, relates to the conduct of a member of staff, the General Manager shall deal with the matter according to the terms and conditions of employment of the staff member.

If the report relates to a breach of the Code of Conduct provisions, the matter is to be dealt with under the Procedures for the Administration of the Code of Conduct.

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Appendix A - Councillor/Staff Liaison Listing

- General Manager – 6578 7200
- Director Corporate & Community Services – 6578 7205
- Director Organisation & Community Capacity – TBA
- Director Planning & Infrastructure Services – 6578 7330
- Coordinator Governance – 6578 7212
- Coordinator Communication & Engagement – 6578 7214
- Executive Assistant – General Manager – 6578 7206
- Executive Assistant – Directors – 6578 7288

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