



## COONAMBLE SHIRE COUNCIL

### Councillor Access to Staff and Premises Policy

<b>RESOLUTION NO:</b>	<b>MEETING:</b>
<b>4464</b>	<b>14 August 2019</b>

#### INTRODUCTION

Coonamble Shire Council is committed to:

- Cooperation and collaboration between Council staff and its elected members;
- Ongoing professional development of elected members;
- Providing a clear distinction between enquiries of civic and personal nature.

This policy outlines:

- Councillor interaction with Council officers;
- Councillor rights to access Council buildings.

References:

- *The Local Government Act 1993;*
- *The Local Government (General) Regulation 2005;*
- *Council's Code of Conduct & Procedures for the Administration of the Code of Conduct 2019;*
- *Council's Code of Meeting Practice 2019.*

#### POLICY STATEMENT

This policy is divided into two (2) sections:

Part 1 – Councillor Interaction with Staff

Part 2 – Councillor Access to Council Premises

#### **PART 1 – COUNCILLOR INTERACTIONS WITH STAFF**

##### **Access to Staff during Council Meetings**

Interaction between Councillors and Staff at Council Meetings and Committee Meetings is regulated by:

- Section 360 of the *Local Government Act 1993*;
- Part 10, Division 1 to 4 of the *Local Government (General) Regulation*;
- *Council's Code of Conduct and associated Procedures 2019*;
- *Council's Code of Meeting Practice 2019*.

The General Manager and Directors are highly accessible to Councillors on formal meeting days, and Pre-Council Meeting Briefing Sessions have been implemented to further facilitate communication and the flow of information between the elected body and the Senior Executive Team (Manex). However, Councillors should not hesitate to contact them to clarify questions when working through the formal Business Paper after it has been distributed.

In Council Meetings, Councillors can ask questions of other Councillors by going through the Chairperson, ask questions of Staff by going through the General Manager, and bring forward Notices of Motions and Questions with Notice where relevant notice has been given and procedure followed.

As defined by the Code of Meeting Practice, at a Council Meeting, Councillors may put a question through the General Manager to a member of staff to clarify any matter before the meeting. To allow proper attention and prepare complete answers, the majority of questions may be on notice so that they can be properly referenced. The Code does not allow discussion on any reply or refusal to reply by a member of staff in response to a question.

#### **Access to Staff Outside of Meetings**

Council's Code of Conduct requires all contact between Councillors and Staff of official business of Council to be made through the General Manager or in accordance with arrangements approved by the General Manager. Councillors may interact with Council staff in the following ways:

- Councillors requiring advice may contact Manex members (i.e. the General Manager and Directors);
- Councillors must lodge their enquiries of a more serious nature on the Councillor Enquiry Form – attached as **Annexure A** to the Policy, to be answered by the General Manager, the appropriate Director or any specific Manager nominated by the General Manager. These requests then form part of Council's records and will be stored in Council's record management system;

- Councillors must contact Council's customer service officers for standard works requests (e.g. notification of pot holes in roads, grading/maintenance of unsealed roads, footpath obstructions, tree issues etc.) using Council's developed "Councillors' Request for Maintenance" form – attached as **Annexure B** to the policy;
- For all straightforward Councillor support and routine matters (e.g. dates of meetings etc.) Councillors should contact the Executive Assistant of the General Manager;
- Information Technology (IT) helpdesk enquiries must be lodged via email to the Executive Assistant using the appropriate Councillor Enquiry form.

### **Appropriate Interactions**

In prescribing the following appropriate interactions, Council promotes behaviours which support Council's values and create:

- A supportive workplace;
- A safe and trusting workplace;
- A cooperative and collaborative team approach.

The following interactions are considered appropriate under this policy:

### **For Councillors**

- a. Councillors accessing staff through the provision of this policy;
- b. Councillors promoting a positive and supportive workplace in all dealings with staff;
- c. Councillors behaving courteously and respectfully at all times when dealing with staff;
- d. Councillors ensuring that decisions and advice received from staff are accurately recorded and such records retained;
- e. Councillors providing appropriate direction to the General Manager in the performance of Council's functions by way of a Council resolution, or by the Mayor exercising her/his power under Section 226 of the *Local Government Act 1993*;
- f. Councillors who have, in their private capacity, a development application before Council, meeting with Planning and other relevant staff in relation to their application, such meetings having been approved and arranged according to the provision of this and other policies of Council (e.g. Lobbying of Councillors Policy);

- g. Councillors lodging their enquiries of a more serious nature on the Councillor Enquiry Form – attached as **Annexure A** to the Policy, to be answered by the General Manager, the appropriate Director or any specific Manager nominated by the General Manager. (These requests then form part of Council's records and will be stored in Council's record management system);
- h. Councillors contacting Council's customer service officers for standard works requests (e.g. notification of pot holes in roads, grading/maintenance of unsealed roads, footpath obstructions, noise complaints, tree issues etc.) using Council's developed 'Councillors' Request for Maintenance" form – attached as **Annexure B** to the Policy;
- i. The Mayor (and other Councillors at times) accessing the office area of the General Manager's Executive Assistant in connection with the performance of their roles and functions as elected representatives. (Councillors must ensure that when they are within a staff only area, they refrain from conduct that could be perceived to improperly influence Council staff decisions.)

#### **For Staff**

- a. Staff behaving courteously and respectfully at all times when providing advice or information to Councillors;
- b. Staff promoting a positive supportive workplace in all dealings with Councillors;
- c. Staff ensuring that decisions and advice provided to Councillors is accurately recorded and stored in Council's records management system;
- d. Staff making available to all Councillors, information that has been provided to one or more Councillors;
- e. Staff dealing with Councillors in relation to Councillors' private business with Council according to standard operational procedures which are used for any member of the public.

#### **Inappropriate Interactions**

This section relates to Part 7 (specifically Clauses 7.2, 7.3 and 7.6) of Council's Code of Conduct.

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

**For Councillors**

- a. Councillors or Administrators directing Council staff other than by giving appropriate direction to the General Manager by way of a Council resolution, or by the Mayor or Administrator exercising their functions under Section 226 of the *Local Government Act 1993*;
- b. Councillors and Administrators contacting a member of staff of the Council on Council-related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager;
- c. Councillors and Administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to the broader workforce policy), grievances, workplace investigations and disciplinary matters;
- d. Councillors and Administrators who have lodged an application with the Council, discussing the matter with Council staff in staff-only areas of the Council;
- e. 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 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;
- f. Councillors and Administrators being overbearing or threatening to Council staff;
- g. 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 Council's Code of Conduct in public forums including social media;
- h. Councillors and Administrators, in any public or private forum, directing or influencing or attempting 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;
- i. Councillors and Administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make;

- j. Councillors or Administrators contacting or issuing instructions to any of the Council's contractors, including the Council's legal advisers, unless by the Mayor or Administrator exercising their functions under Section 226 of the *Local Government Act 1993*. (This provision does not apply to Councillors contacting Council's external auditor or the Chair of Council's Audit, Risk and Improvement Committee (once established) to provide information reasonably necessary for the external auditor or the Audit, Risk and Improvement Committee to effectively perform their functions);
- k. Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the Council associated with current or proposed legal proceedings unless permitted to do so by the Council's General Manager or, in the case of the Mayor or Administrator, unless they are exercising their functions under Section 226 of the *Local Government Act 1993*.

Council's Code of Conduct (Clause 5.28) further states that:

"You may have reason to deal with your Council in your personal capacity (for example as a ratepayer, recipient of Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment."

#### **For Staff**

- a. Council staff approaching Councillors and Administrators to discuss individual or operational staff matters (other than matters relating to broader workplace policy), grievances, workplace investigations and disciplinary matters;
- b. Council staff refusing to give information that is available to other Councillors to a particular Councillor, subject to Clause 8.6 of Council's Code of Conduct which reads as follows: "...Councillors and Administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the GIPA Act";

- c. Council staff being overbearing or threatening to Councillors or Administrators;
- d. 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;
- e. Council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals.

Council's Code of Conduct (Clause 5.28) further states that:

“You may have reason to deal with your Council in your personal capacity (for example as a ratepayer, recipient of Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.”

## **PART 2 – COUNCILLOR ACCESS TO COUNCIL PREMISES**

Council's Code of Conduct (Clauses 8.25, 8.26 and 8.27) stipulates the following:

- a. 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 access to these facilities at other times must obtain authority for the General Manager;
- b. Councillors and Administrators must not enter staff-only areas of Council buildings without the approval of the General Manager (or their delegate) or as provided for in the procedures governing the interaction of Councillors and Council staff;
- c. Councillors and Administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence Council staff decisions.

## **APPLICABILITY**

This policy applies to the Mayor, Councillors and all employees of Council, including contractors and volunteers working for and on behalf of Council.

**VARIATION AND REVIEW**

This policy shall be reviewed every three (3) years, or earlier if required.

**IMPLEMENTATION / COMMUNICATION**

This policy will be communicated to all new Councillors and staff as part of their induction. Revised versions of the policy that contain significant changes will be communicated to all Councillors and staff by the General Manager. New versions that contain only minor or inconsequential changes will be distributed by the General Manager to Directors for highlighting at team meetings.

  
.....  
General Manager

..21-8-2019..  
Date







## COONAMBLE SHIRE COUNCIL

### Councillors Request for Maintenance

Request No: \_\_\_\_\_

Councillor's Name: \_\_\_\_\_

Email Address: \_\_\_\_\_

Contact Phone No: \_\_\_\_\_

**Please note:** This request will be forwarded to the Director of Engineering Services who will have the request assessed according to the normal process.

After an inspection has been carried out, this maintenance request will be assessed on a risk management basis, taking budgetary and other resource constraints into consideration, and comparing it with other maintenance requests/projects already received. Although every reasonable effort will be made to accommodate this request, no guarantee can be given that the requested maintenance works will in fact be performed or will be performed within a particular timeframe.

This procedure has been adopted by Council Resolution No 4464 on 14 August 2019 as an acceptable method of contact between Councillors and staff.

#### **Request Details:**

Location: \_\_\_\_\_

Concern/Issue: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Thank you for taking the time to advise Council of your request for maintenance.**

Completed forms can be returned to Council by:

**Deliver:** 80 Castlereagh Street, Coonamble NSW 2829

**Post:** PO Box 249, Coonamble NSW 2829

**Fax:** (02) 6822 1626

**Email:** [council@coonambleshire.nsw.gov.au](mailto:council@coonambleshire.nsw.gov.au)

**Please complete and detach this section. Return to Councillor lodging request for maintenance.**

**REQUEST NO:** \_\_\_\_\_

**LODGED BY :** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**SIGNED BY :** \_\_\_\_\_

**Customer Service Officer**