CAMPBELLTOWN CITY COUNCIL	**POLICY**

Policy Title	Councillors Access to Information and Interaction with Staff
Related Documentation	Code of Conduct Procedures for the Administration of the Code of Conduct Code of Meeting Practice Policy - Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors
Relevant Legislation	*Local Government Act 1993* *Government Information (Public Access) Act 2009*
Responsible Officer	Manager Governance and Risk

Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.

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Part 1 - Introduction

The *Local Government Act 1993* (NSW) separates the roles and responsibilities of Councillors and staff, and the Code imposes conduct obligations on Councillors and staff when interacting on Council business.

Councillors and staff need to interact on a regular basis to effectively integrate their policy making and service delivery roles. To assist both parties in carrying out their respective roles and responsibilities, this policy aims to provide direction on the interaction between Councillors and staff.

"The importance of trust and mutual respect within the Council team and between Council and senior management cannot be underestimated. Councillors can have a major and positive impact on the health and well-being of the whole community. A good working relationship between Councillors, the Mayor, the General Manager and other Council staff is fundamental to an effective council. Councillors must also have an understanding of how to manage external relationships, with the community, the media and other organisations including State agencies."

"As members of the governing body, and in the interests of ensuring the organisation operates effectively to achieve the best outcomes for the community, Councillors should endeavour to work constructively with Council staff that are responsible for implementing Council decisions."

- Extracts from *Councillor Handbook*, Office of Local Government, October 2016.

Part 2 - Policy Statement

2.1   Purpose

The purpose of this policy is to establish an appropriate and effective framework for business related interactions between Councillors and staff that complements and supports the Code of Conduct.

2.2   Objectives

The main objectives of this policy are to:

a) ensure Councillors have access to all information necessary for them to exercise their statutory role as a member of the governing body of Council

b) ensure that Councillors receive advice in an orderly manner to assist them in the performance of their civic duty

c) provide a documented process for Councillors to access Council information

d) provide clarity on Councillors' rights of access to staff and to Council buildings

e) provide a clear and consistent framework, by reference to the Code of Conduct and Procedure for the Administration of the Code of Conduct.

2.3   Scope

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

2.4 Policy Statement

a) This policy aims to provide Councillors with all relevant information and an appropriate level of access to the staff of Council in order to exercise the functions of civic office and to facilitate informed decision making.

b) 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.

c) 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 does however identify a range of inappropriate interactions which must be avoided by Councillors and staff.

d) This policy reinforces the obligations of Councillors and staff prescribed by the Code with regard to their interactions and establishes additional obligations where necessary.

e) This policy establishes procedures by which Councillors may access Council information and staff in order to undertake their statutory roles to provide effective civic leadership and to represent the collective interests of residents, ratepayers and the local community.

Part 3 - The Role of Councillors

Councillors have a number of different roles that must incorporate the interests of the whole City and those of their constituents. They play a vital leadership role in creating and implementing the community's vision, strategic direction and values.

Section 223 of the Act outlines the role of the governing body as follows:

a) to direct and control the affairs of the council in accordance with this Act,

b) to provide effective civic leadership to the local community,

c) to ensure as far as possible the financial sustainability of the council,

d) to ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and polices of the council,

e) to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council,

f) to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area,

g) to keep under review the performance of the council, including service delivery,

h) to make decisions necessary for the proper exercise of the council's regulatory functions,

i) to determine the process for appointment of the general manager by the council and to monitor the General Manager's performance,

j) to determine the senior staff positions within the organisation structure of the council,

k) to consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities,

l) to be responsible for ensuring that the council acts honestly, efficiently and appropriately.

Section 232 of the Act outlines the role of a Councillor as follows:

a) to be an active and contributing member of the governing body

b) to make considered and well informed decisions as a member of the governing body

c) to participate in the development of the integrated planning and reporting framework

d) to represent the collective interests of residents, ratepayers and the local community

e) to facilitate communication between the local community and the governing body

f) to uphold and represent accurately the policies and decisions of the governing body

g) to make all reasonable effort to acquire and maintain the skills necessary to perform the role of a councillor.

Part 4 - The Role of the General Manager and Obligations of Staff

4.1   The Role of the General Manager

The General Manager is responsible for a range of functions including the day to day management of the Council and directing staff.

The General Manager's functions are set out in section 335 as follows:

a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,

b) to implement, without undue delay, lawful decisions of the council,

c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,

d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,

e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,

f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,

g) to exercise any of the functions of the council that are delegated by the council to the general manager,

h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,

i) to direct and dismiss staff,

j) to implement the council's workforce management strategy,

k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

Under the direction of the General Manager and in accordance with Clause 7.5 of the Code, staff must:

a) give their attention to the business of Council while on duty

b) ensure that their work is carried out efficiently, economically and effectively

c) carry out lawful directions given by any person having authority to give such directions

d) give effect to the lawful decisions, policies, and procedures of the Council, whether or not the staff member agrees with or approves of them

e) ensure that any participation in political activities outside the service of the Council does not conflict with the performance of their official duties.

Part 5 - Councillor and Staff Interactions

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 (refer to Authorised Staff List). The Authorised Staff 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 advice and information to Councillors. However, where deemed appropriate, the General Manager or Directors may nominate alternative staff to communicate with Councillors on their behalf as needed.

This policy does not prevent Councillors from contacting secretarial support staff to the General Manager and Directors for minor administrative matters such as to arrange meetings with Authorised staff.

In accordance with Clause 7.6 of the Code of Conduct, the following interactions are considered inappropriate:

a) 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

b) 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

c) subject to clause 8.6, council staff refusing to give information that is available to other Councillors to a particular Councillor

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 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) Council staff being overbearing or threatening to Councillors or administrators

h) 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 this code in public forums including social media

i) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make

j) 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

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

l) 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 LGA.

Note: Other than as set out above, this clause does not prevent Councillors from representing the interests of constituents including attending on-site meetings. Councillors should seek advice from the relevant Authorised Staff if unsure whether legal proceedings are current or proposed in relation to any matter.

5.1   Councillor and Staff Interactions during Meetings

The Code of Meeting Practice sets out in detail the way in which a Council meeting is to be run.

The Code of Meeting Practice provides that a Councillor may, through the Mayor (or Chairperson), put a question to Council staff in relation to business on the Council meeting agenda.

a) A Councillor or employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or documents.

b) A Councillor must put every question directly, succinctly and without argument.

c) The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council staff.

Council's Code of Meeting practice also outline how Councillors and Officers are to be addressed during meetings.

a) If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.

b) Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.

c) A Councillor is to be addressed as 'Councillor [surname]'.

d) A Council officer is to be addressed by their official designation or as Mr/Ms [surname].

5.2   Councillor and Staff Interactions Outside of Meetings

a) Councillors may contact the General Manager, or Authorised Staff such as a Director, the Manager, Governance and Risk, or the Executive Officer to discuss, or to make arrangements to meet to discuss, Council services or projects.

b) Councillors must not make direct contact with staff other than those staff on the Authorised Staff list without the approval of the General Manager or Director and where such approval has been granted must not direct staff in the performance of their work. Staff must immediately report all breaches to their Executive Manager, Director or General Manager.

c) Councillors must not request staff to undertake work for the Councillor or for any other person with the exception of work of a clerical nature directly related to the performance of their civic duties. Such a request must only be made to Authorised Staff.

Part 6 - Councillor Access to Information

Information is provided to Councillors in a number of ways, including, but not limited to:

6.1 Councillor Briefings

a) Councillor briefings are conducted to fully inform Councillors of matters of significance or complexity that are to be the subject of a staff report at a future meeting of Council or are of particular current interest to Council.

b) Councillor briefings are not subject to specific provisions of the Act, the Regulation or Council's Code of Meeting Practice.

c) The Office of Local Government in its Meetings Practice Note for Councils states that councils may hold briefings under their general powers and such sessions are to be informal and to provide useful background information to Councillors.

d) Councillor briefings are not to be used for detailed discussions where a de-facto decision is made and such discussions, exchanges of views and decisions are to be left to the open forum of a council meeting.

e) Councillor briefing sessions are a means to enable Councillors to bring an informed mind to the appropriate decision-making forum.

f) On occasion, confidential matters will be presented at Councillor Briefings and this will be noted in the presentation and accompanying documentation. Councillors and staff must maintain the integrity and security of confidential documents or information distributed or discussed at Councillor Briefings, in accordance with the Code of Conduct, Code of Meeting Practice and supporting policies.

6.2 Councillor Weekly Bulletin

The Councillor Weekly Bulletin is an internal communication tool for staff to communicate matters of general interest to Councillors. If a Weekly Bulletin item is marked confidential, Councillors and staff must maintain the integrity and security of confidential information in accordance with the Code of Conduct and supporting policies.

6.3 Public Officer

The Public Officer is responsible for assisting people to gain access to public documents of the Council. The Public Officer is to be the contact person for Councillors who wish to access information to enable them to make informed decisions and to exercise the functions of civic office.

The Public Officer at Campbelltown City Council is the Manager, Governance and Risk.

6.4 Procedure for Councillors to access Council information

a) All requests for information should be referred to the Public Officer (Manager Governance and Risk) who will ensure an appropriate response to a Councillor's request.

b) Councillor Requests should be drafted carefully and should precisely detail the information being sought. It is expected that Councillors will act reasonably in making requests.

c) Councillor Requests relating to the exercise of a Councillor's functions of civic office will be processed as soon as possible and a response (or an interim response in the case of a complex Request) will be provided in accordance with the following guidelines:

   i. same day response – information is easily accessible and no reference/investigation is required. Examples are:

   - copy of a Council document eg Development Consent

   - request for basic information relating to an Agenda Item on the day of a Council meeting.

   ii. one (1) to five (5) working day response – information is on hand but needs to be processed for release. Examples are:

   - copy of submissions to an exhibited Development Application – documents are electronic and extra time required to extract and redact information where appropriate,

   - request containing a number of questions which may relate to more than one Division and where responses need to be collated into a single reply.

   iii. within 10 working days – investigation and research is required in order to provide the requested information. Examples are:

   - a comprehensive summary including Court Consent Orders for Planning appeals,

   - copies of numerous documents where the files are stored offsite.

d) Where this investigation and research is extensive and/or complex and the 10 working day timeframe cannot be met, the Councillor lodging the request will be notified within five (5) working days and provided with an indication of when the information may be forthcoming.

e) Councillors are entitled access to all Council files, records or other documents where that document is identified in Schedule 1 of the *Government Information (Public Access) Regulation 2009* or relating to a matter currently before the Council.

f) Where it is believed that significant resources will be required to respond to a Councillor Request, or the number of Requests being submitted by a Councillor, the Public Officer will consider the time and/or costs that are likely to be incurred in providing the requested information and make a determination on granting access.

g) The General Manager shall not unreasonably decide that a document is not relevant to the performance of the Councillors' civic duty and deny access to a Council document. If access to documents is refused the General Manager must state the reason for the refusal.

h) The Public Officer will maintain a Register of Councillor Requests.

i) If the Request relates to a Councillor's personal interest, other than civic, the Request must be made pursuant to the *Government Information Public Access Act 2009*, the form for which is available on Council's website and will be processed in accordance with the timeframes set out in the Public Access to Council Documents and Information Policy.

6.5   Confidential information

Councillors must maintain the integrity and security of confidential documents or information.

Part 7 - Councillor Access to Council Buildings

a) As elected members of the Council, Councillors 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 needing access to these facilities at other times must obtain authority from the General Manager or the Mayor

b) The use of the Councillor's Lounge on Council and Committee nights is restricted to Councillors, Authorised Staff and invited guests. The use of the Lounge at other times will be at the discretion of and with the approval of the Mayor or General Manager.

c) Councillors must not enter staff only areas of Council buildings without the approval of the General Manager or Authorised Staff.

d) Councillors who are not in pursuit of their civic duties have the same rights of access to Council Buildings and premises as any other member of public.

e) Where Councillors need to meet with Authorised staff it is expected that Councillors book their attendance in advance with the Manager Governance and Risk or by contacting the Personal Assistants within the corporate area. It is also expected that, in usual circumstances, these meetings will be held in the areas or meetings rooms designated for Councillor use.

Part 8 - Breaches of this policy

Inappropriate interactions between Councillors and Council staff are set out in Council's Code of Conduct.

A breach of this policy will be taken to be a breach of the Code of Conduct and complaints alleging a breach of this policy must be made in accordance with the relevant Code of Conduct and will be dealt with in accordance with the Procedures for the Administration of the Codes of Conduct.

END OF POLICY STATEMENT

ATTACHMENT 1 – AUTHORISED STAFF

Division	General Manager *Leadership, Mayoral and Councillor support*	City Delivery *Infrastructure delivery and maintenance*	City Development *Land use planning, compliance and waste*	City Governance *Corporate support to the organisation*	City Growth *Strategy and forward planning for the City & organisation*	City Lifestyles *Planning and providing for people*
Authorised Positions and staff	**General Manager** Lindy Deitz **Personal Assistant** **Executive Officer**	**Director City Delivery** Kevin Lynch **Personal Assistant**	**Director City Development** Jim Baldwin **Personal Assistant**	**Director City Governance** Phu Nguyen **Personal Assistant** **Manager Governance & Risk**	**Director, City Growth** Rebecca Grasso **Personal Assistant**	**Director City Lifestyles** Jenny Franke **Personal Assistant**
Areas of responsibility	**Media & Communications** • Civic events • Citizenship • Media management • Digital content • Design & publications • Sister City relationships **Internal Audit** • Audit, Risk,Improvement Committee **Strategic Partnerships** • State & Federal Government relations	**Operations** • Civil Works - Maintenance works to footpaths, roads • Open space & Horticulture - Parks & Gardens; Public trees • Sports field maintenance • City Cleansing • Depot Workshop **Infrastructure** • Infrastructure design & delivery • Capital works delivery • Asset management, maintenance, renewal • Security & facility services • Project Management **Open Space** • Open Space Planning for Recreation & Natural Areas • Plans of Management • Environmental programs & initiatives • Sustainable outcomes for open space • Dog parks • Walk/cycle ways • Bush care • Flood plain management • Playground planning	**Urban Release & Engagement** • New release areas • Major urban renewal - Strategic Land use planning - Planning proposals - Development Contributions - Development assessment - Building construction assessment & inspections - Subdivision certificates on all new release areas **Urban Centres** • CBD • Urban Development - Strategic Land use planning - Planning proposals - Development Contributions - Development assessment - Building construction assessment & inspections - Subdivision certificates on all new release areas **City Standards & Compliance** • Rangers • Parking officers • Animal care facility • Food inspections • On street dining • Illegal works • Fire inspections • Swimming pool inspections •Domestic waste service	**Corporate Services & Governance** • Financial functions • Business papers • Governance • GIPA (former Freedom of Information) • Code of conduct • Councillor support • Risk Management & WHS • Procurement & contracts **People and Performance** • Human resource functions **Corporate Support Systems** • Information technology • Customer services • After hours number • Records & Information Management **Strategic Property** • Property strategy • Property portfolio • Property development and portfolio income generation • Acquisition & disposal of properties • Leases and licences • Road/walkway closures • Approvals for public access onto Council land	**City Growth & Strategy** • High level strategic & organisational planning • Policy and strategy development • Strategy alignment • Key relationship management & Advocacy including Greater Sydney Commission liaison / contact point • Corporate Planning & strategy • Integrated Planning & Reporting (including Community Strategic Plan) • City Analytics **City Marketing & Economy** • Economic development • Chamber liaison • Jobs growth • Marketing the City for investment & visitation **Creative Life** • Campbelltown Arts Centre **Sustainability & Resilience** • Sustainability policies & strategies • Resilient Sydney Strategy • Sustainability & resilience education • Energy efficiency improvements	**Community Connections** • Child care centres • Mobile book & toy library • Outside school hours care • Family day care • Bicycle Education Centre • Community learning • Library Services • Visitor Information Centre **Community Life** • Social Policy & planning • Community grants • Place programs • Public art • Community safety • Community events & activations **Sport, Recreation & Leisure Facilities** • Stadium • Leisure centres & pools • Recreation planning • Centre of Excellence • Sports club liaison