

POLICY AP013

COUNCILLOR AND STAFF INTERACTION POLICY



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Overview

The purpose of this policy is to provide a framework for councillors in exercising their civic duties by specifically addressing the manner in which they interact and receive advice from authorised staff. This policy is to be read with Council's Code of Conduct and Code of Meeting Practice.

Applicability

This procedure applies to all permanent full time and part time and term contract employees and to all councillors of Bogan Shire Council.

Outcomes

The NSW Local Government Act 1993 (Act) defines the roles and responsibilities of the mayor and councillors, and specifies that the general manager is to direct council staff in the performance of their duties. Interactions between councillors and staff are necessary to facilitate well-informed decisions and the provision of council services.

In accordance with council's Code of Conduct, councillors and staff are expected to conduct their interactions with each other with respect, professionalism, objectivity, honesty and to a high standard of ethical behaviour. This policy sets out the obligations of councillors and staff in dealing with each other.

In accordance with Clause 7.2(c) of the Code of Conduct, only those staff nominated via this policy can provide information and / or advice to councillors on council-related business.

This policy authorises the following councillor and staff interaction:

- Councillors are to contact the General Manager in relation to all matters concerning the operational areas of Council which are the responsibility of Directors. The General Manager may, on occasion, authorise an individual Director to contact any Councillor for matters specific to that Director's area of responsibility.
- Contact with Front Counter staff is appropriate for all councillor customer service requests and enquiries on behalf of the community.
- Contact with ICT staff for matters relating to councillor use of technology.
- Contact between Councillors and the Executive Assistant to the Mayor and General Manager for all councillor administrative matters.

Apart from the instances above, all staff communication with Councillors is to be made via the General Manager or relevant Director.

Council recognises that incidental contact between councillors and staff is likely to occur in small country towns like Nyngan as councillors and staff may already be known to each other as family members, socially or through their involvement in community activities.

This policy does not aim to restrict these types of contact however this does not detract from the obligations that these Councillors and Council staff have under the Code of Conduct and this Policy. If in doubt about this aspect, a councillor or staff member should seek advice from the general manager.

Obligations of Councillors

Bogan Shire Council is a body politic of the State with perpetual succession and the legal capacity and powers of an individual. A council is not a body corporate.

Under the provisions of the Local Government Act, the role of the governing body includes directing and controlling the affairs of the council, providing effective civic leadership to the local community and developing and endorsing the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council.

The Act specifies that the governing body is to consult with the general manager in directing and controlling the affairs of the council and that the general manager is to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council.

Council's Code of Conduct specifies, in relation to staff interaction, that Councillors must not:

- 1) Direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA.
- 2) 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.
- 3) Contact a member of the 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.
- 4) Contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor exercising their functions under section 226 of the LGA.
- 5) Approach 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.
- 6) Be overbearing or threatening to council staff.
- 7) Make personal attacks on council staff or engage 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.
- 8) Directing or pressure council staff in the performance of their work, or in recommendations they should make.

- 9) 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.

Obligations of Staff

Council's Code of Conduct specifies, in relation to councillor interaction, that staff must not:

- 1) Approach councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters.
- 2) Subject to clause 8.6, refuse to give information that is available to other councillors to a particular councillor.
- 3) Be overbearing or threatening to councillors.
- 4) Provide 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

Access to Council Offices

In accordance with Clause 8.25, as elected members, Councillors are entitled to have access to the council chamber, meeting rooms, Mayor's office and public areas of council's buildings during normal business hours and for meetings after hours. The Council Chambers foyer, toilets, kitchen and meal room are considered to be public areas for the purposes of this policy. Councillors also have access to the General Manager's office for the purposes of meeting with the General Manager.

All other areas of council's buildings are considered to be staff-only areas under Clause 8.26 of the Code of Conduct.

Authority

Adopted by Council at its meeting on 14 March 2019 – Resolution 053/2019

Policy Owner

General Manager

Related Information

N/A

Review Date

September 2021

Revision History

Date	Description of Change	Sections Affected
14/03/2021	New Policy	All

Related legislation

- Local Government Act
- Local Government (General) Regulation 2005

Appendix A – Organisational Structure