

Central Coast Council

Councillor and Staff Interaction Policy



Date Adopted: 23/07/2024

Revision: 3

Policy No.: CCC016

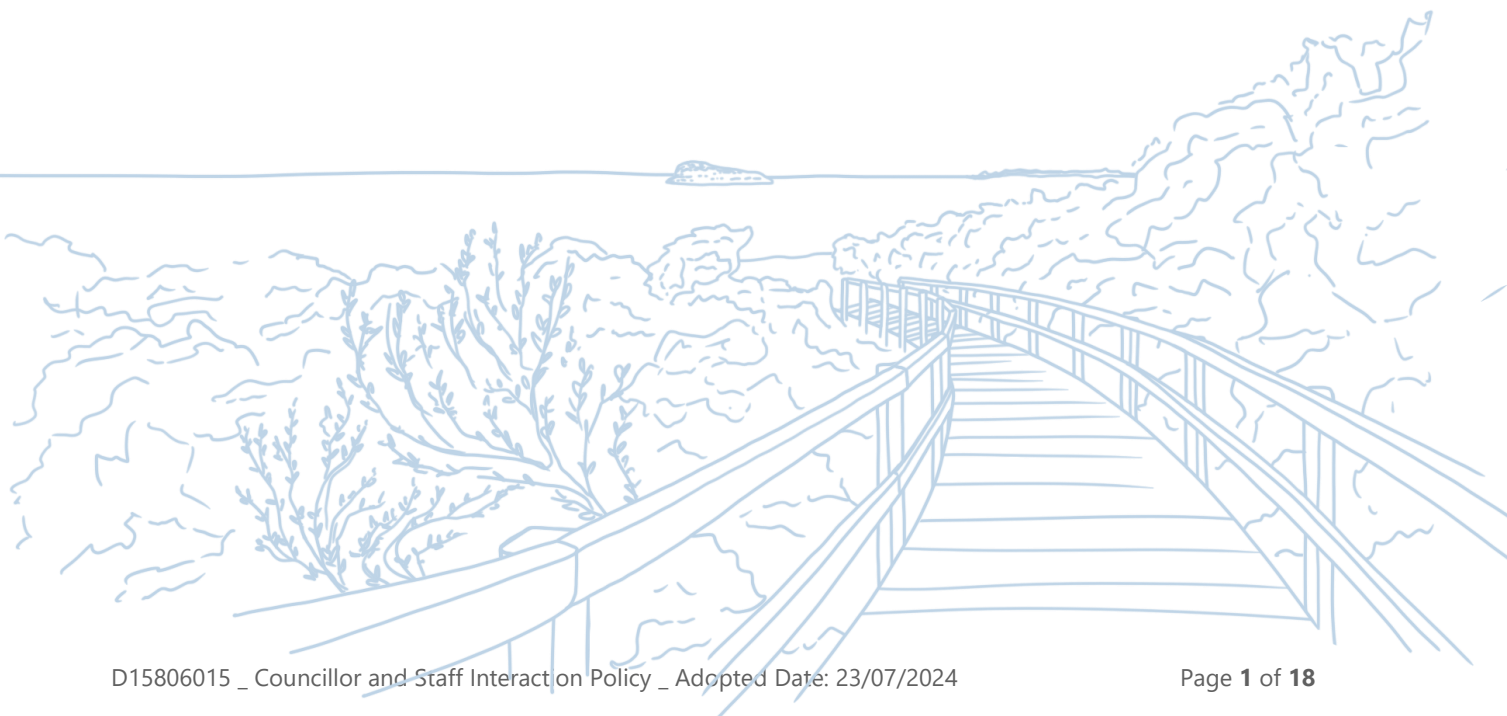


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1. Policy Objectives

- 1.1. The *Councillor and Staff Interaction Policy* (**Policy**) provides a framework for Central Coast Councillors when exercising their civic duties by specifically addressing their ability to interact and receive advice from authorised staff.
 - 1.2. This Policy both complements, and should be read in conjunction with, Council's Code of Conduct (**Code**).
 - 1.3. This Policy is an enforceable part of the Code. In the event that this Policy contradicts with the Code, the Code will prevail.
 - 1.4. The objectives of this Policy are to:
 - 1.4.1. establish positive, effective and professional working relationships between Councillors and Council staff defined by mutual respect and courtesy;
 - 1.4.2. enable Councillors and Council staff to work together appropriately and effectively to support each other in their respective roles;
 - 1.4.3. ensure that Councillors receive advice in an orderly, courteous and regulated manner to assist them in the performance of their civic duty;
 - 1.4.4. ensure Councillors have adequate access to information in order for them to exercise their statutory roles;
 - 1.4.5. provide direction on, and guide Councillor interaction with, Council staff for both obtaining information and in general situations;
 - 1.4.6. maintain transparent decision making and good governance arrangements;
 - 1.4.7. ensure the reputation of Council is enhanced by Councillors and Council staff interacting considerately, professionally, and positively in their day-to-day duties;
 - 1.4.8. seek to ensure equity for all Customer/Community requests and complaints; and
 - 1.4.9. provide a clear and consistent framework through which breaches of this Policy will be managed and reported in alignment with the Council's Code.
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2. Policy Scope

- 2.1. This Policy applies to all Councillors and Council staff.
- 2.2. This Policy applies to all interactions between Councillors and Council staff whether face-to-face, email, online (including social media and virtual meeting platforms), by phone, text message or in writing.

- 2.3. This Policy applies whenever interactions between Councillors and staff occur, including inside or outside work hours, and at both Council and non-Council venues.
 - 2.4. This Policy does not confer any delegated authority upon any person. All delegations to staff are issued by the Chief Executive Officer.
 - 2.5. This Policy does not prevent Councillors and staff from communicating generally. From time to time, Councillors and staff may be present at social and community events. In such situations, both parties should refrain from discussing matters relating to Council business.
 - 2.6. The Code provides that Council Officials must not conduct themselves in a manner that is contrary to Council's policies. A breach of this Policy will be a breach of the Code.
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3. Policy Statement

- 3.1. At Council we embrace an environment in which we value the right of every Councillor, employee, contractor, volunteer, and customer to be treated with respect, dignity, and courtesy.
 - 3.2. The aim of this Policy is to facilitate a positive working relationship between Councillors as elected representatives of the Central Coast community, and the staff employed to administer the operations of Council. It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.
 - 3.3. The Policy provides direction on interactions between Councillors and Council staff to assist both parties in carrying out their day-to-day duties professionally, ethically, and respectfully.
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4. Principles, Roles and Responsibilities

- 4.1. Several factors contribute to a good relationship between Councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- 4.2. The Council's governing body and the organisation's Administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The Administration is accountable to the Chief Executive Officer, who in turn, is accountable to Council's governing body.
- 4.3. Section 232 of the *Local Government Act 1993* (the **Act**) states that the role of a Councillor is as follows:
 - 4.3.1. to be an active and contributing member of the governing body;

- 4.3.2. to make considered and well-informed decisions as a member of the governing body;
 - 4.3.3. to participate in the development of the integrated planning and reporting framework;
 - 4.3.4. to represent the collective interests of residents, ratepayers and the local community;
 - 4.3.5. to facilitate communication between the local community and the governing body;
 - 4.3.6. to uphold and represent accurately the policies and decisions of the governing body; and
 - 4.3.7. to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.
- 4.4.** The Administration’s role is to advise the governing body, implement Council decisions and to oversee service delivery.
- 4.5.** It is beneficial if the Administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.
- 4.6.** Council commits to the following principles to guide interactions between Councillors and Council staff:

Principle	Achieved by:
Equitable and Consistent	Ensuring appropriate, consistent, and equitable access to information for all Councillors within established service levels.
Considerate and Respectful	Councillors and Council staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions.
Ethical, Open and Transparent	Ensuring that interactions between Councillors and Council staff are ethical, open, transparent, honest and display the highest standards of professional conduct.
Fit for Purpose	Ensuring that the provision of equipment and information to Councillors is done in a way that is suitable, practical and of an appropriate size, scale, and cost for a client group of 15 people.
Accountable and Measurable	Providing support to Councillors in the performance of their role in a way that can be measured, reviewed, and improved based on qualitative and quantitative data.

- 4.7.** Councillors are the governing body of Council, responsible for directing and controlling the affairs of Council in accordance with the Act. Councillors should note that:
- 4.7.1. responses to their requests for information may take time and consultation to prepare and be approved prior to responding;
 - 4.7.2. council staff are not accountable to them individually;
 - 4.7.3. they must not direct, or try to direct, Council staff except by giving direction to the Chief Executive Officer by lawful Council resolution, or the Mayor exercising their power under the Act;
 - 4.7.4. they must not in any public or private forum, direct or influence, or attempt to direct or influence, a member of Council staff in the exercise of their functions;
 - 4.7.5. they must not contact a member of Council staff on Council-related business, unless in accordance with this Policy; and
 - 4.7.6. they must not use their position to attempt to receive favourable treatment for themselves or others.
- 4.8.** The Chief Executive Officer is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the elected Council are implemented without undue delay. Council staff need to understand that:
- 4.8.1. they are not accountable to individual Councillors and do not take direction from them. They are accountable to the Chief Executive Officer who is in turn accountable to the Council's governing body;
 - 4.8.2. they should not provide advice to Councillors unless it has been approved by the Chief Executive Officer or a staff member with a delegation to approve advice to Councillors;
 - 4.8.3. they must carry out reasonable and lawful directions given by any person with the authority to give such directions in an efficient and effective manner;
 - 4.8.4. they must ensure that participation in political activities outside the service of the Council does not interfere or conflict with the performance of their official duties; and
 - 4.8.5. they must provide full and timely information to Councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

Records management

- 4.9.** Staff must maintain all records relevant to administering this Policy in accordance with Council's [Information and Records Management Policy](#).

5. The Councillor Request Portal

- 5.1.** Councillors have a right to request information provided it is relevant to exercise their civic functions. This right does not extend to matters about which a Councillor is merely curious.
- 5.2.** Councillors should not be lodging Customer Service Requests on behalf of members of the public via the Councillor Request Portal. To ensure customer service requests are dealt with in a consistent, fair, timely and equitable manner they must follow Council's identified customer service request process. Councillors should direct the customer to contact Council's customer service centre in the following ways:
- 5.2.1. via Council's website: www.centralcoast.nsw.gov.au;
 - 5.2.2. by phone (02) 4306 7900;
 - 5.2.3. by emailing ask@centralcoast.nsw.gov.au; or
 - 5.2.4. in person by visiting Council's administration centres in Wyong or Gosford.

Gosford 91-99 Mann Street Gosford NSW 2250	Wyong 2 Hely Street Wyong NSW 2259
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- 5.3.** Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.
- 5.4.** The Chief Executive Officer may identify Council support staff under *Appendix B* of this Policy for the management of Councillor requests.
- 5.5.** Councillors can use the Councillor Requests Portal to:
- 5.5.1. request information or ask questions that relate to the strategic position, performance or operation of the Council;
 - 5.5.2. bring extensive and long-standing complaints or inappropriate staff behaviour raised by members of the public to the attention of staff;
 - 5.5.3. request information and communication technology (ICT) or other support from the Council Administration; and
 - 5.5.4. request that a staff member be present at a meeting (other than a meeting of the Council) for the purpose of providing advice to the meeting.
- 5.6.** Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a Councillor's request lacks specificity, the Chief Executive Officer or staff member authorised to manage the matter is entitled to ask the Councillor to clarify their request and the reason(s) why they are seeking the information.

- 5.7.** Staff will make every reasonable effort to respectfully assist Councillors with their requests in a timely manner.
- 5.8.** The Chief Executive Officer or the staff member authorised to manage a Councillor request will provide a response within 10 working days. Where a response cannot be provided within that timeframe, the Councillor will be advised, and the information will be provided as soon as practicable.
- 5.9.** Requests under clause 5.5.4 must be made at least 48 hours before the meeting. The Chief Executive Officer, or members of staff that are listed at *Appendix B* of this Policy, are responsible for determining:
- 5.9.1. whether a staff member can attend the meeting; and
 - 5.9.2. which staff member will attend the meeting.
- 5.10.** Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.
- 5.11.** Staff will inform Councillors of any confidentiality requirements for information they provide so Councillors can handle the information appropriately. Councillors must comply with Council's [Privacy Management Plan](#) and the [Privacy and Personal Information Protection Act 1998](#) (NSW).
- 5.12.** Where a Councillor is unsure of confidentiality requirements, they should contact the Chief Executive Officer, or the staff member authorised to manage their request.
- 5.13.** The Chief Executive Officer may refuse access to information requested by a Councillor if:
- 5.13.1. the information is not necessary for the performance of the Councillor's civic functions, or
 - 5.13.2. if responding to the request would, in the Chief Executive Officer's opinion, result in an unreasonable diversion of staff time and resources, or
 - 5.13.3. the Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
 - 5.13.4. the Chief Executive Officer is prevented by law from disclosing the information.
- 5.14.** Where the Chief Executive Officer refuses to provide information requested by a Councillor, they must advise the Councillor in writing of their reasons for refusing access to the information requested.
- 5.15.** Where a Councillor's request for information is refused by the Chief Executive Officer on the grounds referred to under clause 5.13.1 or 5.13.2, the Councillor may instead request the information through a resolution of the Council by way of a Notice of Motion (**NOM**). This clause does not apply where the Chief Executive Officer refuses a Councillor's request for information under clause 5.13.3 or 5.13.4.

- 5.16.** Nothing in clauses 5.12, 5.13, and 5.14 prevents a Councillor from requesting the information in accordance with the [Government Information \(Public Access\) Act 2009 \(GIPA Act\)](#). All applications received in this manner are treated the same as an application made by a member of the public and while there is a presumption favour of releasing government information, Council must consider whether there are any considerations against disclosure before release (as per section 14 and Schedules 1 and 2 of the GIPA Act).
- 5.17.** Where a Councillor persistently makes requests for information which, in the Chief Executive Officer's opinion, result in a significant and unreasonable diversion of staff time and resources the Council may, on the advice of the Chief Executive Officer, resolve to limit the number of requests the Councillor may make.
- 5.18.** Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.
- 5.19.** A report will be provided to Council quarterly regarding the performance and efficiency of the Councillor Request Portal against agreed key performance indicators (KPIs).
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6. Access to Council Staff

- 6.1.** Councillors may directly contact members of staff who are listed in Appendix B of this Policy. The Chief Executive Officer may amend this list at any time and will advise Councillors promptly of any changes.
- 6.2.** Councillors can contact staff listed in Appendix B about matters that relate to the staff member's area of responsibility.
- 6.3.** Councillors should as far as practicable, only contact staff during normal business hours.
- 6.4.** If Councillors would like to contact a member of staff not listed in *Appendix B*, they must receive written permission from the Chief Executive Officer or relevant Director.
- 6.5.** If a Councillor is unsure which authorised staff member can help with their enquiry, they can contact either the Chief Executive Officer, the Executive Assistant to the Chief Executive Officer or the Civic Support Team who will provide advice about which authorised staff member to contact.
- 6.6.** The Chief Executive Officer or a member of the Council's executive leadership team may direct any staff member to contact Councillors to provide specific information or clarification relating to a specific matter.
- 6.7.** A Councillor or member of staff must not take advantage of their official position to improperly influence other Councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the Chief Executive Officer or Mayor in the first

instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

7. Interactions at Council Meetings

- 7.1. Interactions between Councillors and staff at meetings of Council will be in accordance with Council's Code of Meeting Practice.
 - 7.2. Councillors may give direction to the Chief Executive Officer by way of a lawful Council resolution, in accordance with the Act.
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8. Councillor Access to Council Buildings

- 8.1. Councillors are entitled to have access to the Council chamber, function room, Mayor's office (subject to availability), Councillors' rooms, and public areas of Council's buildings during normal business hours for meetings as outlined in Council's [Councillor Expenses and Facilities Policy](#). The booking of public areas of Council's buildings (including public meeting rooms at Council libraries) during normal business hours can be organised by contacting the Civic Support Team. Councillors needing access to these facilities at other times must obtain written approval from the Chief Executive Officer.
 - 8.2. Councillors must not enter staff-only areas of Council buildings without the approval of the Chief Executive Officer, and an escort by a staff member nominated in *Appendix B*.
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9. Appropriate and Inappropriate Interactions

- 9.1. Examples of appropriate interactions include, but are not limited to, the following:
 - 9.1.1. Councillors and Council staff are courteous and display a positive and professional attitude towards one another;
 - 9.1.2. Council staff ensure that information necessary for Councillors to exercise their civic functions is made equally available to all Councillors, in accordance with this Policy and any other relevant Council policies;
 - 9.1.3. Council staff record the advice they give to Councillors in the same way as they would if it was provided to members of the public;
 - 9.1.4. Council staff, including Council's executive leadership team members, document Councillor requests via the Councillor Request Portal;
 - 9.1.5. Council meetings and Councillor briefings are used to establish positive working relationships and help Councillors gain an understanding of the complex issues related to their civic duties;

- 9.1.6. Councillors and Council staff feel supported when seeking and providing clarification about Council related business; and
- 9.1.7. Councillors forward requests through the Councillor Request Portal and staff respond in accordance with the timeframes stipulated in this Policy.

9.2. Examples of inappropriate interactions between Councillors and staff include, but are not limited to, the following:

- 9.2.1. Councillors and Council staff conducting themselves in a manner which:
 - a) is contrary to their duties under the *Work Health and Safety Act 2011* (NSW) (the **WHS Act**) and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety; or
 - b) constitutes harassment and/or bullying within the meaning of the Code of Conduct or is unlawfully discriminatory.
- 9.2.2. Councillors approaching staff and staff organisations to discuss individual or operational staff matters, grievances, workplace investigations and disciplinary matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions);
- 9.2.3. Staff approaching Councillors to discuss individual or operational staff matters, grievances, workplace investigations and disciplinary matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions);
- 9.2.4. Subject to clause 5.13, staff refusing to give information that is available to other Councillors to a particular Councillor;
- 9.2.5. Councillors who have lodged an application (e.g. development application) with the Council and discussing the matter with staff in staff-only areas of Council;
- 9.2.6. Councillors being overbearing or threatening to staff;
- 9.2.7. Staff being overbearing or threatening to Councillors;
- 9.2.8. Councillors making personal attacks on 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;
- 9.2.9. Councillors directing or pressuring staff in the performance of their work, or recommendations they should make; and
- 9.2.10. 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.

- 9.3.** Where a Councillor engages in conduct that, in the opinion of the Chief Executive Officer, puts the health, safety or welfare of staff at risk, the Chief Executive Officer may restrict the Councillor's access to staff in accordance with Section 19 of the WHS Act.
- 9.4.** Any concerns relating to the conduct of staff under this Policy should be raised with the Chief Executive Officer.
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10. Complaints

- 10.1.** Complaints about a breach of this Policy should be made to the Chief Executive Officer (if the complaint is about a Councillor or member of Council staff), or the Mayor (if the complaint is about the Chief Executive Officer).
- 10.2.** Alleged breaches of this Policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.
- 10.3.** Clause 10.1 does not operate to prevent matters being reported to the Office of Local Government, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.
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11. Policy Definitions

Act	Means the Local Government Act 1993 (NSW) .
Clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this Policy.
Code/Code of Conduct	Means the Code of Conduct adopted by Central Coast Council.
Council	Means Central Coast Council.
Council official	Includes Councillors, members of staff of a Council, administrators, Council committee members, delegates of Council, contractors, community members of wholly advisory committees and volunteers.
Councillor	Means a person elected or appointed to civic office as a member (who is not suspended) of the governing body of Council and includes the Mayor.
Councillor and Staff Interaction Procedure	Procedures which supplement the Policy and set out in greater detail the allowable interactions and applicable timeframes, as well as assisting staff in meeting their obligations and empowering staff to manage inappropriate interactions.
Chief Executive Officer	Means the Chief Executive Officer of Central Coast Council and includes their delegate or authorised representative.
Executive Staff	Executive staff includes the Chief Executive Officer and all members of Council's executive leadership team (ELT).
Non-Executive Staff	Non-executive staff includes all remaining Council staff including permanent, temporary and casual staff.
Notice of Motion/NOM	A Notice of Motion can be a request for action regarding any matter relevant to Council and must be moved, seconded and adopted in the same way a Motion is put up to Council to resolve. NOMs are submitted by Councillors and published in the Council meeting Agenda.
Official Business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> • meetings of Council and committees of the whole; • meetings of committees facilitated by Council; • civic receptions hosted or sponsored by Council; and

	<ul style="list-style-type: none"> meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council.
Regulation	Means the <u>Local Government (General) Regulations 2005 (NSW)</u> .
Staff	Means all employees of Council and includes permanent, temporary and casual staff. Unless specified, the general term "staff" includes both executive and non-executive staff of Central Coast Council. For the purpose of this Policy, staff also includes any person or organisation contracted to or acting on behalf of Council; and any person or organisation employed to work on Council premises or facilities and all activities of the Council.
The Administration	Council staff within the organisation.

12. Policy Administration

Business Group	Corporate Services
Responsible Officer	Director Corporate Services
Policy Review Date	Four years from date of adoption unless legislated otherwise.
File Number / Document Number	D15806015
Relevant Legislation (reference specific sections)	<p>This Policy supports Council's compliance with the following legislation:</p> <ul style="list-style-type: none"> ▪ Government Information (Public Access) Act 2009 ▪ Local Government Act 1993 ▪ Local Government (General) Regulations 2021 ▪ Local Government Amendment (Governance and Planning) Act 2016
Link to Community Strategic Plan	<p>Theme 4: Responsible</p> <p>Goal G: Good governance and great partnerships</p> <p>R-G1: Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice.</p>
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> ▪ Information and Records Management Policy ▪ Code of Conduct ▪ Procedures for the Administration of the Code of Conduct ▪ Delegations Register ▪ Councillors Expenses and Facilities Policy ▪ Code of Meeting Practice ▪ Councillor and Staff Interaction Procedure ▪ Communications and Media Relations Policy ▪ Social Media Policy

13. Policy Authorisations

No.	Authorised Function	Authorised Business Unit / Role(s)
CCC016	Authorise staff to contact Councillors.	Chief Executive Officer or their delegate.

14. Policy History

Revision	Date Approved / Authority	Description Of Changes
1	21/07/2017	New Policy.
2	23/03/2021	Policy reviewed to include the workflow for requests including provision to all Councillors, clarification as to appropriate contact staff, social interactions.
3	23 July 2024 Minute No. 275/24	Policy reviewed and updated to the new policy template and to align with the Office of Local Government's Model Councillor and Staff Interaction Policy.

15. Appendices

Appendix A – Service Standards for Councillor Requests

Appendix B – Authorised Staff Contacts for Councillors

Appendix A – Service Standards for Councillor Requests

The following service standards apply to this Policy:

Action	Standard
Councillor request through the Councillor request process will be acknowledged	1 working day
Response to a Councillor request requiring research or investigation	Up to 10 working days
Requests made through channels other than the Councillor request system and agreed process.	To be set by the service level agreement of that channel or system
<p>Phone calls to Executive staff – where possible phone calls are returned on the same day. Alternatively, messages left will be replied to on the next working day by the Executive staff member or their approved delegate.</p> <p>Note: Phone calls are used for <u>informal communications only</u> therefore where a phone call requires a response it will need to be added into the Councillor Request Portal by the Councillor.</p>	Same day or next business day

Appendix B – Authorised Staff Contacts for Councillors

1. Clause 5.4 of this Policy provides that Councillors may directly contact **only** members of staff that are listed below. The Chief Executive Officer may amend this list at any time.
2. Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.
3. Councillors should as far as practicable, only contact staff during normal business hours.
4. If Councillors would like to contact a member of staff not listed below, they must receive permission from the Chief Executive Officer or their delegate.
5. If a Councillor is unsure which authorised staff member can help with their enquiry, they can contact the Chief Executive Officer or the Executive Assistant to the Chief Executive Officer or the Civic Support Team who will provide advice about which authorised staff member to contact.
6. In some instances, the Chief Executive Officer or a member of the Council's executive leadership team may direct a Council staff member to contact Councillors to provide specific information or clarification relating to a specific matter.

Position	Matters the position can deal with
All Directors (Executive Staff/Council's Executive Leadership Team (ELT))	Requests for information within area of responsibility
Unit Manager Governance Legal and Risk/Public Officer	Matters relating to the Councillor Expenses and Facilities Policy , Code of Conduct or Code of Meeting Practice
Section Manager Councillor and Democratic Services	Matters for the Mayor, Council Meeting matters, Councillor Requests, Councillor expense claims
Team Leader Civic Support	Council Meeting Papers, Councillor Requests, Councillor expense claims
Civic Support Officer	Council Meeting Papers, Councillor Requests, Councillor expense claims
Unit Manager Information Management and Technology	Information Technology and device needs
Executive Assistant to the Chief Executive Officer	Matters for the Chief Executive Officer
Executive Assistant to the Mayor	Administrative matters for the Mayor
All Executive Assistants to the Directors	Administrative matters for the Directors