



POLICY NO: CCC016

COUNCILLOR AND STAFF INTERACTION POLICY

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PART A - INTRODUCTION

- 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.
- 2 This Policy both complements and should be read in conjunction with the Central Coast Council's [Code of Conduct](#) (Code).
- 3 This Policy is an enforceable part of the [Code](#). In the event that this Policy contradicts with the [Code](#) the [Code](#) will prevail.
- 4 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. 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.
- 5 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

PART B – POLICY OBJECTIVES

- 6 The objectives of this Policy are to:
 - Establish positive, effective and professional working relationships between Councillors and Council staff defined by mutual respect and courtesy;
 - Enable Councillors and Council staff to work together appropriately and effectively to support each other in their respective roles;
 - Ensure that Councillors receive advice in an orderly, courteous and regulated manner to assist them in the performance of their civic duty;
 - Ensure Councillors have adequate access to information in order for them to exercise their statutory roles;
 - Provide direction on, and guide Councillor interaction with, Council staff for both obtaining information and in general situations;
 - Maintain transparent decision making and good governance arrangements;
 - Ensure the reputation of Council is enhanced by Councillors and Council staff interacting considerately, professionally and positively in their day-to-day duties; and
 - Provide a clear and consistent framework through which breaches of this Policy will be managed and reported in alignment with the Council's [Code](#).

PART C - PRINCIPLES

- 7 A number of factors contribute to a good relationship between the elected members and Council staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- 8 The elected body and the administration (being Council staff within the organisation) must have a clear and sophisticated comprehension 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 the Council.
- 9 Section 232 of the [Local Government Act 1993 \(NSW\) \(Act\)](#) states that the role of a Councillor is as follows:
 - to be an active and contributing member of the governing body;
 - to make considered and well informed decisions as a member of the governing body;
 - to participate in the development of the integrated planning and reporting framework;
 - to represent the collective interests of residents, ratepayers and the local community;
 - to facilitate communication between the local community and the governing body;
 - to uphold and represent accurately the policies and decisions of the governing body; and
 - to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- 10 The administration's role is to advise the elected Council, implement Council decisions and to oversee service delivery.
- 11 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.
- 12 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.

13 Councillors are the governing body of Council, responsible for directing and controlling the affairs of Council in accordance with the [Act](#). Councillors need to understand and accept that:

- Responses to requests for information from Councillors may take time and consultation to prepare and be approved prior to responding;
- Council staff are not accountable to them individually;
- They must not direct, or try to direct, Council staff except by giving direction to the Chief Executive Officer by Council resolution, or the Mayor exercising their power under the [Act](#);
- They must not attempt to influence a member of Council staff in the exercise of their functions;
- They must not contact a member of Council staff on Council-related business, unless in accordance with this Policy; and
- They must not use their position to attempt to receive favourable treatment for themselves or others.

14 The Chief Executive Officer is responsible for the efficient and effective operation of Council's organisation and for ensuring the decisions of Council are implemented. Council staff need to understand that:

- They are not accountable to individual Councillors and do not take direction from them. They are accountable to the whole Council, through the management structure;
- They should not provide advice to Councillors unless it has been approved by the Executive Leadership Team or the Chief Executive Officer;
- They must carry out lawful directions given by any person with the authority to give such directions in an efficient and effective manner;
- They must ensure that participation in political activities outside their service of Council does not conflict with their role and duties as a member of Council staff; and
- They must provide information to Councillors where lawful and required to support the performance of Councillors' civic duties, in accordance with this Policy.

PART C - POLICY JURISDICTION

- 15 This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.
- 16 This Policy applies to all interactions between Councillors and Council staff whether face-to-face, by telephone, online, email, or in writing.
- 17 This Policy applies whenever interactions between Council staff and Councillors regarding Council operations occur, including inside or outside work hours and at both Council and non-Council venues.
- 18 This Policy does not confer any delegated authority upon any person. All delegations to staff are issued by the Chief Executive Officer.

PART D – POLICY STATEMENT

ACCESS TO INFORMATION

- 19 While the Chief Executive Officer is responsible for ensuring that Councillors have access to the information they need to perform their civic duties, Councillors have the same general right as members of the public to inspect and take away copies of records and documents and are subject to the same constraints.
- 20 The provisions of the [Government Information \(Public Access\) Act 2009 \(GIPA Act\)](#) are available to members of the Community and to Councillors. The [GIPA Act](#) requires

Council to proactively release information on their website, while providing appropriate protection for individuals' privacy.

- 21 Through this legislation, Council provides access to information held unless on balance it is contrary to the public interest to provide that information.
- 22 Councillors have a right to inspect any record of the Council provided that it is relevant to the exercising of the Councillor's responsibility in his or her civic office and is not subject to privacy, confidentiality or legal restraint. This right does not extend to matters about which a Councillor is merely curious. Access to information that is not publicly available is upon request to the Chief Executive Officer or relevant Executive Leadership Team member.
- 23 Councillors who have a personal or pecuniary interest in a document of Council have the same rights of access as any other person as stipulated by the [Code](#) under the section 'Personal dealings with Council'.
- 24 Any denial by the Chief Executive Officer or their delegate to provide information requested by Councillors must be reasonable and reasons must be provided for the decision.
- 25 Councillors are required to treat all information provided by Council staff appropriately and to observe any confidentiality requirements.
- 26 Council staff will inform Councillors of any confidentiality requirements for information they provide so Councillors can handle information appropriately.
- 27 Where a Councillor is unsure of confidentiality requirements, they can ask the authorised staff member or contact the Chief Executive Officer's Office.

ACCESS TO COMPUTER SYSTEM BY COUNCILLORS

- 28 Councillors shall have the same access to Council's computer system as do members of the public.
- 29 Councillors also have access to productivity tools in the computer system but no access to Council records or databases, unless specifically identified and implemented for the purpose of supporting Councillors in their civil role at the discretion of the Chief Executive Officer.

USE OF INFORMATION BY COUNCILLORS

- 30 Reference should be made to the [Code](#) which offers specific guidance to Councillors in dealing with information provided to them in the course of their civic duties.

- 31 The [Code](#) provides that Councillors have a role both as a member of the governing body of the Council and as an elected person. Importantly the [Code](#) recognises the potential difficulty for Councillors to reconcile the two areas of responsibility when dealing with Council information and documents. While it is desirable and in the public interest to maintain open government, not all information available to Councillors is available to members of the public.
- 32 Councillors are made privy to information of a confidential nature, the disclosure of which is specifically prohibited in certain circumstances. The right of Councillors to have access to information is for the purpose of exercising the office of Councillor. It does not carry with it the right to disclose any information obtained by a Councillor to another person, unless it is already in the public domain.
- 33 A Councillor has no authority to release documents on behalf of Council.
- 34 In instances where a document is sent to a Councillor as a confidential matter, the confidentiality of the document will be maintained. The document will only be provided to the Councillor to whom it is addressed. The Councillor in receipt of the confidential document is responsible for maintaining the confidentiality of the document.
- 35 Councillors shall not cause the by-passing of access to information provisions, under the [GIPA Act](#), by providing to a member of the public information made available to Councillors as an elected representative.

ACCESS TO COUNCIL STAFF

- 36 The Chief Executive Officer authorises the following staff interaction to enable Councillors access the information they need to ably perform their civic duties:
 - Contact between Councillors and Executive Leadership Team members is appropriate for matters specific to that Executive's area of individual responsibility;
 - Contact with other specific Council staff is appropriate as part of a Councillor's role on an Advisory Committee, at Council events or meetings, and similar situations;
 - In some instances, the Chief Executive Officer or an Executive Leadership Team member will direct Council staff to contact Councillors to provide specific information or clarification relating to a specific matter; and
 - Contact with designated Council support staff for the purpose of making requests for information and general business and support services.

- 37 If Councillors would like to contact Council staff that are not listed above, they must first receive permission from the Chief Executive Officer.
- 38 If a Councillor is unsure which authorised Council staff member can help with an enquiry, they should contact the designated Council support staff who will provide advice about which relevant authorised Council staff member to contact.
- 39 A Councillor or member of Council staff must not take advantage of their official position to improperly influence other Councillors or members of Council staff in the performance of their civic or professional duties for the purposes of securing private benefit for themselves or for another person.
- 40 The Chief Executive Officer will identify Council support staff for the management of requests from Councillors and will report to Councillors regularly (at least quarterly) regarding the performance of that support against the established measures.

INTERACTION AT COUNCIL MEETINGS

- 41 Interactions between Councillors and staff at meetings of Council will be in accordance with Central Coast Council's Code of Meeting Practice.
- 42 Councillors may give direction to the Chief Executive Officer by way of a Council resolution, in accordance with the [Act](#).

ACCESS TO COUNCIL PREMISES

- 43 As elected members of the Council, Councillors are welcome and entitled to have the required access to the Central Coast Council Chambers and associated rooms, Committee Room, Mayor's Reception area, Councillors' Rooms, public areas of the Council's buildings and Councillor designated car park areas.
- 44 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 the public. As with members of the public, a Councillor has no right to enter staff-only areas without the expressed authorisation of the Chief Executive Officer or Executive Leadership Team member, and accompanied by a staff member.
- 45 All other areas are deemed Central Coast Council staff only areas and may not be accessed by a Councillor without approval and any required work, health and safety site induction.

SOCIAL MEDIA

46 Councillors and Council staff should be mindful of the following issues when using Social Media:

- Privacy;
- Confidentiality;
- Discrimination, Bullying and Harassment;
- Misrepresentation of Central Coast Council;
- Improper interactions between Councillors and Council staff; and
- Seeking or obtaining advantage or preferential treatment because of their position or role.

EXAMPLE OF APPROPRIATE INTERACTIONS

47 Examples of appropriate interactions include, but are not limited to, the following:

- Councillors and Council staff are courteous and display a positive and professional attitude to one another;
- Council staff ensure that relevant information is made equally available to all Councillors, in accordance with this Policy and any other relevant Council policies;
- Council staff record the advice they give to Councillors in the same way as if the advice was provided to a member of the public;
- Council staff, including Executive Team members, document Councillor requests through the dedicated Councillor support area and process;
- Informal briefings and Councillor Workshops are used to establish positive working relationships and help Councillors gain an understanding of complex issues related to their civic duties, especially where Councillors will be required to make a Policy decision on an issue at an upcoming Council meeting;
- Councillors feel supported to approach authorised staff, and vice versa, to seek advice and clarification about issues; and
- Councillors forward requests for information through the channels identified by the Chief Executive Officer and staff respond within agreed timeframes to these requests.

EXAMPLE OF INAPPROPRIATE INTERACTIONS

48 Examples of inappropriate interactions include, but are not limited to, the following:

- Councillors and Council staff making personal attacks on one another;
- Councillors directing or pressuring Council staff in the performance of their work or in the recommendations they should make;

- Councillors and non-authorised Council staff approaching one another to discuss specific Council-related matters;
- Council staff refusing to give information that is made available to one Councillor to other Councillors who request it; and
- Council staff providing informal advice to Councillors without recording or documenting the interaction.

BREACHES OF THIS POLICY

- 49 A breach of this policy will be considered a breach of the [Code](#).
- 50 Complaints regarding breaches of this Policy will be reported and handled in accordance with the complaints procedure detailed in the [Code](#).

PART E - DEFINITIONS

- 51 The following definitions apply throughout this Policy:

Term	Definition
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	Central Coast Council
Councillor	Means a person elected or appointed to civic office as a member (who is not suspended) of the governing body of Central Coast Council, and includes the Mayor.
Councillor and Staff Interaction Guidelines	Guidelines 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 or General Manager of Central Coast Council and includes their delegate or authorised representative.
GIPA Act	Means the Government Information (Public Access) Act 2009
Executive staff	Executive staff includes the Chief Executive Officer and all members of Central Coast Council's Executive Leadership Team.

Non-executive staff	Non-executive staff includes all remaining Council staff including permanent, temporary and casual staff.
NSW	The State of New South Wales.
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 • meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council.
Policy	Councillor and Staff Interaction Policy
Regulation	Means the Local Government (General) Regulations 2005 (NSW)
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.
the administration	Council staff within the organisation.

PART F - RELATED RESOURCES

52 Legislation:

- [Local Government Act 1993](#)
- [Local Government \(General\) Regulations 2005](#)
- [Local Government Amendment \(Governance and Planning\) Act 2016](#)
- [Government Information \(Public Access\) Act 2009](#)

53 Associated Documents:

- [Code of Conduct](#)
- [Procedures for the Administration of the Code of Conduct](#)
- [Councillors Expenses and Facilities Policy](#)
- [Code of Meeting Practice](#)
- Councillor and Staff Interaction Guidelines