



**TWEED**  
SHIRE COUNCIL

## Policy

# Mayor and Councillors Interactions with Staff and Access to Council Premises

Version 1.0

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# Mayor and Councillors Interactions with Staff and Access to Council Premises

## 1.0 Objective

To clearly define the roles and responsibilities of the Mayor, Councillors and staff in relation to professional and acceptable interactions.

## 2.0 Background

This Policy has been developed taking into account relevant sections of the *Local Government Act 1993*, Model Code of Conduct and the Media Policy.

## 3.0 Local Government Act 1993

To assist in understanding the relationship between Councillors and staff it is important to reflect on the provisions of the *Local Government Act* that define the roles and responsibilities of each.

Chapters 9 and 11 of the *Local Government Act* set out the statutory roles and duties of councillors and the General Manager. The introduction of Chapter 9 states '*Each council is a statutory corporation. The councillors are the governing body of the corporation and they have the responsibility of directing and controlling the affairs of the council in accordance with this Act.*' Chapter 9 includes the following provisions:

### 3.1 What is the role of the mayor?

*"The role of the mayor is:*

- *to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council*
- *to exercise such other functions of the council as the council determines*
- *to preside at meetings of the council*
- *to carry out the civic and ceremonial functions of the mayoral office."*

The Act, Section 226

Policy-making does not infer instructing the General Manager or staff in their day to day responsibilities. The General Manager does not report to the Mayor, but to the Council.

The civic and ceremonial functions of the Mayoral office include (but are not limited to):

- Conducting Australian Citizenship ceremonies
- Attending council asset construction, commencement and handover functions
- Attending official functions where the Mayoral office has been invited to attend
- Attendance at Council committee meetings as required
- Representing Council at community organisation/chamber of commerce meetings
- Representing Council on duly constituted organisations in accordance with their constitutions
- External Committees including Northern Rivers Regional Organisations of Councils (NOROC)

### **3.2 What is the role of a councillor?**

*"(1) The role of a councillor is, as a member of the governing body of the council:*

- to provide a civic leadership role in guiding the development of the community strategic plan for the area and to be responsible for monitoring the implementation of the council's delivery program*
- to direct and control the affairs of the council in accordance with this Act*
- to participate in the optimum allocation of the council's resources for the benefit of the area*
- to play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions*
- to review the performance of the council and its delivery of services, and the delivery program and revenue policies of the council.*

*(2) The role of a councillor is, as an elected person:*

- to represent the interests of the residents and ratepayers*
- to provide leadership and guidance to the community*
- to facilitate communication between the community and the council."*

The Act, Section 232

The Mayor and Councillors are charged with the following as a consequence of a major event.

Councillors will have important roles to perform during the recovery process. The Council staff will be endeavouring to manage the recovery itself as well as trying to maintain normal services, all without some or all of the usual facilities available to them.

Councillors can ease this burden by:

- being available for helping with advice to the public
- supporting staff wherever possible
- assisting with staff morale-building programmes
- resisting the temptation to become involved in the management of the recovery - that is best left to the staff who have been trained to cope with the difficulties which will arise.

### **3.3 What is the role of the General Manager?**

*"(1) The General Manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.*

*(2) The General Manager has the following particular functions:*

- to assist the council in connection with the development and implementation of the community strategic plan and the council's resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of the environment report*
- the day-to-day management of the council*
- to exercise such of the functions of the council as are delegated by the council to the General Manager*

- *to appoint staff in accordance with an organisation structure and resources approved by the council*
- *to direct and dismiss staff*
- *to implement the council's equal employment opportunity management plan."*

The Act, Section 335

### **3.4 Independence of staff for certain purposes**

*"(1) A member of staff of a council is not subject to direction by the council or by a councillor as to the content of any advice or recommendation made by the member.*

*(2) This section does not prevent the council or the mayor from directing the General Manager of the council to provide advice or a recommendation."*

The Act, Section 352

## **4.0 Code of Conduct - Relationship between Council Officials**

### **4.1 Obligations of councillors and administrators**

Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.

Code of Conduct - Version 1.9, Section 6.1

Councillors or administrators must not:

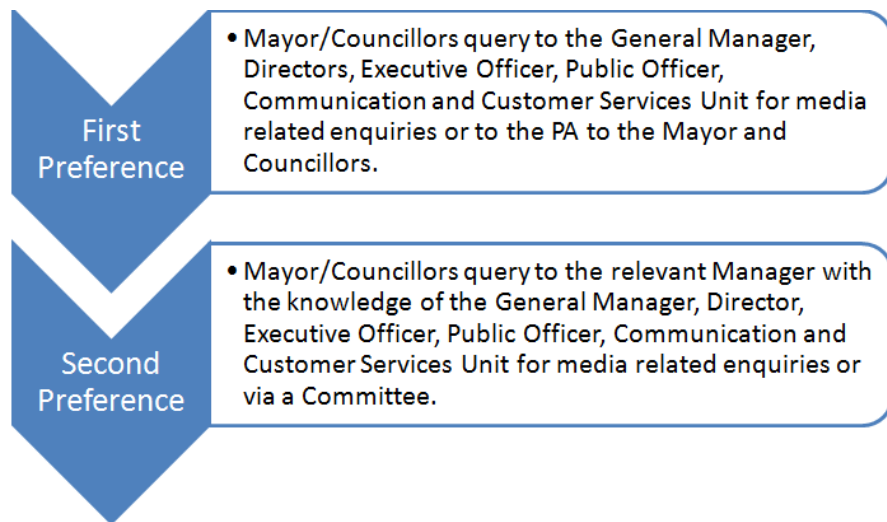
a) direct council staff other than by giving appropriate direction to the General Manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (Section 352)

Code of Conduct - Version 1.9, Section 6.2 (a)

b) 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 member or delegate (Schedule 6A of the Act)

Code of Conduct - Version 1.9, Section 6.2 (b)

- c) contact a member of the staff of the council on council related business unless in accordance with the following:



Code of Conduct - Version 1.9, in part Section 6.2 (c)

- d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors or the Chair of council's audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

Code of Conduct - Version 1.9, Section 6.2 (d)

- e) Take photographs, video record, or tape (recordings) interactions with Council officers or employees; when they are engaged in any duties at a Workplace (means premises, or any other place, where employees work, or any part of such premises or place (Section 3 of the Workplace Surveillance Act 2005)) unless permission has been granted by the officers or employees and the use expressly defined.

(Adopted by Council 18 February 2016)

- f) Upload images, video or recordings of council officers or employees to social media sites without seeking written consent from the officer/s or employee/s.

(Adopted by Council 18 February 2016)

#### **4.2 Obligations of staff**

The General Manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.

Code of Conduct - Version 1.9, Section 6.3

Members of staff of council 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.

Code of Conduct - Version 1.9, Section 6.4

#### **4.3 Obligations during meetings**

You must act in accordance with council's Code of Meeting Practice and the *Local Government (General) Regulation 2005* during council and committee meetings.

Code of Conduct - Version 1.9, Section 6.5

You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Code of Conduct - Version 1.9, Section 6.6

#### **4.4 Inappropriate interactions**

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

- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
- b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
- c) Council staff refusing to give information that is available to other councillors to a particular councillor.
- d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
- e) Councillors and administrators being overbearing or threatening to council staff.
- f) Councillors and administrators making personal attacks on council staff in a public forum, including social media.
- g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
- h) 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.
- i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
- j) 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, exercising their power under section 226 of the Act.

Code of Conduct - Version 1.9, Section 6.7

## **5.0 Correspondence**

- Council embraces the principle of keeping Councillors and staff informed on current and potential issues through the exchange of information received in written, electronic and oral form.
- Information on items currently before Council and of an urgent nature is promptly brought to the attention of Councillors and staff.
- Items containing worthwhile information, advice from local members and local government issues not needing to be formally dealt with by Council may be communicated to all Councillors via email or uploaded to the Councillor Portal.

Other items which are not deemed to be administrative or routine or can't be dealt with by staff under delegated authority shall be submitted to Council following investigation and preparation of a report.

## **6.0 Dealing with the Media**

### **6.1 Mayor and councillors**

The Mayor and councillors are elected representatives of the community and are able to speak freely to the media to convey their personal opinion.

When the Mayor and Councillors are speaking in an official capacity and on behalf of Council they are encouraged to seek advice where necessary from the General Manager.

Before making any public comments on matters where Council is involved in current legal proceedings with third parties, the Mayor and councillors must seek prior advice from the General Manager as any public comment could have significant implications and repercussions including financial and legal consequences for Council.

The Mayor and Councillors will not disclose to the media information from within Council that is not otherwise publically available. Examples of this would include conversations held between Mayor and councillors, Mayor/councillors and staff be it verbal, email, letters, memos, reports or in any workshops, conducted by Council and/or in conjunction with any government departments and/or any agencies and/or any community groups.

Media Policy - Version 1.2

Council has dedicated staff within the Communication and Customer Services Unit. This policy provides for direct interaction between the Mayor, Councillors and those staff for the purposes of responding to media enquiries or in writing press releases.

## **7.0 Councillor access to council buildings**

The Code of Conduct is specific in relation to access to Council Buildings and Facilities as follows:

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 from the General Manager.

Code of Conduct - Version 1.9, Section 7.20

Councillors and administrators must not enter staff-only areas of council buildings without the approval of the General Manager (or delegate) or as provided in this policy.

Code of Conduct - Version 1.9, Section 7.21

Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

Code of Conduct - Version 1.9, Section 7.22

## 7.1 Request for Access

For access to any other Council facility (other than that already included in the *Councillor access to council buildings*), the following information is to be provided. Upon receipt of this information, the request will be reviewed to ensure it complies with the requirements of the Code of Conduct and a suitable access appointment scheduled or advice provided relating to the reason why access is not granted.

Elected Councillors are able to make a request to access council facilities by completing the application form at the following link:

[http://knowledge:1039/Documents/Council/Councillor%20Portal/Forms/TSC02944\\_Councillor\\_Request\\_for\\_Access\\_to\\_Council\\_Facilities.pdf](http://knowledge:1039/Documents/Council/Councillor%20Portal/Forms/TSC02944_Councillor_Request_for_Access_to_Council_Facilities.pdf)

### Access to Murwillumbah Civic Centre

The hours of access and to which areas the access relates to in relation to the Murwillumbah Civic Centre for the Mayor and Councillors are as follows.

<b>Mayor's Profile</b>				
<b>Murwillumbah Civic Centre</b>				
<b>Description</b>	<b>Floor</b>	<b>24/7</b>	<b>Additional Mayor Access *</b>	<b>Standard Councillors Timezone**</b>
Council Chambers and Ante Room	2		✓	
Executive Reception	2		✓	
Vehicle Gates: <ul style="list-style-type: none"> <li>• Gate 1 - Swing Gate <i>Western Entry to Carpark near Pool</i></li> <li>• Gate 2 - Garage doors <i>North eastern corner, sliding gate - exit only</i></li> <li>• Gate 3 - Garage Door <i>Eastern Entry. Entry Only. Roller Door</i></li> </ul>	G	✓		
Pedestrian Gates: <ul style="list-style-type: none"> <li>• Gate 1 <i>Western Entry near Pool</i></li> <li>• Gate 3 <i>Eastern Entry, adjacent to vehicle gate 3</i></li> </ul>		✓		

Mayor's Profile				
Murwillumbah Civic Centre				
Description	Floor	24/7	Additional Mayor Access *	Standard Councillors Timezone**
IT Glass Door - Internal Access	2		✓	
Fire Stairs <i>Eastern side</i>	1, 2, 3	✓		
Third Floor Access: <ul style="list-style-type: none"> <li>• Access to Finance <i>Opposite the Mayor's Office</i></li> <li>• Access to Finance <i>Adjacent to Kitchen</i></li> <li>• Access to Human Resources <i>from lift area</i></li> </ul>	3			
Lift	G	✓		
Car Park and Entry to NRM Hallway	G			✓
Rear Door <i>Entry Opposite Lift</i>	G			✓
Reception Doors <i>Access to Work Areas from Public Area</i>	1		✓	
Rous Room	2		✓	
* Mayor Timezone	7.00am to 6.00pm - Monday to Friday			
** Councillor's Timezone (including Mayor)	7.30am to 10.00pm - Monday to Friday 8.00am to 5.00pm - Saturday			

Councillors Profile				
Murwillumbah Civic Centre				
Description	Floor	24/7	8am to 4.30pm Mon-Fri	Standard Councillors Timezone**
Council Chambers	2		✓	
Vehicle Gates: <ul style="list-style-type: none"> <li>• Gate 1 - Swing Gate <i>Western Entry to Carpark near Pool</i></li> <li>• Gate 2 - Garage doors <i>North eastern corner, sliding gate - exit only</i></li> <li>• Gate 3 - Garage Door <i>Eastern Entry. Entry Only. Roller Door</i></li> </ul>	G			✓
Pedestrian Gates: <ul style="list-style-type: none"> <li>• Gate 1 <i>Western Entry near Pool</i></li> <li>• Gate 3 <i>Eastern Entry, adjacent to vehicle gate 3</i></li> </ul>		✓		
Fire Stairs <i>Eastern side</i>	1, 2, 3	✓		
Lift	G			✓
Car Park and Entry to NRM Hallway	G			✓
Rear Door <i>Entry Opposite Lift</i>	G			✓
** Councillor's Timezone	7.30am to 10.00pm - Monday to Friday 8.00am to 5.00pm - Saturday			

## 8.0 Related Legislation and Policies

Local Government Act 1993 (NSW)

Tweed Shire Council Code of Conduct, Version 1.9

## **9.0 Review Period**

This policy will be reviewed in November following the election of each new Council.

## 10.0 Version Control

<b>Version History</b>		
<b>Version #</b>	<b>Summary of changes made</b>	<b>Date changes made</b>
1.0	Creation of Policy	November 2014
1.0	Addition to section 4.1 of (e) and (f) and rewording of section 4.4(f).	18 February 2016 at Minute No. 89