

Chief Executive Officer, Councillor and Staff Interaction

Council Policy Number 170

Date adopted

Scheduled for review



Purpose

This policy provides guidance and support for Council staff and Councillors in the performance of their duties as established by the *Local Government Act 2020* (Act).

This policy is pursuant to section 46(3)(c) of the Act that states that the Chief Executive Officer (CEO) is responsible for:

“managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented”

This document establishes the protocols for staff in regard to their interactions with Councillors, while also supporting Councillors in complying with the Councillor Code of Conduct and the Act.

Policy Statement

1. Context

Council consists of the nine democratically elected Councillors (the electoral arm) and the organisation/staff (the operational arm). Councillors appoint the Chief Executive Officer (CEO), determine Council policies and set the strategic direction of the Council and the municipality and delegate Council's powers to the CEO and staff.

The CEO is responsible for the provision of professional advice to Councillors, implementation of Council decisions, and ensuring the effective and efficient management of the day-to-day operations of the Council consistent with the Council Plan, Council strategy and policy.

Good governance and effective service delivery are dependent on how well the relationship between the elected members and the organisation works, as well as an understanding and adherence to the roles and responsibilities of both Councillors and the Council staff.

This policy is to be read in conjunction with the Employee Code of Conduct and the Councillor Code of Conduct. It ensures Council remains committed to high standards of governance and transparency through efficient and effective communication.

2. Background

The functions of the CEO are defined in Section 46 of the *Local Government Act 2020* which provides that the CEO is responsible for the day-to-day operations of Council. This means that Councillors are not responsible for implementing Council decisions, and do not have any authority to direct Council staff. This section of the Act supports the facilitation of effective administration and avoids staff being subject to conflicting directions. Clear lines of managerial authority are critical. This does not prohibit Councillors from expressing their views about administration matters or implementation, however this must be undertaken through the CEO.

All Councillors are to ensure that all communication with Council staff is in accordance with the protocols of this policy. This is reinforced in section 46(3)(c) of the Act which provides that the responsibility of the CEO is to manage interactions between Councillors and staff.

3. Objective

Policy objectives are to:

- a. acknowledge and recognise the respective roles and responsibilities of Councillors and council staff, in particular the CEO, in accordance with the Councillor Code of Conduct.
- b. support and assist Councillors and Council staff in respecting the roles and responsibilities of others within Council.
- c. maintain efficient, effective and transparent decision making and good governance arrangements.
- d. support compliance with the provisions of the *Local Government Act 2020*, particularly with regards to compliance with Section 123(3)(c) of the Act relating to misuse of position including directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff and section 124, which states that a Councillor must not intentionally direct, or seek to direct, a member of Council staff.
- e. recognise the responsibilities of the Council in ensuring that it meets the responsibilities of the *Occupational Health and Safety Act 2004* and the *Equal Opportunity Act 2010* to protect people from risks to their health and safety including harassment, bullying, violence and discrimination.
- f. ensure contact with Council staff will be in accordance with the protocols supporting this policy.

4. Protocols

All interactions between Council staff and Councillors must be courteous, respectful and in accordance with this Protocol.

4.1 Chief Executive Officer

- a. the CEO is the Councillors primary point of communication.
- b. the CEO is responsible for the determination of the appropriate allocation of Council resources required to best support the Mayor and Councillors to undertake their roles. This includes the nomination of Council staff to provide support to the Mayor and Councillors.

4.2 General Managers

- a. Councillors may have direct contact with the relevant General Manager to seek advice, information and support to assist them in carrying out their Official Councillor duties.

4.3 Managers

- a. in contacting a Manager, Councillors are encouraged to use electronic means, such as email, and where appropriate, the relevant General Manager should be copied into the email to ensure information is not missing any relevant information from other areas of Council.

4.4 Council Staff

- a. except for general and polite conversation, Councillors should not be approaching Council staff directly to raise issues or seek information.
- b. Councillors are prohibited from directing or seeking to influence the decision of a member of Council staff. Council staff should inform their Manager, General Manager, or the CEO of any contact made directly to them by Councillors if they feel the communication was in breach of this policy.
- c. if the Manager believes the communication is outside of this protocol the relevant General Manager and the CEO should be advised accordingly.

4.5 Manager Governance

- a. Communication with the Manager Governance is critical to assist the Mayor and Councillors perform their role, along with ensuring the integrity of Council.
- b. Councillors can engage with the Manager Governance or where appropriate, the Governance Advisor to seek advice on governance related matters, including, but not limited to the following:
 - Conflict of Interest
 - Code of Conduct
 - Governance Rules
 - Interpretation and adherence to legislation, such as the *Local Government Act 2020*.
 - Interpretation and adherence to Council Policies

4.6 Governance Officers

- a. Council's Governance Officers perform a range of functions that support Councillors to undertake their role. These administrative functions undertaken by the Governance Officers include, but are not limited to, the coordination of Councillor appointments, invitations, and professional development, along with the provision of meeting agendas and minutes
- b. Councillors can engage with the Governance Officers, as appropriate, to enable the provision of this administrative support to Councillors.

4.7 Manager Communications

- a. the Mayor is the public face of Council and therefore communication with the community through Council's media platforms is an important component of their role. It is essential that the Mayor has access to work with the Manager Communications in respect to media statements, requests and responses.
- b. all media and communication requests from other Councillors can be made through the CEO, relevant General Manager or directly to the Manager Communications.

4.8 Information Systems Helpdesk

- a. where the issue is relatively simple such as an enquiry regarding timing of service delivery or equipment failure, Councillors should direct enquiries via the Governance Officers in the first instance.
- b. Councillors may be referred to the Information Systems Helpdesk if necessary, to resolve the matter.
- c. any associated or more complex issues, including service complaints, are to be raised by Councillors with the Manager Information Communication Technology, General Manager Corporate or the CEO
- d. the Manager Governance is responsible for the approval of replacement items for lost or faulty IT equipment.

5. Privacy

Councillors may receive community requests for support regarding a range of issues. Councillors and Council staff must meet their respective obligations to maintain probity, including adherence to Privacy Principles, in responding to such requests at all times.

6. Communication Protocol Matrix and Definitions

The following matrix outlines the Communication Protocols.

CEO, COUNCILLOR AND STAFF INTERACTION POLICY COMMUNICATION PROTOCOLS	Business Area						
	Council Support Officer (first point of contact)	Chief Executive Officer	Relevant General Manager	Relevant Manager	Manager Communications	Manager Governance	Information Systems helpdesk and staff
Subject Matter							
a. Policy Direction and Gaps		✓	✓				
b. Service Development and Review		✓	✓				
c. Routine Service Delivery and Projects	✓	✓	✓	✓			
d. Media and Communications		✓	✓		✓		
e. Governance and other matters		✓				✓	
f. Information Systems and Technology support	✓						✓
g. Administration of a committee or a forum, business or service-related content of committee or forum	✓	✓	✓	✓			
h. Councillor Code of Conduct Matters		✓				✓	
i. Enforcement related matters		✓	✓				
j. Planning and Environment Act		✓	✓	✓			

Subject Matter Guidance Notes

a. Policy Direction and Gaps

Request for information or clarification with regards to issues that relate to policy direction, gaps or contradictions in policy, consideration of alternatives, impact analysis, forward scheduling, budget proposals or priority timetables.

b. Service Development and Review

Request for clarification on service development and review such as perceived service failure, further information on matters sent to Councillors by the administration, interpretation of a policy, clarification of a service level, management response to emerging trends, or information on priority of services or works within a project plan.

c. Routine Service Delivery and Projects

Request for information on day to day service and project matters such as perceived minor service failure, information on service levels, information on scheduling of work, or service-related advice to a member of the public.

Where Councillors receive requests from members of the public in the first instance, they should request the member of the public to log a service request via the customer service team and to obtain a service request number to assist any investigation of that enquiry. This approach will enable Councillors to consider performance against documented service standards.

- Councillors may lodge resident or Councillor service requests via eServices through Council's website or email account: shire@campaspe.vic.gov.au.

d. Media and Communications

For assistance with media channel communication.

In accordance with section 18(1)(b) of the Local Government Act 2020, the role of the Mayor is to be the principal spokesperson for the Council.

e. Governance

Enquiries relating to Council policy and procedures, Local Government Act, Councillor Support or any general enquiries not directly covered in this policy

f. Information Systems and Technology support

For assistance with Council supplied technology.

g. Administration of a committee or a forum, business or service-related content of committee or forum

Support and assistance with Council committees.

Section 54(6)(a) of the Local Government Act 2020, the Chief Executive Officer must ensure the preparation and maintenance of agendas, minutes and reports of the Audit and Risk Committee.

h. Councillor Code of Conduct Matters

Enquiries regarding guidance, interpretation and operation of the Councillor Code of Conduct.

i. Enforcement related matters

In compliance with Sections 123 and 124 of the Act, involvement by elected representatives in any stages of matters concerning investigation and enforcement must not occur.

- Section 123(3)(c) relating to misuse of position including directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; and
- Section 124 states that a Councillor must not intentionally direct, or seek to direct, a member of Council staff.

Council makes delegations and authorisations to various Council staff who must, without fear or favour, investigate and enforce various legislation including *Domestic Animals Act 1994*, *Environment Protection Act 1970*, *Food Act 2010*, *Health Act 1958*, *Planning and Environment Act 1987*, *Road Safety Act 1986*.

Delegated and authorised officers must be able to perform investigation, determination of response, management of infringements and prosecutions in a manner that is free of improper direction or improper influence.

Consideration of appeals against the infringement notices will be reviewed in accordance with the relevant guidelines published by the Attorney-General and the internal appeals procedure. Councillors must therefore not involve themselves in matters of investigation and enforcement in a manner that may give rise to a conduct breach.

Where members of the community seek support in relation to such matters, they should be referred to the documentation already provided, including relevant staff identified and available to be contacted.

The provision of related information will be applied in accordance with Privacy Principles.

j. Planning and Environment Act Issues

The Council has significant responsibilities under the *Planning and Environment Act 1987*. It is important that Councillors are not excluded from participation and that the decision making of the Council is not tarnished by perceptions of bias, predetermination, inappropriate direction or inappropriate influence.

7. Compliance

If a member of Council staff considers that the Councillor has breached the requirements of this protocol, they:

- a. are to advise the Councillor that they are uncomfortable with the interaction and recommend the Councillor speak with either the CEO or relevant General manager if they require any further information, and
- b. report what has occurred to the CEO or Governance Manager.

If a Councillor considers that a member of Council staff has breached the requirements of this protocol, they are advised to:

- a. have no further contact with the member of Council staff, and
- b. report what has occurred to the CEO.

The CEO will assess the matter and determine what further action should be taken.

Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

Related Legislation

Local Government Act 2020

Related Policies, Procedures and Strategies

Councillor Code of Conduct

Employee Code of Conduct

Councillor Memorandum of Understanding

Council Policy 055 Media Relations

Council Policy 131 Social Media

Council Policy 163 Respect and Equal Opportunity

Attachments

Nil

Review Period

Four years

Responsible Officer

Chief Executive Officer

Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

Approval History

Adopted 17 September 2019

Minute Book Reference No 3519 (Item 7.2)

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Adopted 17 September 2019

Minute Book Reference No 3519 (Item 7.2)


Revised 19 February 2021

Administrative updated to apply consistent references to Campaspe Shire Council ('Council')

Revised 20 July 2022

Campaspe Shire Council Meeting ('Item 9.6')

Chief Executive Officer:



Date:

1/8/22

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