

4 January 2021

Your ref: A743950

Our ref: AO/2021/00102

The Hon Shelley Hancock MP
Minister for Local Government
GPO Box 5341
SYDNEY NSW 2001
Via email to: office@hancock.minister.nsw.gov.au

Dear Minister Hancock,


Armidale Regional Council – Performance Improvement Order Compliance Report One

Under the Performance Improvement Order served on Armidale Regional Council on 9 December 2020 the *“Council must within one month of the commencement of this order ensure that the General Manager develops a councillor request system to manage email requests from councillors that incorporates rules about the use of the councillor request system with a focus on ensuring that communications are respectful, the number of requests are reasonable and include provisions permitting the General Manager to impose limitations where disrespectful or excessive use of the system occurs”*.


A Councillor Request System has now been put in place. I have attached a copy of the Memo to Managers which advises of the system and how Managers should deal with requests from Councillors and includes a copy of the recently adopted “Councillor and staff Interaction Policy”, adopted 25 November 2020. Also attached is the “Councillor Request Procedure”.

Considering that the system was introduced in late December and there have been very few requests to date, it is anticipated that the system will be improved as we gain practical experience in its operation.

As required under the Order this submission constitutes Compliance Report One. In my role as Financial Controller/Temporary Advisor I am satisfied the requirements of Action Item 11 have been complied with. I have assumed that the Period for Compliance, as per the Order, for Compliance Report One refers to Action Item 11 and not Action Item 10 as printed.

Yours sincerely, 


John Rayner
Acting General Manager


Enc: Memo to Managers dated 23 December 2020
Councillor and Staff Interaction Policy
Councillor Request Procedure

[Redacted]
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Subject: Managing Councillor Requests
Date: Wednesday, 23 December 2020 3:35:43 PM
Attachments: [image001.png](#)
[councillor and staff interaction policy adopted 25 november 2020.pdf](#)
[Councillor request procedure D2.docx](#)
Importance: High

Managers,

You will be aware that one of the first tasks under the Performance Improvement Order is the development of a Councillor Request System. This system will provide Councillors with timely and accurate information to support their civic duties. To meet both of those goals in the simplest way possible we have developed a system that allows Councillors to email a customised address - ClrDirect@armidale.nsw.gov.au - with their request. These requests will then be allocated to the most appropriate officer via a Trim Action.

If you receive a direct councillor request you should forward it to this address to ensure it is managed within the system. A copy of the procedures for managing Councillor Requests is attached to this email. You should read this procedure to ensure you are equipped to respond effectively and maintain all appropriate documentation.

Councillors must not direct or pressure staff in the performance of their work in connection with the preparation of reports, recommendations or the making of decisions under delegated authority. Staff must report all such attempts immediately to their Director or the General Manager. In circumstances where staff are unsure whether or not they should provide information to, or respond to a request from, a councillor they should refer the matter to their Director or the General Manager, or request that the councillor make the request through the General Manager.

The Councillor and Staff Interaction Policy provides a structure for how Councillors interact with authorised staff. A copy is attached to this email and should be read thoroughly by yourself and provided to your team.

The type and number of requests will be monitored and reported on, as will the quality and timeliness of our responses.

This is a new system and I appreciate your willingness to work with us on building improved processes as we move forward.

Regards

[Redacted]
Acting Director Organisational & Corporate Services

[Redacted]
[Redacted] www.armidaleregional.nsw.gov.au
135 Rusden Street | PO Box 75A Armidale NSW 2350



Councillor and Staff Interaction Policy

ADOPTED BY COUNCIL: 25 NOVEMBER 2020

1. PURPOSE

Armidale Regional Council supports Councillors' requirement to access Council information and staff in order to exercise their civic duties under the *NSW Local Government Act, 1993 (The Act)*. Interactions between Councillors and staff are necessary to facilitate strong governance, best practice policies and decisions and to provide customer-focused service delivery.

The Armidale Regional Council Councillor and Staff Interaction Policy provides a structure for how Councillors interact with authorised staff and supports the professional working relationship with the Executive Team.

The Armidale Regional Council Councillor and Staff Interaction Policy aims to facilitate a progressive and productive working relationship between Councillors and Council staff.

2. APPLICATION

This policy applies to Councillors and Council employees, including contract and casual employees engaged by Council. This Policy is an enforceable component of the Armidale Regional Council Code of Conduct.

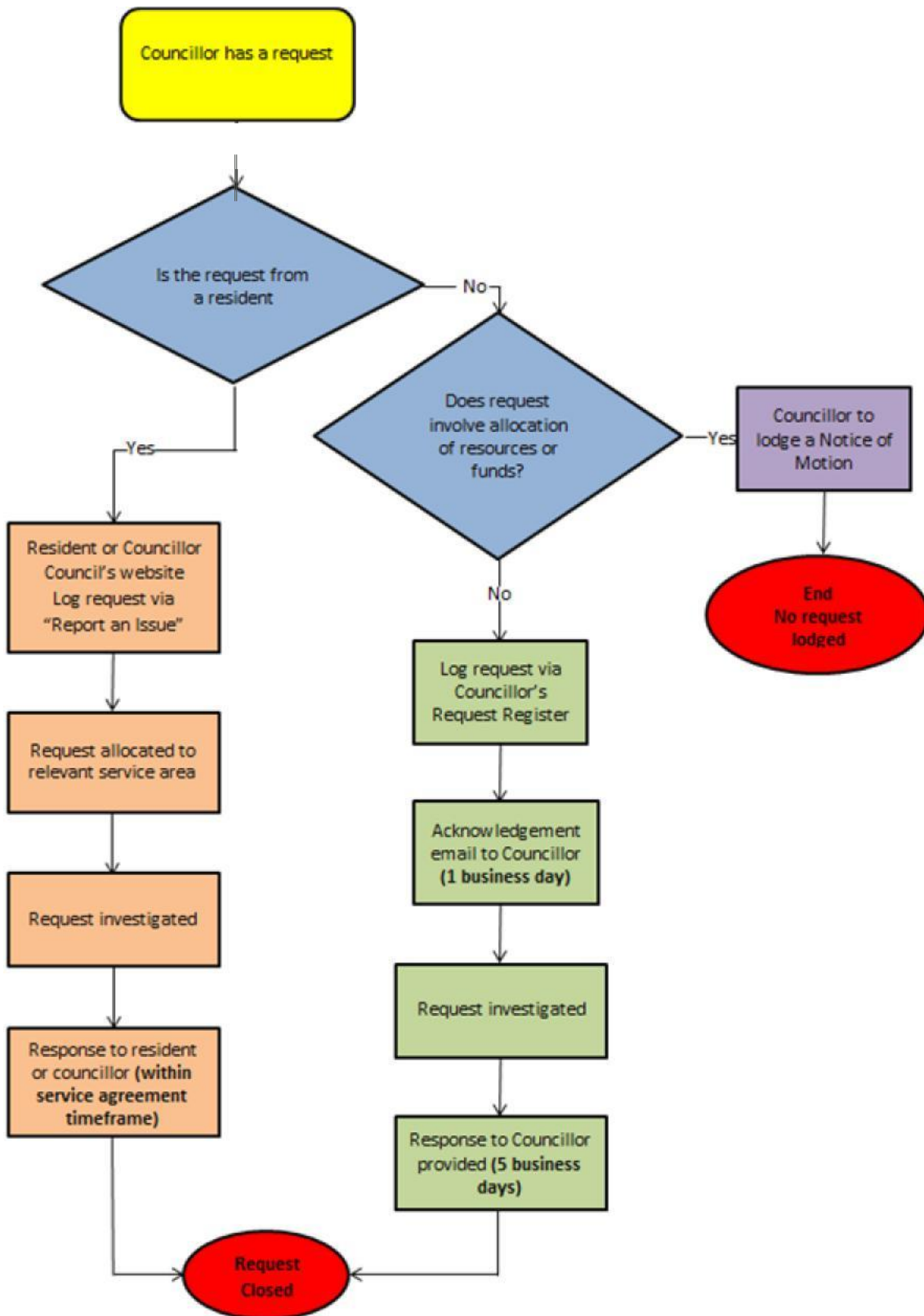
3. POLICY INTENT

Effective governance and customer-focused service delivery require a productive and professional working relationship between the elected members and the organisation. Effective governance also requires clear and effective communication protocols for Councillors and senior staff which provide for courteous and respectful communication.

The NSW Local Government Act defines the roles and responsibilities of the Mayor and Councillors, and specifies that the General Manager is to direct 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 supplements the Code of Conduct and nominates those Council staff that Councillors may access to exercise their civic leadership and represent the views of the community. This Policy should be read and applied in conjunction with Council's Code of Meeting Practice, which supports the effective running of Council Meetings.

While this Policy, and the Code of Conduct, governs the interactions between Councillors and staff, it 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.



0. COMMUNITY STRATEGIC PLAN OBJECTIVES

This Policy contributes to the delivery the Community Strategic Plan objective: Leadership for the Region Community Outcome 3– being that Council demonstrates sound organisational health and has a culture which promotes action, accountability and transparency.

1. POLICY

5.1 ACCESS TO STAFF BY MEMBERS OF PARLIAMENT

Please note that only members of the Executive Team are authorised to advise and interact with State and Federal Members of Parliament.

5.2 ACCESS TO STAFF OTHER THAN THE GENERAL MANAGER BY COUNCILLORS

All access to staff by Councillors, other than the General Manager, is to be authorised by the General Manager.

Only those staff authorised by the General Manager can provide advice to Councillors within the limits of their delegated responsibilities. Only those staff authorised by the General Manager may be contacted for a Public Interest Disclosure, in accordance with Section 4A of the *Public Interest Disclosures Act 1994* or a Code of Conduct matter, in accordance with Section 440 of the *NSW Local Government Act*.

The General Manager may amend these lists of nominated officers from time to time to reflect changes to positions. Further, the General Manager may nominate officers to interact with Councillors on a specific issue and temporary basis, as required.

Should a Council officer be acting in any of the nominated positions included in this schedule, the person so acting will be a nominated officer unless otherwise determined by the General Manager.

5.3 COUNCILLOR AND COUNCIL STAFF INTERACTION

Councillors should be aware that under Section 7.2 of the Armidale Regional Council Code of Conduct, Councillors must not attempt to direct Council staff in the performance of their duties or request that staff undertake work on their behalf.

A Councillor or member of Council staff should 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 purpose of securing private benefit for themselves or for another person.

In circumstances where staff are unsure whether or not they should provide information to, or respond to a request from a Councillor, they should refer the matter to their Director or the General Manager, or request that the Councillor make the request through the General Manager.

5.4 COUNCILLOR AND COUNCIL STAFF INTERACTION IN MEETINGS

To ensure the effective running of Council Meetings, Standing Committees, Advisory Committees and other meetings and events of Council, Councillors and Council staff should abide by the Armidale Regional Council Code of Conduct and Code of Meeting Practice.

Within the context of Council Meetings and in accordance with Section 249 (1)(b) of the Local Government (General) Regulation 2005, a Councillor may, through the General Manager, put a question to a council staff member. Further, “a Councillor or Council employee to whom a question is put is entitled to be given

reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.” (Section 249 (2) of the Local Government (General) Regulation 2005). At Standing Committee and Advisory Committee meetings Councillors may approach designated support staff, as referenced in the relevant Terms of Reference, for advice in relation to activities of that committee.

5.5 SERVICE STANDARDS

Action	Standard
Councillor Request Register - acknowledgement	1 business day
Councillor Request Register - response	5 business days
Councillor requests made through channels other than the Councillor Request Register	No service standard applies
Phone calls to Directors and authorised staff	Where possible calls are returned on the same day. Alternatively, messages left will be replied to on the next business day

5.6 COUNCILLOR ACCESS TO COUNCIL CIVIC CENTRE OFFICES

Councillor access to the Armidale Regional Council Civic Centre offices includes:

- Mayors office (with the consent of the Mayor)
- Councillor’s meeting room
- Council Chambers
- Office of the Executive Assistant to the Mayor (during office hours)
- Public areas

5.7 NOMINATED STAFF AUTHORISED TO INTERACT WITH COUNCILLOR

- General Manager
- Director (in area of portfolio)
- Executive Officer (for business paper related matters and appointments)
- Coordinator Governance & Risk (Governance matters)
- Coordinator Knowledge or appointed IT Support Officer (IT Support)
- Designated Public Interest Disclosure (PID) Officer

5.8 NOMINATED STAFF AUTHORISED TO INTERACT WITH COUNCILLORS IN RELATION TO CODE OF CONDUCT REVIEWS

- General Manager
- Director Organisational & Corporate Services
- Designated Complaints Coordinator

6 LEGISLATIVE REQUIREMENTS

- Local Government Act 1993
- Local Government (General) Regulation 2005

7 REVIEW

This Policy will be reviewed every two years from the date of each adoption of the policy, or more frequently as required.

8 RESPONSIBLE OFFICER

Manager Governance, People and Systems

9 OBLIGATIONS OF STAFF

Council's staff members 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.
- f) Not contact or engage with Councillors unless instructed by the General Manger.
- g) Not discuss with Councillors any industrial matter, grievance or day to day operational management.

Staff who participate in political activities must ensure they do not have a conflict with their primary duty to serve the council of the day in a politically neutral manner. This is important because council needs to maintain public confidence in council staff, especially their impartial approach in taking action and providing advice. In circumstances where staff are unsure whether or not they should provide information to, or respond to a request from a Councillor, they should refer the matter to the relevant departmental director or to the general manager or ask the Councillor to make the request through the general manager.

10 RELATED PROCEDURES

- Armidale Regional Council Code of Conduct
- Armidale Regional Council Code of Meeting Practice
- Armidale Regional Council Audit, Risk and Improvement Committee Charter

11 BREACHES

Noncompliance with this policy is considered a breach of the Armidale Regional Council Code of Conduct and will be dealt with in accordance with the Council's disciplinary policies.

Breaches of this policy may also be reported in other statutory compliance reporting.

Responsible Business Unit	[Governance]	
Responsible Officer	[Manager Governance, People and Systems]	
Date/s adopted	<i>Council Executive</i> 16 Nov 2020	<i>Council</i> 25 Nov 2020
Date/s of previous adoptions	[23 Oct 2019]	
Date of next review	[Nov 2022]	
TRIM Reference		

Councillor Request Procedure

APPROVED BY: D. ORGANISATIONAL AND CORPORATE SERVICES DATE: 23/12/2020

1. CONTEXT

These procedures assist in managing councillor requests to ensure the provision of information is accurate, timely and professional.

All employees are expected to follow the steps outlined in this procedure when managing requests from councillors as they undertake their civic duties.

2. PARENT POLICY

These procedures are to be read in conjunction with the Councillor and Staff Interaction Policy (the Parent Policy). The Councillor and Staff Interaction Policy sets out the following relevant clauses:

- a) Who may interact with councillors (including via email and telephone).
- b) Service standards for responses to requests.
- c) Obligations of staff.
- d) How breaches of the policy will be treated.

3. DEFINITION

A 'Councillor Request' is a request from a councillor for information, advice or action on council operations for a purpose related to their role as a councillor that does not require the allocation of funds or resources. Examples of councillor requests include seeking reasons for a particular decision, advice in regard to a policy or procedure, or seeking further information on a project or proposal.

4. STATEMENT OF PROCEDURES

i. Receiving a Councillor Request

- a. Councillors have been directed to send all requests to ClrDirect@armidale.nsw.gov.au.
- b. Should a staff member receive a request directly from a councillor it should be forwarded to the Councillor Direct inbox.
- c. If a councillor contacts an approved person via telephone the officer should consider documenting the call as well as the response provided in an email and sending to the Councillor Direct email address for record keeping.

ii. Registering a Request

Records staff will monitor incoming emails and register them in the Document Management System using the 'Councillor Request' document type and completing all relevant properties. A new container will be created for each Council term.

iii. **Assigning Responsibility**

Records staff will assign the request to the appropriate officer using the Trim Action function with a service standard of 7 days. This aligns with the service standard in the policy of '5 business days'.

iv. **Actioning the Request**

The relevant officer will draft a response, saving it in the same trim container as the request, and provide a copy to their next most senior supervisor with authority under the policy to interact with councillors. The trim action should be reassigned to facilitate this process. This person becomes the responsible officer for ensuring that councillor requests are responded to within the service standard with appropriate information.

v. **Responding to the Councillor**

The Responsible Officer will send the written response to the Councillor. To ensure the fair and equal provision of information, responses should be copied to all councillors.

vi. **Finalising the Request**

The Responsible Officer should finalise the Trim action including a note outlining how the response was provided. Members of the Executive Office will manage any follow up requests from councillors.

5. NAMING PROTOCOLS

Incoming Request: Cr (name) – issue

Examples:

- Clr Smith – need for Cycleway Strategy
- Clr Jones – representation for Mr Joe Bloggs – road surface improvements Link Avenue
- Clr Brown – concerns re closure of Kempsey Road
- Clr Adams – lack of parking Armidale CBD

Response to Request: Cr (name) – response – issue

Examples:

- Clr Smith – response – concerns re closure of Kempsey Road
- Clr Jones – response - lack of parking Armidale CBD

Additional correspondence from the same requestor on the same specific topic can simply have the work 'further' added to the name eg Cr Jones – further response - lack of parking Armidale CBD

6. ACCESS TO INFORMATION BY COUNCILLORS

The General Manager is responsible to the Council for the performance and direction of all staff and day to day management of council. Therefore it is appropriate that all requests for information and approaches to staff, outside the forum of a council or committee meeting, be directed to the General Manager or a Director, in accordance with the following:

- For all but straightforward advice on administrative/technical matters, councillors should put their requests for information or advice in writing to ClrDirect@armidale.nsw.gov.au to be answered by

the General Manager, Director, Public Officer or nominated staff member. These written requests then form part of Council records and can be filed and accessed appropriately.

- A senior officer, or nominated staff member, has the discretion to refer any request for information to the General Manager. The senior officer or nominated staff member must indicate to the councillor the reasons for the referral.
- Councillors are entitled access to all Council files, records or other documents where that document is related to a matter currently before the Council or in relation to the fulfilment of their civic duties.
- The General Manager shall not unreasonably decide that a document is not relevant to the performance of the councillor's civic duty and deny access to a council document. The General Manager must state the reasons for the decision if access is refused.
- If a councillor is concerned about any refusal to provide information, they should firstly raise the matter with the General Manager (or the Mayor if it was the General Manager who refused to provide the advice). If the councillor is still dissatisfied they should request the information by way of a Question on Notice to the Council.
- Councillors who have a personal (as distinct from civic) interest in a document of Council have the same rights of access as any other person.
- Councillors can request access to other documents of the Council either by a Notice of Motion to the Council or a Government Information (Public Access) Act application.

7. REPORTING

Reports will be presented to the General Manager on an ongoing basis outlining:

- The number of requests received from each councillor.
- The service level of responses by Directorate, Department and Officer.
- The quality of responses.
- Councillor requests not managed consistently with these procedures or the Councillor and Staff Interaction Policy.

8. REVIEW

These procedures will be reviewed every two years or in-line with the review of the parent policy and at other times as required. Changes to the Councillor Request Procedure that are consistent with the parent policy can be approved by the Coordinator Governance and Risk.