

KEMPSEY SHIRE COUNCIL

COUNCILLOR COMMUNICATION

Procedure 2.3.2

Policy No. and title	2.3	Media and Community Awareness and Engagement Policy
Procedure	2.3.2	Councillor Communication
Version	2	
Date Adopted	15 October 2013	

OBJECTIVES

To provide a clear framework within which councillors can seek information with which to fulfil their roles.

STATEMENT

1 Requests for information, advice and action from Council resources

There are four distinct requests that can be made by Councillors of Council resources:

- a) A request for information/advice for the purposes of civic duties.
- b) Requests that require an operational response (action) by Council staff. For example, inspecting a pothole, inspection of trees or sporting ground maintenance. These activities are associated with normal operations of Council and not a request for information or advice.
- c) Lobbying on behalf of residents.
- d) Resolutions from Council meetings. This is where there is a need for Council resources to be allocated to something outside the normal range of operations provided to ratepayers.

2 Requests for information

- a) This policy only covers questions that relate to the role of a councillor. Matters that are not relating to the role of a councillor are treated as would enquiries from any member of the public. (See also Section 10.5 of the Code of Conduct)
- b) The Division of Local Government has defined the roles of councillors as follows:
 - i) As a group to:
 - Direct and control council's affairs in accordance with the Local Government Act.
 - Allocate resources.
 - Determine policy.
 - Monitor performance.
 - ii) As an individual to:
 - Communicate Council policy and decisions to the community.

- Exercise community leadership.
 - Represent the views of residents and ratepayers to Council.
- c) Questions and requests for information should relate to:
- i) Policies and procedures.
 - ii) Strategic direction.
 - iii) Performance of the Council against the policies, procedures and targets set by Council.
 - iv) Performance against the agreed performance in the Delivery and Operating Plan.
- d) Questions should not relate to or involve:
- i) Requests for day-to-day operational responses of the Council.
 - ii) Matters that have not already been requested by the person from Council.
 - iii) Undertaking substantial new work to answer the question.
 - iv) Matters that would require the development of new policy as part of the answer.

3 Appropriate forum for questions to be raised

- a) Questions should be raised informally with designated staff when:
- i) The matter is minor and not significant.
 - ii) It is expected that the answer will require minimal work or effort.
 - iii) The matter is not considered contentious.
- b) Questions should be raised formally and directly with designated staff when:
- i) The councillor is seeking to develop a notice of motion and requires information to achieve this.
 - ii) The matter may require time and work to determine the answer.
 - iii) It is intended to use the information with third parties.
 - iv) The matter is likely to be contentious.
 - v) The matter relates to development control activities.
- c) Questions should be placed in the Business Paper of Council when:
- i) There is a public interest to a significant number of residents.
 - ii) There is no urgency of the matter and it can wait until the meeting following the Council meeting at which the question is lodged to receive a response.

- d) Questions relating to a third party's customer requests should be raised with the appropriate designated staff when:
 - i) A customer request number has been provided to the councillor.
 - ii) The request number has passed the timeframe for responses set out in the relevant standard for response times.
 - iii) The request has passed the timeframe which has been provided for a response.

4 Requests for information/advice

- a) The General Manager shall assess the request to determine whether the request relates to the role of a councillor.
- b) Formal requests must be made in writing to the General Manager and can be made via a Councillor Information Request, memo, letter, email or Councillor Question.
- c) Requests or questions are to be clear and concise. Councillors should draft the request carefully and should precisely detail the information or the nature of the information sought. Requests are not to include opinion, comment or other background information and should only include the question or request for information.
- d) Requests should outline how the councillor sees that the information is required to fulfil the role of a Councillor.
- e) Where the request is not, in the opinion of the General Manager, in accordance with the above points, it shall be returned to the councillor with reasons why it has been returned.

5 Review of Impact on Resources

- a) Where the General Manager is of the opinion that the request for information or providing the answer to the question will involve a significant amount of resources the councillor shall be advised that a Notice of Motion will be required. An estimate of the time and resources likely to be incurred should be provided to the councillor and this should be included in the implications for any motion subsequently put forward by a councillor on the matter.
- b) Where a councillor is raising a large number of questions to the extent that the cumulative impact of the questions is taking a significant amount of resources, the extent of the impact on the operations of the Council is to be reported to the Council, including an estimation of the cost and impacts on other works being caused.

6 Response Times

- a) Councillors will receive a response via email within 10 working days of their submission where a response is made directly to staff.
- b) The response will be sent to all councillors unless the request relates to information or questions from an individual councillor looking to develop a policy or position for a Notice of Motion.

- c) Questions received prior to ten (10) working days before the closing time of the Business Paper will be included along with a response in the Business Paper (where requested).
- d) Questions received after the above timeframe or raised at a meeting will be included in the Minutes with the understanding that the question and response will be included in the Business Paper at the next Ordinary meeting of Council.

7 Where requests for information are refused

- a) Reasons for refusal to provide information or answer questions will be provided. (Note: Any refusal to provide information is also required to be reported to Council.)
- b) Councillors are entitled to request information as a member of the public under the GIPA Act where access or provision has been refused under this policy.
- c) Refusal to provide information under this policy relates to the provision of information to a councillor to undertake their role, which is separate from their rights as an individual.
- d) Where information is not deemed to be required for the role of a councillor the request will be assessed as a request for information from a member of the public.
 - i) Should a formal GIPA request be required the councillor will be advised of this.
 - ii) Staff cannot advise whether the information would be available unless a formal GIPA application is made.
- e) Both the Division of Local Government and the NSW Ombudsman have complaint handling functions that councillors can access.
 - i) Where the information is publicly available or would be available under an information request from the public the information will be provided to the individual, not the councillor.

8 Requests for an operational response

- a) Requests for operational responses are to be treated the same as requests from any member of the community. Being a councillor does not provide any right to a higher level of service than that provided to all other ratepayers and residents. (See Code of Conduct 7.28 for guidance)
- b) Councillors should not indicate at any time that they can influence the performance of the council staff due to their position as a councillor as this breaches the Code of Conduct.
- c) Councillors are to ensure that where the response is requested by a third party that the request has been lodged by that person.
- d) Councillor to contact Customer Services.
- e) A customer request will be raised against the person who has the issue.
- f) A customer request will be issued and sent to the appropriate area to review.

- g) The customer request will be treated as a request of the third party, not a request from a councillor and staff will deal with the third party directly on the matter.

9 Lobbying on behalf of residents

Councillors need to be closely aware of the provisions of the Code of Conduct when lobbying on behalf of others.

- a) Where Councillors are seeking to lobby on behalf of an individual on matters, they have no rights or privileges other than those held by any other resident or ratepayer who may act as an agent. (Code of Conduct clause 8.8)
- b) Councillors should limit their involvement to assisting in outlining the facts of the case and reference to policy that is relevant to the situation.
- c) Councillors will not suggest actions that are not in accordance with Council policy and will not direct or pressure staff (or appear to do so) to undertake a particular action or approach. (Code of Conduct clauses 8.7; 8.8; 9.2 (b), (e), (f); and 9.7 (g))

VARIATION

Council reserves the right to review, vary or revoke this procedure which will be reviewed periodically to ensure it is relevant and appropriate.

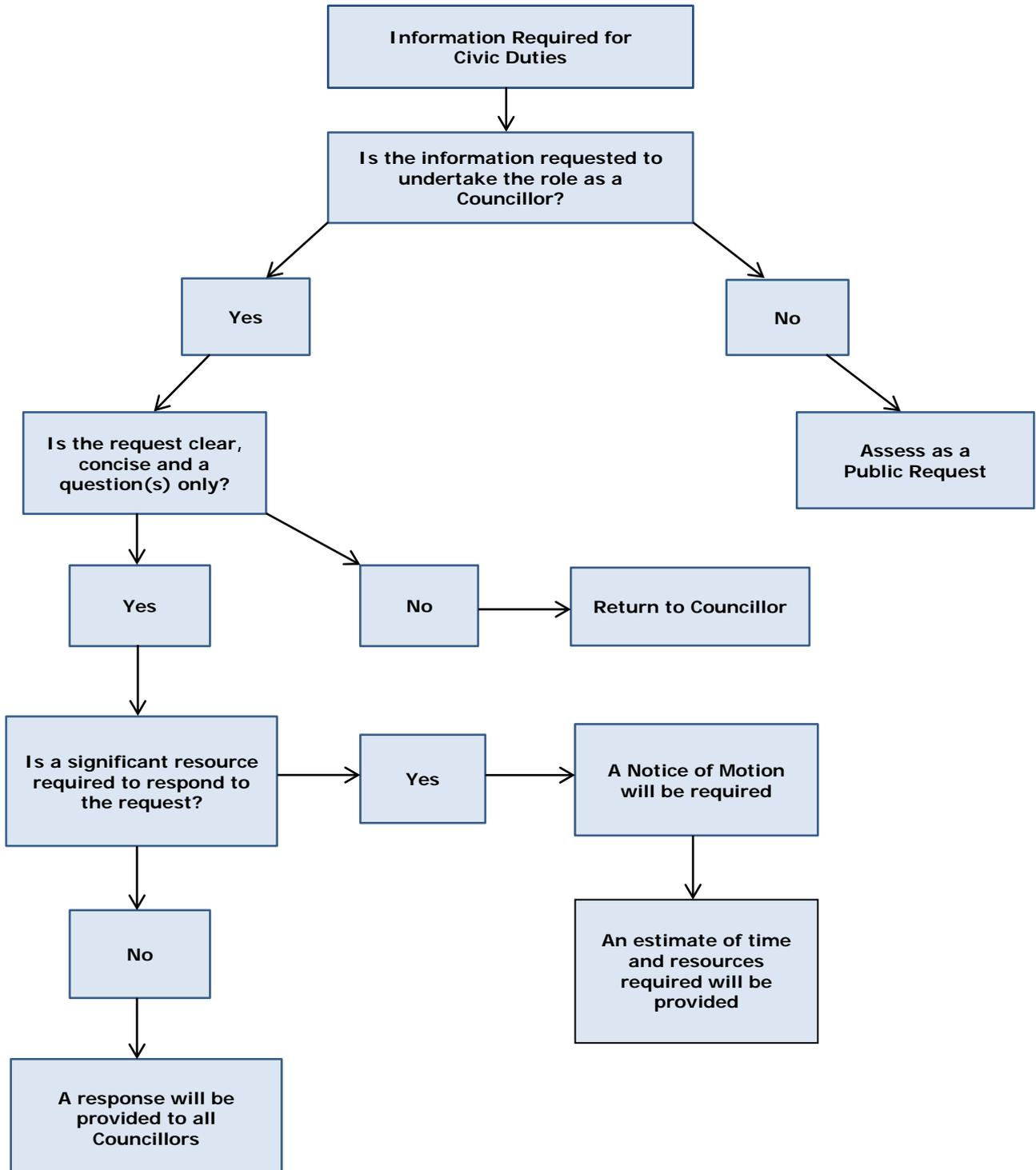
Communication Flowchart

There are **four** distinct requests that can be made by Councillors:

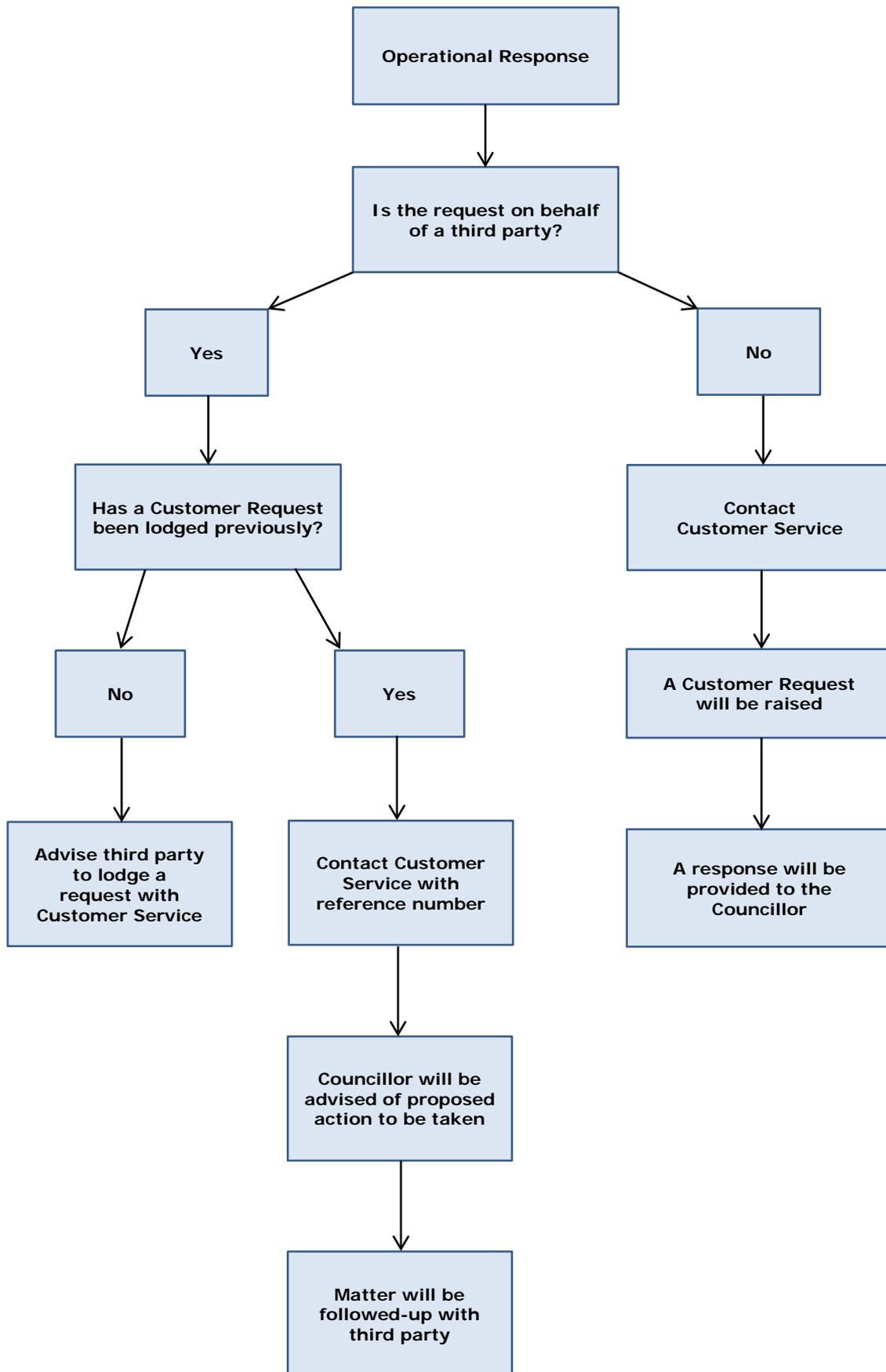
- A) A request for information/advice for purposes of civic duties.
- B) A request that requires an operation response.
- C) Lobbying on behalf of residents.
- D) Resolutions from Council meetings.

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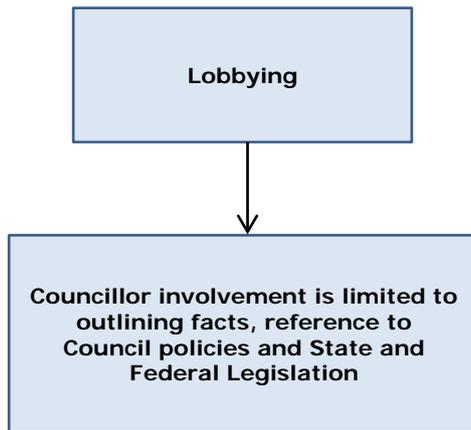
A



B



C



D

