

Strategic policy

Councillors Acceptable Request Guidelines

Corporate Plan reference:	8. Great Governance 8.1 Ethical, accountable and transparent decision making 8.1.2 Ensure legislative compliance and awareness 8.1.3 Councillors and employees are aware of the importance of ethical behaviour, compliance with codes of conduct and providing complete information and advice.
Endorsed by Council on:	24 April 2013 (OM13/72)
Manager responsible for policy:	Chief Executive Officer Contact: Co-ordinator CEO Governance & Operations

Policy purpose

This policy sets out the guidelines for requests for assistance, advice or information by councillors to local government employees to assist councillors to carry out their responsibilities under the *Local Government Act 2009* (the Act).

Policy outcome

Councillors are able to access assistance, advice or information from local government employees to assist them to carry out their responsibilities under the Act and be provided with information relating to the Sunshine Coast Regional Council.

Policy scope

The Act requires that council adopts Acceptable Request Guidelines about the way in which councillors may ask local government employees for advice to help them carry out their responsibilities under the Act.

In accordance with the Act, this policy provides guidance about:

- The way in which a councillor may ask a local government employee for ~~assistance~~ **advice** to help the councillor carry out his or her responsibilities under the Act; and
- Reasonable limits on requests that a councillor may make.

This policy also provides guidance about:

- Requests from councillors to use council resources (not specifically covered by other policies) and
- Requests from councillors to access Council properties and worksites that are not typically accessible to unauthorised employees or members of the public, such as depots, construction areas/sites, confined areas etc.

Policy statement

Councillors may request assistance, advice or information to carry out his or her responsibilities under the Act from local government employees on matters that are within the employee's scope of responsibility or knowledge:

- Where the request is of the nature of a simple question that can be verbally responded to;
- Where the employee normally provides similar assistance, advice or information to either the public or more senior employees of the local government.

Councillors may request access to or use of council resources (not specifically covered by other policies) for the benefit of community groups by resolution of Council or where such is requested in writing to the relevant Branch Manager, Group Executive or the CEO

Councillors may request access to Council properties and worksites that are not typically accessible to unauthorised employees or members of the public, such as depots, construction areas/sites, confined areas etc. by resolution of Council or where such is requested in writing to the relevant Group Executive or CEO

Guiding principles

1. In requesting assistance, advice or information, councillors must not direct or pressure employees in relation to their work or seek to influence recommendations the employee should make.
2. Requests from councillors for assistance, advice or information must be made in a professional manner and with respect.
- ~~3. Employees must keep a record of assistance, advice or information provided to councillors as they would in advising a member of the public or other authority. This is to be recorded in Council's data management system/enterprise content management system.~~
- 4.3. Requests from councillors for assistance, advice or information will be responded to as soon as reasonably possible, or in a timeframe not exceeding five (5) working days of receipt of the request. If the request involves a complicated issue, requires significant time or resources to research, or necessitates a report to Council, the employee will respectfully inform the councillor and the relevant Branch Manager/Group Executive of the process involved within five (5) working days of receipt of the request.

- 5.4. It is expected and entirely appropriate that any relevant employee can speak with/respond to a councillor's request for advice or information where such request is within the employee's normal activities/responsibilities; however, should a request for assistance, advice or information not fall within an employee's responsibilities or knowledge, the employee must ensure a relevant employee is contacted to assist the councillor.
- 6.5. To assist communications and ensure coordination, employees should ensure provision of assistance, advice or information to councillors is shared with the relevant Branch Manager/Group Executive.
- 7.6. If a councillor asks for assistance, advice or information outside of these guidelines, or attempts to direct **or influence** an employee about the way in which his or her duties are to be performed, the employee must report this in a timely manner to their Group Executive or the Chief Executive Officer (CEO).
7. Should a Councillor request access to or use of a council resource (not specifically covered by other policies) for the benefit of a community group, such must be authorised by resolution of Council or as a request in writing to the relevant Branch Manager, Group Executive or the CEO.
8. Should a Councillor require access to Council properties, administration buildings or depot facilities where staff offices are located and are not typically accessible to unauthorised employees or members of the public, such as depots, construction areas/sites, confined areas etc., access must be authorised by resolution of Council or via an approval from the relevant Group Executive or the CEO. In obtaining access, the Councillor will comply with all site specific worksite health and safety requirements, including but not limited to, the use of any necessary personal protective equipment and any lawful directions given.
- 8.9. Employees must keep a record of assistance, advice, **access** or information provided to councillors as they would in advising **or assisting** a member of the public or **another** authority. This is to be recorded in Council's **data-record** management system. ~~enterprise content management system.~~

Where a councillor repeatedly operates outside of these guidelines, the CEO retains the right to ~~have~~ **require that** all future requests for assistance, advice or information, by that councillor, ~~to~~ be made **in writing to employees, or be made in writing to the relevant Group Executive and/or CEO.**

Should it be necessary for requests for assistance, **advice or information** to be put in writing to the Group Executive and/or CEO, the response timeframe will increase from 5 to 10 working days.

Roles and responsibilities

This policy applies to the councillors and employees of the Sunshine Coast Regional Council. With regard to the application of these guidelines to the Mayor, section 12(4)(d) of the Act is noted wherein the Mayor is given the extra responsibility of directing the Chief Executive Officer and senior executive employees in accordance with the local government's policies.

In the context of this policy and to best assist councillors, requests for assistance to carry out their responsibilities under the Act, should in the first instance be directed to Chief Executive Officer, Group Executive or Branch Managers.

Consequences of non compliance

Section 476(4)-150K of the *Local Government Act 2009* (the Act) provides:

~~(4) **Inappropriate conduct** is conduct that is not appropriate conduct for a representative of a local government, but is not misconduct including for example –~~

- ~~(a) a councillor failing to comply with the local government's procedures; or~~
- ~~(a) a councillor behaving in an offensive or disorderly way in a meeting of the local government or any of its committees.~~

What is inappropriate conduct

(1) the conduct of a councillor is inappropriate conduct if the conduct contravenes –

- (a) a behavioural standard; or
- (b) a policy, procedure or resolution of the local government.

(2) Also, the conduct of a councillor is inappropriate conduct if –

- (a) the conduct contravenes an order of the chairperson of a local government meeting for the councillor to leave and stay away from the place at which the meeting is being held; or
- (b) it is part of a course of conduct at local government meetings leading to orders for the councillor's unsuitable meeting conduct being made on 3 occasions within a period of 1 year.

(3) For subsection (2)(b), the conduct that led to the orders being made, taken together, is the inappropriate conduct.

(4) However, inappropriate conduct does not include conduct that is –

- (a) unsuitable meeting conduct, to the extent the conduct is not mentioned in subsection (2); or
 - (b) misconduct; or
 - (c) corrupt conduct.
- (b)

A **complaint about the** failure to comply with these guidelines by a councillor (~~other than the mayor or deputy mayor~~) **will** ~~may~~ be considered inappropriate conduct per ~~s176 (4) (as 150K)~~ of the Act and ~~render a councillor liable to disciplinary action as per section 181 of the Act.~~ **and will be referred to the Assessor and dealt with in accordance with Chapter 5A Councillor Conduct of the Act.**

~~A failure to comply with these guidelines by the Mayor or Deputy Mayor will be referred to the Chief Executive of the Department of Local Government per section 176C(3)(a)(i).~~

Definitions

Councillor (of a local government) includes the mayor, noting section 12(4)(d) of the Act as above.

Officer/employee includes all employees of the Sunshine Coast Regional Council, regardless of their employment status or type, for example, permanent, maximum-term, casual, full/part time, those with employment contacts or agency casuals.

CEO is the Chief Executive Officer of the Council as prescribed by the *Local Government Act 2009*.

Related policies and legislation

Including but not limited to:

Local Government Act 2009

Sunshine Coast Regional Council - Councillor Code of Conduct (November 2018)

Sunshine Coast Regional Council - Employee Code of Conduct

Sunshine Coast Regional Council – Investigations Policy

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
4.0	Create New	Y	Executive Office - Office of the CEO – review/adoption by Council	<i>Drafting – 5 Feb 2013 Second circulation draft for Councillors consideration.</i>
4.1	To council for consideration		Executive Office - Office of the CEO – Adopted by Council	Adopted at Ordinary Meeting 24/04/2013
4.2	Update Department names and re-branding	N	Corporate Governance	6/1/2017
4.3	Minor Changes to wording, and updates to reflect Legislative changes and inclusion of provisions for Councillor requests for resources and access.	Y	Executive Office - Office of the CEO	10/2018

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