



10 December 2015

Mr Greg Dyer
CEO
Parramatta City Council

Dear Greg

Resolution of depa members carried unanimously today

On 18 November there was an incident where the Lord Mayor sought access to staff areas of level 7 to which he had no right of access. He insistently tapped his card on the glass door, demanding that he be let in to a pre-lodgement meeting attended by some of our members. He claimed he was invited and that everyone was aware he would be attending. This was not true and while the developer may have known, there had been no request made to the Director as required in your Policy for Interaction Between Councillors and Staff. This sort of behaviour needs to stop.

This is not the only time that this Councillor has behaved in a way which breaches provisions of the Code of Conduct and the 2009 policy. But we hope it will be the last.

In considering an appropriate approach in dealing with this at our meeting today, members insisted that I make it clear that councillors who behave unacceptably are in a very small and distinct minority at Parramatta. The overwhelming majority of councillors are respectful and well-mannered in dealing with staff and comply with their legislative and Council obligations.

Our members are not prepared to attend meetings any longer where councillors will be present and where there is a risk of bullying and harassment. The detailed unanimous resolution is attached.

We now call for the development of a behavioural agreement between councillors and depa and I am sure that the overwhelming majority of councillors will have no reservations about signing up.

In the meantime, our members won't be attending any meetings as identified in the resolution and I ask that you please ensure that they are protected from doing so.

As always, I am happy to discuss.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ian Robertson', with a long, flowing horizontal line extending to the right.

Ian Robertson
Secretary

Proposed motion for meeting of depa members at Parramatta Council on 10 December 2015

This meeting of depa members, called in response to the unacceptable actions of the Lord Mayor Councillor Paul Garrard, on 18 November, in demanding entry into areas on floor (insert number) to which he is not entitled access, compromising and breaching a variety of legislative and protocol obligations including failing to provide notice of an intention to attend, and intimidating staff to provide that access, resolves:

1. To note that Parramatta City Council has had a long history of certain councillors behaving inappropriately and ignoring their legislative obligations - whether that be in relation to the proper declaration of pecuniary interest, or conflicts of interests, or their relationships and dealings with staff.
2. To note that the circumstances of the Lord Mayor's demands for entry into staff areas to attend a pre-lodgement meeting breaches a range of legislative and protocol obligations.
3. To require that depa write to the CEO advising that our members are unhappy about the historic and continuing breaches of obligations under the Local Government Act, the Code of Conduct, the 2009 Protocol on Councillor Interaction with Staff and general concepts of stability and respect in dealing with staff.
4. To require that depa request the CEO to have the councillors agree to individually sign a behavioural agreement with depa in which they undertake to comply with provisions of the Local Government Act generally in relation to declaration of interests and conflicts of interests; the provisions of the Code of Conduct generally and, in particular, those extracts attached to this resolution; the 2009 Policy for Interaction Between Councillors and Staff generally and, in particular, those extracts attached to this resolution; and the Protocol for Council Interaction on Development Applications resolved at the Council meeting on 7 December.
5. Further, until such time as all councillors have signed this proposed behavioural agreement, members of depa will not attend any meeting at which councillors are present and where the employee may be at risk of intimidation, bullying or generally uncivil treatment. Without limiting the generality of this resolution, in particular those meetings would be:
 - Pre-lodgement meetings where a Councillor wishes to attend without the required prior notice and in the absence of the Director of Strategic Outcomes and Development.
 - Councillor workshops where vigorous debate is encouraged but where Councillor behaviour is invariably disrespectful, dismissive of staff and staff opinions and potentially intimidatory and bullying.
 - Regulatory Services meetings/mediation arising from prosecutions or other regulatory action.

Specific provisions of the Code of Conduct and Policy no 222 – Policy for Interaction between Councillors and Staff

Code of Conduct

3.3 You must treat others with respect at all times.

3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

5.8 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.

5.9 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

6.7 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 staffonly 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.
- 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.

7.20 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.

7.21 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 the procedures governing the interaction of councillors and council staff.

7.22 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.

Policy No.222 – Policy for Interaction between Councillors and Staff

4.3.2 Councillors requiring clarification of information may need to contact or meet with relevant staff. Such meetings or contact should be with the relevant Senior Manager or their delegate. A Quick Contact List of Senior Managers is provided at Attachment 1.

4.3.3 Meetings or contact between Councillors and staff should always be professionally conducted in accordance with Council's Guiding Principles. Councillors dissatisfied or uncomfortable with the response of staff may refer the matter to the Chief Executive Officer. Conversely, staff who do not feel competent or confident in responding directly to the Councillor may refer the matter to the manager for action.

4.3.4 Advice and information relating to development application matters should preferably be sought through the Council Support Officers, or from the Group Manager, Manager Development Services or Manager Development Assessments Section.

4.3.5 Meetings between Councillors and staff should, where possible, be arranged by prior appointment as a matter of courtesy.

4.3.8 Councillors who attend meetings with staff and applicants in an advocacy capacity should declare such advocacy prior to Council consideration of the matter.

5.1 Councillors have the same rights of access to Council buildings and premises as any other member of the public except when they are in pursuit of their civic duties.

5.2 Councillors are able to access most general staff-only areas (excluding Planning or Development areas) subject to normal business courtesies. In order to avoid delays and improve service, Councillors should contact staff to arrange an appointment prior to meetings in staff areas.

5.3 Councillors must ensure that when they are within a staff-only area they are cognisant of potential conflict or pecuniary interest matters and/or a perception that they may bring influence to bear on council staff decisions. Councillors should conduct themselves accordingly.

5.4 Staff are to afford similar business courtesies in accessing the Lord Mayor's Office and Councillor's rooms. Access to these rooms should be by invitation of the relevant Councillor.

8.1.1 All occasions of a member of staff or a Councillor not complying with this policy should be immediately reported to the immediate manager of the staff member. The manager of the staff member is to make all necessary enquiries and attempt to resolve the matter at the service level.

8.1.2 Where the matter cannot be resolved at the service or unit level, the manager is to refer the matter in writing to the Group Manager. If necessary the matter will be referred to the Chief Executive Officer.