

## 1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	13/04/1999	206	13/04/1999
2	14/01/2003	25	14/01/2003
3	11/05/2010	0142	11/05/2010
4	22/08/2017	17/205	22/08/2017
5	23/08/2022	22/209	22/08/2022

## 2 Policy Objective

- To ensure that the public has confidence in the integrity of the assessment and determination procedures for development applications.
- To ensure that all applications are treated openly and fairly and that the relevant codes, statutes, regulations and policies are applied consistently and in a professional manner.
- To ensure a consistent decision making process that complies with council's long term strategies for the city.

## 3 Policy Statement

### 3.1 Role of Councillors

- To determine and review where appropriate the policies and codes of the council.
- To represent fairly the interests of residents and ratepayers, not just those that support a particular point of view.
- To transmit community concerns to appropriate and authorised council staff for professional advice and recommendations.
- To shield staff from the criticism surrounding council decisions.
- To explain council decisions clearly and unambiguously to all concerned community members.
- To not expect staff to interpret or support the councillor's political agenda or imperatives, nor to provide advice to justify a politically motivated decision.

### 3.2 Responsibility of Councillors

- To provide staff with the professional respect that their position deserves.
- To avoid any suspicion of attempting to pressure and/or influence staff in the fulfilment of their duties.
- To make decisions based only on the merit of the case.

- In instances where decisions are to be made which conflict with adopted policies or codes, to review the policies or codes to ascertain their ongoing appropriateness.
- To operate within council's Code of Conduct and relevant policies.
- To ensure that the actions of councillors do not unduly delay the decision making process.

### **3.3 Role of Staff**

- To apply the codes, policies and regulations in a professional, consistent and impartial manner.
- To provide council with concise, clear and well written reports with advice that is appropriate, independent, non-political and technically and legally correct.
- To represent or assist to represent the council in the Land and Environment Court (NB this would not be expected in cases where staff recommendations have been negated).
- To provide appropriate advice and assistance to the councillors in their policy formulation role.

### **3.4 Responsibility of Staff**

- To provide council with a preferred course of action based on the best professional analysis of the issues.
- To clearly explain where councillors have discretion to decide a matter (that is, on the planning merits of the case) and where there is no discretion (that is, where a matter is either legal or illegal).
- To advise council where improvements can be made to planning instruments.
- To ensure their work is free from bias and is untainted by corruption or conflict of interest.
- To work within their professional code of ethics, council's Code of Conduct and relevant policies.

### **3.5 Councillors' Interaction with Applicants and/or Objectors**

Councillors, in dealing with applicants and/or objectors:

- (a) shall not play a role in the assessment or determination of applications submitted by relatives, business associates, close friends, employees, employers or other situations where the association is such that it could be perceived to influence the councillor's decision;
- (b) shall record all discussions relative to the application and shall disclose such contacts prior to playing any part in the assessment or determination of the application. All such disclosures are to be recorded;

- (c) shall submit any views expressed or questions asked by the applicant or objector to the relevant staff for technical assessment and advice, and
- (d) shall not in discussions with the applicant or objector make personal reflections or impute improper motives to other councillors or staff.

### **3.6 Staff Interaction with Applicants and/or Objectors**

Staff, in dealing with applicants and/or objectors:

- (a) shall not play a role in the assessment or determination of applications submitted by relatives, business associates, close friends, employees, employers or other situations where the association is such that it could be perceived to influence the staff member's decision;
- (b) shall not in discussions with the applicant or objector make personal reflections or impute improper motives to councillors or other staff members;
- (c) shall clearly explain council's codes, regulations and policies without attempting to criticise such codes, regulations or policies;
- (d) shall seek to provide assistance as could reasonably be expected in the form of suggesting solutions and options available;
- (e) shall ensure that the information and assistance provided is consistent, professional and not influenced by personal opinions.

### **3.7 Determination of Application**

- There shall be a clear delineation and understanding of what applications are to be processed under delegated authority and there should be no attempt by councillors to influence staff in their assessment of those applications falling within that category.
- All applications referred to the council or a committee for determination are to be accompanied by a report that:
  - is legally and technically correct;
  - is non-political and impartial;
  - informs the council/committee of the options available to them;
  - contains an appropriate recommendation based on the merits of the application,
  - explains the ramifications of the available options.
- Where the staff recommendation is negated, clear reasons for overturning the recommendation are to be recorded.
- The council or committee determining the application shall have the right to exclude a member from participating in the determination of an application when the council or the committee is of the opinion that the member's private or personal interests could be perceived to affect the impartial performance of the member in the determination of the application.

### 3.8 Sanctions

Where it would appear that there has been a breach of this Policy, such apparent breach is to be reported in open to the council. The councillor or staff member is to be advised as soon as practicable of the apparent breach and to be given the opportunity to respond in writing.

Council, having resolved that the councillor or staff member has failed to comply with this Policy can, by resolution:

- request a formal apology;
- counsel the person involved;
- reprimand the person involved;
- pass a sanction motion at the council meeting;
- make public disclosures of the inappropriate conduct;
- refer the matter to an appropriate investigative body if the matter is serious, and/or
- prosecute any breach of the law.

### 3.9 Other Policies

This policy is to be read in conjunction with other relevant policies adopted by the Griffith City Council.

### 3.10 Acknowledgment

Griffith City Council acknowledges the assistance provided by Stephen Harris of the University of NSW in the development of this policy.

## 4 Definitions

None

## 5 Exceptions

None

## 6 Legislation

None



## 7 Related Documents

None

## 8 Directorate

Sustainable Development