



COUNCILLOR BRIEFING PROCEDURE

Adopted: 3 February 2021

TRIM: 034970.2021-001



COUNCILLOR BRIEFING PROCEDURE

1. NAME

Councillor Briefing Procedure

2. INTERPRETATION

2.1 For the purpose of this Procedure:

- a) "Council" means the Liverpool City Council.
- b) "Briefing" means a meeting at which information is presented and discussed but no formal decision is made. The Briefing is not a forum for debate on Council reports nor is it a council committee, and policy decisions are left to the open forum of a formal Council meeting or committee meeting where delegated authority has been provided.

3. PURPOSE

3.1 The Councillor Briefing provides a forum to assist the Mayor and Councillors to develop their knowledge and expertise in order to undertake their role as a public official and member of a governing body.

4. FUNCTIONS

4.1 A Councillor Briefing provides support to the Mayor and Councillors to:

- a) Receive information and develop a thorough understanding of matters affecting the Liverpool Local Government Area;
- b) Seek advice and conduct in-depth discussion with professional staff on Council business papers and other priority matters;
- c) Obtain information and assessments from professional staff in their area of expertise to inform decisions.

5. DELEGATIONS

5.1 There is no delegated authority from Council related to the Councillor Briefing except that the Mayor has delegated authority:

- a) To invite certain guests to the Councillor Briefing to make presentations that the Mayor deems to be in the best interest of Council; and
- b) To call and schedule a Councillor Briefing.

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5.2 A Councillor Briefing provides an opportunity for conducting in-depth discussions with professional staff on certain topics. Formal decisions are not made at Briefing but these sessions provide the time needed to explore important and complex issues in detail.

5.3 The Councillor Briefing will not be used for detailed or advanced discussions where agreement is reached and/ or a de facto decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, should be left to the open forum of a formal council meeting or committee meeting, where delegated authority has been provided.

6. MEMBERSHIP

6.1 The Councillor Briefing will be attended by:

- The Mayor and Deputy Mayor
- Councillors
- Chief Executive Officer (CEO)
- Directors, only if required to make a presentation to Councillors.

6.2 Managers may be invited to present at Councillor Briefing, where specialised professional expertise and information is required and they will participate for the duration of their presentation.

6.3 From time to time, external presenters may be invited to attend the Councillor Briefing in regard to specific topics of importance.

6.4 Where managers or external presenters are invited to attend the Councillor Briefing, the agenda item will be brought forward.

6.5 All invitations to attend a Councillor Briefing must be requested through the CEO for inclusion in the appropriate agenda.

7. CHAIRPERSON

7.1 The CEO, or a delegated Director in the absence of the CEO, will be responsible for convening and chairing the Councillor Briefing.

7.2 The role of the Chairperson is to prepare the agenda, to facilitate the effective functioning of the Councillor Briefing and to ensure Councillor requests are recorded and actioned.

7.3 The agenda for a Councillor Briefing will be forwarded to Councillors electronically and hard copies will be available at the meeting.

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8. PARTICIPATION AND QUORUM

- 8.1 A register of attendance at a Councillor Briefing is kept to support transparent and accountable processes.
- 8.2 The Mayor and Councillors should notify the delegated Council officer of their planned absence from a Councillor Briefing.
- 8.3 Three Councillors are required for a Council Briefing to go ahead.
- 8.4 In certain circumstances, Councillors may participate via electronic means such as SKYPE provided they have prior approval from the CEO and have signed the appropriate confidentiality agreements. In accordance with Clause 7.9 of Council's Code of Conduct, all Councillors have an obligation to *"maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible."* This includes information disclosed in Councillor Briefing.

Note: The NSW Government has authorised local councils to hold official meetings electronically instead of physically due to the risk to staff, Councillors and members of the community due to the current situation with the novel coronavirus (Covid-19) pandemic. In accordance with a Mayoral Direction dated 17 March 2020 (and reported to the 25 March 2020 Council meeting) this has also been extended to Committee meetings and Councillor Briefing Sessions. As such, Clauses 8.4, 12.2 and 13.2–13.7 would not apply whilst Councillor Briefing Sessions continue to be held electronically.

9. GENERAL PUBLIC

- 9.1 The Councillor Briefing will not be open to members of the general public.
- 9.2 Representatives of organisations or the general community may be invited to address the Briefing on matters on the agenda. All invitations to attend Councillor Briefing must be requested through the CEO for inclusion in the appropriate agenda.

10. TIMETABLE FOR MEETINGS

- 10.1 The Councillor Briefing will be scheduled prior to each Council meeting. The business papers for the Council meeting will be provided at or prior to the Councillor Briefing except under extraordinary circumstances.
- 10.2 A Councillor Briefing will be limited to a maximum of three hours' duration unless the Councillors in attendance determine, by a majority vote, to extend the length of the Briefing to an agreed time.

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- 10.3 Additional Councillor Briefings on specific topics may be called by the CEO (or delegate). A Councillor Briefing can only be held if five working days' notice has been given to all members, or in the case of urgent matters, with 24 hours' notice.
- 10.4 The location, date and starting time for meetings will be advised on the agenda.

Council has adopted a flexible meeting schedule that allows for Briefing Sessions to be held both during and after normal business hours.

11. MEETING PRACTICE AND PROCEDURES

- 11.1 The provisions of Council's adopted Code of Conduct shall apply to the Councillor Briefing.
- 11.2 The Councillor Briefing will take place in accordance with any other relevant Council policies and procedures.
- 11.3 Actions arising from the meeting will be recorded with a response provided to Councillors within 10 working days. Where the action relates to the business of an upcoming Council meeting, this will be provided prior to the commencement of the Council meeting.
- 11.4 Presentations and information distributed at a Councillor Briefing will be made available on the Councillor Intranet.

12. THE USE OF TELECONFERENCING AT COUNCILLOR BRIEFING SESSIONS

- 12.1 It is recognised that information and technology is in a constant state of change that reshapes the way we interact, communicate and deliver services, however, this needs to be balanced with the need to maintain human relationships through physical proximity and preserving the confidentiality and integrity of the information being exchanged.
- 12.2 The *Local Government Act* 1993 and associated Regulation do not provide guidance on remote participation via electronic mediums such as Skype in Councillor Briefing. This document has been developed to provide guidance and establish protocols for those instances when Councillors cannot be physically present.

Note: The NSW Government has authorised local councils to hold official meetings electronically instead of physically due to the risk to staff, Councillors and members of the community due to the current situation with the novel coronavirus (Covid-19) pandemic. In accordance with a Mayoral Direction dated 17 March 2020 (and reported to the 25

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March 2020 Council meeting) this has also been extended to Committee meetings and Councillor Briefing Sessions. As such, Clauses 8.4, 12.2 and 13.2–13.7 would not apply whilst Councillor Briefing Sessions continue to be held electronically.

13. TELECONFERENCING AND THE CODE OF CONDUCT

13.1 Councillors and members of Council staff are reminded of their obligations under the Code of Conduct with regard to Council information either written or provided via discussions at the Councillor Briefing, in particular Clauses 7.8, 7.9, 7.10 and 7.11 which read as follows:

Use of certain council information

7.8 *In regard to information obtained in your capacity as a council official, you must:*

- a) *Only access council information needed for council business*
- b) *Not use that council information for private purposes*
- c) *Not seek to obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council*
- d) *Only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.*

Use and security of confidential information

7.9 *You must maintain integrity and security of confidential documents or information in your possession, or for which you are responsible.*

7.10 *In addition to your general obligations relating to the use of council information, you must:*

- a) *Protect confidential information*
- b) *Only release confidential information if you have authority to do so*
- c) *Only use confidential information for the purpose it is intended to be used*
- d) *Not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or any other person*
- e) *Not use confidential information with the intention to cause harm or detriment to your council or any other person or body*
- f) *Not disclose any information discussed during a confidential session of a council meeting.*

Personal information

7.11 *When dealing with personal information you must comply with:*

- a) *The Privacy and Personal Information Protection Act 1998*
- b) *The Health Records and Privacy Information Act 2002*

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- c) *The Information Protection Principles and Health Privacy Principles*
- d) *Council's Privacy Management Plan*
- e) *The Privacy Code of Practice for Local Government*

Note: The NSW Government has authorised local councils to hold official meetings electronically instead of physically due to the risk to staff, Councillors and members of the community due to the current situation with the novel coronavirus (Covid-19) pandemic. In accordance with a Mayoral Direction dated 17 March 2020 (and reported to the 25 March 2020 Council meeting) this has also been extended to Committee meetings and Councillor Briefing Sessions. As such, Clauses 8.4, 12.2 and 13.2–13.7 would not apply whilst Councillor Briefing Sessions continue to be held electronically.

13.2 Under what circumstance can a Councillor participate remotely?

Physical presence at the Councillor Briefing is the preferred method, however, in extenuating circumstances such as illness, out of area, attending a conference or other business related matters, or other extenuating personal circumstance, as approved by the Chief Executive Officer (CEO), a Councillor can participate in the Councillor Briefing remotely.

13.3 How does a Councillor make a request?

To participate by electronic means, Councillors must make a submission to the CEO in writing, by 10 am on the day of the scheduled Briefing outlining circumstances preventing their physical attendance at the Briefing.

13.4 Confidentiality Agreement

If approval is granted for a Councillor to participate remotely they will be required to sign a confidentiality agreement (Annexure "A"), which will apply for their term on Council to:

- a) Ensure the integrity and security of information discussed;
- b) Attest to the fact that there are no other persons present and listening to the discussion;
- c) Confirm that they will not be using any recording mechanisms.

13.5 How often can a Councillor participate remotely?

As physical attendance is the preferred method of participation and in order to maintain human relationships through physical proximity, Councillors will only be authorised to participate remotely up to three times per annum, or at the discretion of the CEO.

13.6 What technology can be used?

In the request to participate remotely Councillors must identify the program they will be using to ensure that it can be accommodated and so that Council's Information Technology staff can appraise it for security and effectiveness.

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13.7 Notification on the intention to allow remote access for other Councillors

When approval is given by the CEO to allow remote access by any Councillor, the CEO will advise the Mayor and all other Councillors of his/her decision in writing by 10 am on the day of the Councillor Briefing where such approval has been given. This notification is required at every circumstance when such approval is given.

14. REVIEW

14.1 The Councillor Briefing Procedure will be reviewed as a minimum at the commencement of each term of Council, and at other times as required.

AUTHORISED BY

Council Resolution

EFFECTIVE FROM

3 February 2021

DEPARTMENT RESPONSIBLE

City Corporate, Council and Executive Services

REVIEW DATE

3 February 2023

VERSION

Version	Amended by	Date	TRIM Number
1	Council Resolution (first adopted)	27 March 2013	061996.2013
2	Council Resolution	27 August 2014	187677.2014
3	Council Resolution	23 November 2016	317985.2016
4	Council Resolution	21 November 2018	349145.2018
5	Council Resolution	3 February 2021	034970.2021-001

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Annexure "A"

LIVERPOOL CITY COUNCIL

Confidentiality Agreement

made on(date)

by:(" recipient ")

in favour of : Liverpool City Council, 33 Moore Street, Liverpool, NSW 2170.

For the purpose of this agreement:

"**Council**" means the Liverpool City Council.

"**Councillor Briefing**" means a meeting at which information is presented and discussed but no formal decision is made. The Briefing is not a forum for debate on Council reports nor is it a Council committee, and policy decisions are left to the open forum of a formal Council meeting or committee meeting where delegated authority has been provided.

"**confidential information**" means confidential, technical, commercial or information of Council (whether oral, written or pictorial) of, or relating directly to, the Council but does not include information which:

- (i) Was in the public domain, or in the recipient's possession prior to the date of this agreement;
- (ii) Comes into the public domain after the date of this agreement;
- (iii) Is supplied to the recipient by another party who is under no obligation of confidence to the Council.

Background

The Councillor Briefing provides a forum to assist the Mayor and Councillors to develop their knowledge and expertise in order to undertake their role as a public official and member of a governing body. Formal decisions are not made at Briefing but these sessions provide the time needed to explore important, complex and often confidential issues in detail.

In certain circumstances, Councillors may participate in a Councillor Briefing via electronic means such as SKYPE provided they have prior approval from the CEO and have signed this confidentiality agreement. In accordance with Clause 7.9 of Council's Code of Conduct, all Councillors have an obligation to "maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible. This includes information disclosed in the Councillor Briefing.

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Acknowledgements, warranties and covenants

1. The recipient acknowledges and agrees that:
 - (a) Confidential information is of a secret and confidential nature;
 - (b) It is a requirement of the recipient's role in relation to Council business that strict confidentiality as described below is maintained at all times; and
 - (c) Improper use or disclosure of any confidential information may be detrimental to Council in connection with the performance of its functions, and may cause harm to Council.
2. The recipient undertakes to treat and keep the confidential information in the strictest of secrecy and confidentiality and not disclose the confidential information except as expressly authorised and permitted to do so under paragraph 5 below.
3. Further, the recipient undertakes not to disclose to any person that the confidential Information has been made available to the recipient and undertakes:
 - (a) To protect and safeguard confidential information against unauthorised publication or disclosure; and
 - (b) Not to use, copy or reproduce confidential information for any reason or purpose as directed by Council or in the discharge of the recipient's duties in connection with Council business; and
 - (c) Safeguard the physical security and storage of confidential information and comply with any specific security and storage measures in connection with confidential information that may be required by Council.

Authorised disclosure

4. The recipient may disclose confidential information:
 - (a) If a duly authorised representative of Council approves in writing the disclosure of confidential information in accordance with the terms of that approval;
 - (b) If required under a binding order of a government agency or any legal proceeding;
 - (c) If required under any law or any administrative guideline, directive, request or policy having the force of law; and

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- (d) To employees, consultants and other advisers of Council who have executed undertakings in favour of Council substantially the same as this one.

Return of Confidential Information

- 5. If Council requests it, the recipient must:
 - (a) Promptly return to Council all documents and other physical records of confidential information in the recipient’s possession, custody, power or control except where the recipient is required by law to retain them or such documents or records are required to be retained in accordance with any administrative guideline, directive, request or policy by which the recipient is bound; and
 - (b) Provide a statutory declaration to Council confirming that all those records have been returned.

Non-waiver

- 6. The failure of Council to enforce any of the provisions of this Agreement, or the granting at any time of any other indulgence, is not to be construed as a waiver of that provision or of the right of Council to enforce that or any other provision at a later date.

Continuing obligations

- 7. Each obligation of the recipient under this Agreement is a continuing, perpetual obligation and survives any expiry, performance or termination of this Agreement.

Governing law

- 8. This agreement is governed by and subject to the laws of New South Wales.

Signed by the recipient:

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in the presence of:

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Witness

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Name (printed)