

ITEM-99 CCL 22/11/22 - ADOPTION OF COMPLIANCE AND ENFORCEMENT POLICY

REPORT BY: PLANNING AND ENVIRONMENT
CONTACT: INTERIM EXECUTIVE DIRECTOR PLANNING AND ENVIRONMENT / ACTING MANAGER, PLANNING, TRANSPORT & REGULATION

PURPOSE

To adopt City of Newcastle's (CN's) Compliance and Enforcement Policy (the Policy).

RECOMMENDATION

That Council:

- 1 Adopts City of Newcastle's Compliance and Enforcement Policy at **Attachment A**.

KEY ISSUES

- 2 The Compliance and Enforcement Policy was adopted in June 2019 (the current Policy) and provides a framework for internal and external stakeholders on CN's process for compliance and enforcement matters.
- 3 In December 2015, the NSW Ombudsman issued its Model Compliance and Enforcement Model Policy (Model Policy) which is intended to be used as a foundation for council policies.
- 4 Policies are key control documents for City of Newcastle (CN) that mitigate risk and are only effective when they are regularly reviewed and updated.
- 5 CN has a process that all policies are reviewed and re-adopted within the first 12 months of a new Council term. The benefits of re-adopting policies within the first 12 months of Council term include:
 - i. All policies are on a consistent review cycle;
 - ii. Councillors have assurance that all Council adopted policies are up to date;
 - iii. Councillors are aware of the policies early in the term which provides the opportunity to understand their application and content.
- 6 The current Policy has been reviewed and key changes include:
 - i) updated reference to CN's current related policies and procedures including risk assessment and prioritisation.
 - ii) updated reference to current related guidelines and legislation.
- 7 A tracked changes version of the Policy is at **Attachment A** for ease of reference

FINANCIAL IMPACT

- 8 There is no budget implication in adopting the Policy.

NEWCASTLE 2040 ALIGNMENT

- 9 The Policy is consistent with the strategic directions of the Newcastle 2040 Strategic Plan.

Liveable

1.1.3 Protected heritage places

1.2.4 Healthy communities

1.3.3 Managed parking

IMPLEMENTATION PLAN/IMPLICATIONS

- 10 There will be no significant change in CN's compliance and enforcement approach and no need for an implementation plan. Relevant staff will be informed of the adoption of the Policy and appraised of its content.

RISK ASSESSMENT AND MITIGATION

- 11 The Policy is consistent with and incorporates relevant elements of the Model Policy. The adoption and consistent implementation of the Policy will further reduce and mitigate risks to CN in the ongoing compliance and enforcement work undertaken whilst also allowing appropriate allocation of resources.

RELATED PREVIOUS DECISIONS

- 12 At the Ordinary Council Meeting on 25 June 2019, Council resolved to adopt the current Policy.

CONSULTATION

- 13 As the Policy is required to align with legislation, is aligned with the Model Policy and results in no significant change in CN's compliance and enforcement approach, publicly exhibiting the policy is not considered necessary.

BACKGROUND

- 14 The Compliance Policy was first adopted in September 2013, reviewed and adopted in its current form in June 2019.

OPTIONS

Option 1

- 15 The recommendation as at Paragraph 1. This is the recommended option.

Option 2

- 16 Council does not adopt the recommendations as at Paragraph 1. This is not the recommended option.

REFERENCES

- 17 NSW Ombudsman's Model Compliance and Enforcement Model Policy

ATTACHMENTS

Item 99 Attachment A: Compliance and Enforcement Policy (tracked changes)

Item 99 Attachment B: Compliance and Enforcement Policy (clean version)

Item 99 Attachments A-B distributed under separate cover

ITEM-100 CCL 22/11/22 - ADOPTION OF COUNCIL POLICIES

REPORT BY: CORPORATE SERVICES
CONTACT: EXECUTIVE DIRECTOR CORPORATE SERVICES /
MANAGER LEGAL AND GOVERNANCE

PURPOSE

To adopt Council policies.

RECOMMENDATION

That Council:

- 1 Adopts the Donations Program Policy at **Attachment A**.
- 2 Adopts the Procurement Policy at **Attachment B**.
- 3 Adopts the Public Voice and Public Briefings Policy at **Attachment C**.

KEY ISSUES

- 4 Policies are key control documents for City of Newcastle (CN) that mitigate risk. They are critical to supporting effective and evidence-based decision making and ensure CN complies with relevant legislation and guidelines. Policies are only effective when they are regularly reviewed and updated.
- 5 It is recommended that all policies adopted by the former Council be re-adopted by the new Council, ideally within the first 12 months of the new term. The benefits of re-adopting policies within the first 12 months of Council term include:
 - i. All policies are on a consistent review cycle;
 - ii. Councillors have assurance that all Council adopted policies are up to date;
 - iii. Councillors are aware of the policies early in the term which provides the opportunity to understand their application and content.
- 6 The revised policies (with tracked changes) and a summary of each policy is at Attachments A - C.

FINANCIAL IMPACT

- 7 There is no budget implication in adopting Council policies.

NEWCASTLE 2040 ALIGNMENT

- 8 Adopting these policies is consistent with the priorities of the Newcastle 2040 Community Strategic Plan.

4 Achieving Together

4.2 Trust and Transparency

4.2.1 Genuine engagement

4.2.2 Shared information and celebration of success

4.2.3 Trusted Customer Experience

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 Adopted Council policies are published on CN's website.

RISK ASSESSMENT AND MITIGATION

- 10 Reviewing policies regularly and in line with each Council term ensures that policies remain up-to-date and relevant.

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 26 June 2018, Council adopted the Donations Program Policy.
- 12 At the Ordinary Council Meeting held on 10 December 2019, Council adopted the Procurement Policy.
- 13 At the Ordinary Council Meeting held on 26 July 2022, Council resolved to exhibit the Public Voice and Public Briefings Policy for 28 days and receive a report on community submissions prior to adoption.

CONSULTATION

- 14 Refer to the summary document included at Attachments A – C.

BACKGROUND

- 15 Nil.

OPTIONS

Option 1

- 16 The recommendation as at Paragraphs 1 – 3. This is the recommended option.

Option 2

- 17 Council does not adopt the recommendations as at Paragraphs 1 – 3. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 100 Attachment A: Donations Program Policy

Item 100 Attachment B: Procurement Policy

Item 100 Attachment C: Public Voice and Public Briefings Policy

Item 100 Attachments A-C distributed under separate cover