



# POLICY MANUAL

<b>Policy title:</b>	<b>ENFORCEMENT POLICY</b>
<b>Policy number:</b>	<b>1.4.20</b>
<b>Objective:</b>	<b>Ensure that the exercise of its regulatory powers is carried out consistently and without bias; Transparency and consistency in compliance and enforcement activities</b>
<b>Link to community vision/service:</b>	<b>Best Practice Corporate Governance</b>
<b>Program Area:</b>	<b>Development &amp; Compliance</b>
<b>Policy created: 09/12/2008</b>	<b>Council reviewed: 01/12/10, 31/07/13</b>
<b>Last reviewed by staff: 31/07/13</b>	<b>TRIM Ref: ED13/16082 &amp;ED16/27067</b>

## 1.0 STATEMENT OF INTENT

To accord with the principles of natural justice, costs attributed to the delivery of enforcement action by Council will be recovered on a proportional basis that has regard to the principles within this policy and actual resources committed.

This Policy aims to provide transparency and consistency in compliance and enforcement action in matters of public safety and amenity, companion animals, food safety, public health, environmental and development non-compliance and ensure natural justice principles are respected in the effective and efficient use of Council resources.

Lismore City Council's adopted values also apply to any compliance and enforcement action.

Council acknowledges that it has an obligation under s.8 of the *Local Government Act 1993* to ensure that the exercise of its regulatory powers is carried out consistently and without bias.

## 2.0 APPLICATION OF POLICY

Implementation of this Policy applies to all Development & Compliance Staff, to enforce local government, planning and environmental and other legislation in NSW for which Council is the appropriate regulatory authority, in accordance with Council's *Delegations Manual* and implementation of Delegated Authority documentation.

### 3.0 PRINCIPLES

In the course of exercising compliance and enforcement functions in relation to unlawful activity, Council staff acting under delegations of authority will observe the following principles:

<b><i>Consistency</i></b>	Ensuring that similar issues are dealt with in the same way and in a fair and impartial manner.
<b><i>Customer Service</i></b>	Working with the business or individual to achieve compliance with the law by being approachable, courteous and communicate effectively and efficiently.
<b><i>Transparency</i></b>	Ensuring that Council's intentions and actions are easily understood, coherent and demonstrate impartiality, balance and integrity.
<b><i>Accountability</i></b>	Council staff are willing to explain their decisions and make available avenues of complaint or appeal.
<b><i>Proportionality</i></b>	Compliance and enforcement responses are proportionate to the significance of the breach and responsiveness.
<b><i>Targeted</i></b>	Making sure that resources are focussed primarily on responding to community expectations and those whose unlawful activities give rise to the most serious risks.

### 4.0 ADMINISTRATION

Guidelines approved by the General Manager will be published on Council's website which detail:

1. How Council staff will undertake compliance and enforcement activities to ensure the above principles are observed;
2. Enforcement options dependent on the significance of the breach, the public interest, aggravating or mitigating factors, including actions to restrain or remedy a breach, and appropriate penalty actions to punish/deter offenders, and ensure the integrity of the regulatory system.