

Enforcement Policy

Policy Manual Number: 10-1

Council Minutes Ref: **Council Meeting 12th March 2013 (Item 9)**
 Item 17 4th January 2010
 Item 14 2nd April 2007
 Item 13 18th August 2003 (deferred from 4th August 2003)
 Council (Item 4) dated 3rd November 1997
 Policy & Executive Committee (Item 2) dated 2nd July
 1990

File Ref: **01522**

Background

Enforcement by the Council occurs in various forms. Many are obligatory under Statute and Regulation while others may be as a result of Council By-Laws or to ensure adherence to more technical matters already approved by Council.

As Council cannot or would not wish to avoid its statutory obligations, the solution to the inherent public relations problem lies in the manner and style in which Council and its officers go about their enforcement duties.

It can be expected that persons who are the subject of an enforcement action would on occasion contact the Mayor, Aldermen, the General Manager or the Executive Manager to appeal against the action that is being taken. On such occasions it would be expected that the Mayor or Alderman would refer the matter to the General Manager who would in turn refer it to the Executive or Department Manager.

To ensure consistent and equitable handling of enforcement matters it would be beneficial to have detailed but clear documentation describing each enforcement procedure, including internal and/or external appeals mechanism(s), that the Department Manager could consult. Unless the person's claim concerns the officer's behaviour, the involvement of the Executive Manager would then be limited to checking that the enforcement procedure had been followed correctly and to advising the person of any additional appeal mechanisms available. The Executive Manager should however be able to conduct a more thorough investigation if he or she considered it warranted.

Council's policy on enforcement matters should therefore include:

- addressing how Council officers go about their enforcement duties (ie how they are expected to deal with people)
- documentation of enforcement procedures
- clarification of the involvement of Aldermen/Managers in the enforcement process

Policy Statement

1. Enforcement Officer Behaviour

- Council officers are expected to remain courteous and calm in any dealings with persons affected by an enforcement action.
- The average person should have no grounds on which to take offence at any words or actions of the Council representative, other than to recognise that the officer is doing their job.
- Personal views and emotions of the officer that could generate antagonism should never be on display, and the criteria in selecting and training such officers should reflect this capacity.
- Training will be provided to staff in relation to statutory responsibilities and the delivery of quality customer service.

2. Enforcement Procedures

- Departments and programs shall document all of their enforcement procedures.
- Enforcement procedures must include a provision that allows the person affected an avenue to appeal to someone other than the Council officer who is involved (the appeal mechanism may be outside Council if that is the intent of the legislation).
- Development of Enforcement procedures will include due consideration to the requirements of the Principles of Natural Justice.

3 Appeals to Managers/Aldermen

- An Alderman who is contacted by a person affected by an enforcement action should refer the matter to the General Manager who should in turn refer it to the Executive or Department Manager.
- Unless the matter concerns the enforcement officer's behaviour or the Executive /Department Manager considers a more rigorous investigation is warranted, the Manager's actions should be restricted to:
 - Ensuring that the enforcement procedure has been adhered to
 - Informing the person against whom the enforcement action has been taken of any other appeals mechanisms available to them.
- If the matter concerns the enforcement officer's behaviour it should be dealt with in accordance with Council's Complaints and Grievances Policy.

Review March 2016

Status: <i>Current</i>

POLICY DOCUMENT CONTROL SHEET

Policy Name: Enforcement Policy

Policy Manual Number: 10-1

Department: General Manager's Unit

Date Policy Approved by Council: 2.7.90

Reviewed by (Name and Job Title of officer)	Nature of Amendment (List changes made to Policy)	Date Council Endorsed Amendment
Manager Administration & Executive Support (Kevin Scott)	Policy review (Minor changes to reflect revised organisational structure)	12 th March 2013
Manager, Governance & Performance (Trevor Jones)	Policy Review (No changes)	4 th January 2010
Manager, Governance & Performance (Trevor Jones)	Significant re-write to include Officer behaviour, enforcement procedures and appeals to managers/aldermen.	2 nd April 2007