

# Newcastle City Council

## **Open and Transparent Governance Strategy**

**December 2017**



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Newcastle City Council acknowledges the traditional country of the Awabakal and Worimi peoples.

We recognise and respect their cultural heritage, beliefs and continuing relationship with the land, and that they are the proud survivors of more than two hundred years of dispossession.

Council reiterates its commitment to addressing disadvantages and attaining justice for Aboriginal and Torres Strait Islander peoples of this community.

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# PRELIMINARY

## INTRODUCTION AND CONTEXT

**In accordance with the Local Government Act 1993 (NSW) (Act), every council in NSW is required to adopt a Community Strategic Plan (CSP).**

The CSP represents the highest level of strategic planning undertaken by Newcastle City Council (Council). It is a shared community vision developed to inform policies and actions over the next ten years. There is an extensive community engagement process to identify long term objectives of the community and the strategies to achieve those objectives and meet levels of service the community expects.

As the CSP is a shared community vision, not all actions are within the responsibility of Council and this is clearly articulated in the document.

CSPs are required to address the quadruple bottom line - that is social, environmental, civic leadership issues and governance. The CSP commits Council to seven strategic directions (ensuring it meets its quadruple bottom line):

## STRATEGIC DIRECTIONS FOR NEWCASTLE

Integrated and Accessible Transport

Protected Environment

Vibrant, Safe and Active Public Places

Inclusive Community

Liveable Built Environment

Smart and Innovative

Open and Collaborative Leadership ☆

## WHAT IS OPEN AND COLLABORATIVE LEADERSHIP?

**Open and Collaborative Leadership is one of seven key strategic directions. The objectives of Open and Collaborative Leadership and the basis of this Strategy are:**

- Integrated, sustainable long term planning for Newcastle and the Region.
- Considered decision-making based on collaborative, transparent and accountable leadership.
- Active citizen engagement on local planning and decision-making processes and a shared responsibility for achieving goals.
- A local government organisation of excellence.

## THE GOVERNANCE FRAMEWORK

**Governance is those high level processes and behaviours that ensure an organisation performs by achieving its intended purpose and conforms by complying with all relevant laws, codes and ethics while meeting community expectations of probity, accountability and transparency.**

**Ensuring Council has a sound governance framework in place underpins Open and Collaborative Leadership and is essential to provide the community with confidence that:**

- Council is legally compliant and acts on an ethical basis.
- Council's decision-making processes are open and transparent and made in the best interests of all stakeholders.
- Council is and is seen to be a good corporate citizen.

**Council's governance framework and key governance policies include:**

- An Audit Committee Charter
- A Code of Conduct
- A Code of Meeting Practice

- A Community Engagement Strategy
- An Enterprise Risk Framework
- A Fraud and Corruption Control Strategy
- An Interaction between Councillors and Staff Policy
- An Internal Reporting Policy - Public Interest Disclosures
- The Office of Local Government Model of Code of Conduct
- The Office of Local Government Model of Code of Meeting Practice
- A Payment of Expenses and provision of facilities to Councillors Policy
- A Policy framework (including all of Council's policies adopted by the elected Council and CEO)
- A Privacy Management Plan
- A Public Voice Policy

All documents are available on Council's website or by request.

# PURPOSE

The purpose of this Strategy is to document the action Council takes or will take to achieve Open and Collaborative Leadership through a governance framework which:

- guides Councillors and staff on the principles to ensure the community has trust and confidence in the decisions made by Council; and
- ensures all processes and decisions are made openly and transparently.

# PRINCIPLES

Council commits itself to the following principles:

## EQUITY

### Equity

Fairness in decision-making, prioritising and allocation of resources, particularly for those in need. Everyone should have a fair opportunity to participate in the future of the community. The planning process should take particular care to involve and protect the interests of people in vulnerable circumstances.

## PARTICIPATION

### Participation

Maximum opportunity to genuinely participate in decisions affecting people's lives.

## TRANSPARENCY

### Transparency

People should have access to the information they need to understand government planning and decision-making processes in order to participate in an informed way.

## ACTIVE CITIZENSHIP

### Active citizenship

People are able to exercise their rights and responsibilities in a balanced way within our democratic society. Individuals and groups are encouraged to take a role in the community and are empowered with the skills, support and the opportunity to shape and influence the decisions that affect our community now and into the future.

Council is also committed to the principles of the Act as set out in Appendix A.



## DEFINITIONS

**Act** means the Local Government Act 1993 (NSW).

**Chief Executive Officer (CEO)** means the CEO of Council and includes their delegate or authorised representative (and also includes references to the Interim CEO and General Manager).

**Council** means Newcastle City Council.

**Councillor** means a person elected or appointed to civic office as a member of the governing body of Council, including the Lord Mayor.

**Executive Management Team** means Council CEO and

Directors who are the next most senior in the organisation.

**GIPA** means the Government Information (Public Access) Act 2009 (NSW).

**Regulation** means the Local Government (General) Regulation 2005.

**Senior Staff** means those Council employees reporting to Directors and manage a Business Unit.

*Unless stated otherwise, a reference to a clause is a reference to a clause of this Strategy.*

# OBJECTIVE 1:

## Integrated, sustainable long term planning for Newcastle and the Region

The Integrated Planning and Reporting (IP&R) legislation was introduced by the NSW State Government in 2009 and sets the requirements for all councils to lead the development of long term plans for their city and community.

The IP&R framework allows councils to build plans of appropriate size, scale and content for their communities. The most important thing is that Council's CSP, and the implementation structures that support it, are fit for purpose and appropriate to the community.

The IP&R framework ensures councils provide effective and efficient services to meet the diverse needs of all of the community. Council is required under the Act to undertake a comprehensive planning and reporting process (pictured right).

The IP&R process underpins Council's actions in relation to Council's openness, collaboration, leadership and governance through:

- providing a clear picture for Council's future on how and where Council commits its time, money and resources;
- financial planning to ensure the level of service expected by the community can be met;
- a strong commitment by the Lord Mayor, Councillors, the CEO and all staff to the process;
- community engagement to ensure objectives and levels of service meets the community's expectations.

The CSP is Council's key strategic document and is supported by:

- A Delivery Program - how Council contributes to achieving its strategic outcome over the next four years;
- An Operational Plan - supports our Delivery Program and outlines in more detail the actions that Council will undertake in that year and allocates the necessary resources;
- Fees and Charges - outlines fees for all user-pay services, including car parking charges, swimming centre fees, footway restaurant fees, parks and recreational fees and building certificate fees;

- Resourcing Strategies - shows our consideration of the staff, assets and money required to deliver Council's four year objectives and annual actions, as outlined in the Delivery Program and Operational Plan;
- An Annual Report - provides a yearly summary of Council's performance and statutory reporting;
- An End of Term report - reflects the progress of Councillors and Council's workforce towards achieving the CSP goals over the Council term.



# Strategy and actions

	STRATEGY	ACTION
1.1	Identify and document the main priorities and aspirations of the community.	<p>Develop and deliver an updated CSP in partnership with state agencies, community groups and individuals.</p> <p>Council must ensure social justice is achieved by:</p> <ul style="list-style-type: none"> <li>Ensuring that a broad range of community members have input into developing the CSP;</li> <li>Specifically consult with those groups whose voice is often not heard in community discussions;</li> <li>Testing the objectives of the CSP by checking whether the objectives are fair, if they exclude any person, organisation or group from participating in the community's future and ensuring no person, organisation or group will be disadvantaged by the decisions;</li> <li>Ensuring that the CSP is adequately informed by sound social research and needs analysis.</li> </ul> <p>In communicating the CSP, Council needs to show how community engagement informed the goals, priorities and strategies, while demonstrating that the CSP is a shared long term plan for the community and Council.</p> <p>Timeframe: By 30 June in the year following a Local Government election</p> <p>Act s.402(1)</p>
1.2	Develop a Resourcing Strategy which must include provision for long term financial planning, workforce management planning and asset management planning.	<p>The CSP provides a vehicle for each community to express its long term aspirations. However, these aspirations will not be achieved without sufficient resources – time, money, assets and people – to carry them out. The Resourcing Strategy is a critical link when it comes to translating strategic objectives into actions.</p> <p>The integrated nature of the plans means that they will be developed concurrently, with cross-referencing and adjustment as the development of each plan progresses.</p> <p>The plans will identify that Council does not have full responsibility for implementing or resourcing all of the community aspirations identified in the CSP.</p> <p>Act s.403</p>
1.3	Maintain long term financial sustainability.	<p>Develop and adopt a long term financial plan incorporating Council's current financial position, strategies and assumptions (including economic assumptions) that analyse the potential financial impact of a number of alternate future funding scenarios to assist in determining the most appropriate course of action.</p> <p>This course of action will support the service delivery level required by the community while ensuring the long term financial sustainability of the organisation.</p>

	STRATEGY	ACTION
1.4	Ensure Asset Management Strategy and Plans capture community expectations for both service and value, and supports inter-generational equity principles.	<p>As custodians, councils are responsible for effectively accounting for and managing these assets and having regard for the long term and cumulative effects of the decisions. This is a core function of councils and is reflected in the principles set out in sections 8C of the Act (refer to Appendix A).</p> <p>Council should establish the goals and objectives for asset management in terms of providing a platform for service delivery, integrate asset management with Council's strategic planning, maximise value for money by adoption of lifecycle costing, combined with performance measurement, and promote sustainability to protect the needs of future generations.</p> <p>Council should ensure its asset management planning has a service delivery focus. In other words, the assets that are provided are necessary to meet the needs of the community as identified by the community.</p> <p>Asset management decisions should be informed by evaluation of alternative means of service provision (e.g. asset sharing), full lifecycle costing, and performance measurement and monitoring.</p> <p>Informed decision-making recognises the long-lived character of infrastructure assets and the need to plan and budget for them on a full lifecycle basis beginning with the identification of a service need and the means to meet that need.</p>
1.5	Identify and predict workforce issues in order to ensure resourcing to meet the objective of the Council's CSP.	<p>Develop and adopt a Workforce Management Plan to ensure Council has planned for the unforeseeable future (next four years) and is able to meet the objectives of the CSP.</p> <p>The Workforce Management Plan is a continuous process of matching workforce requirements to organisational objectives in delivering the CSP, as well as analysing and forecasting the human resource implications when undertaking particular operational or strategic activities.</p> <p>In developing and maintaining the Workforce Management Plan consideration has been given to both internal and external factors that may affect Council's ability to meet its current and future workforce needs. These factors include an ageing population, identified skills shortages, past recruiting experience, Council's financial position and also the expectations of the community.</p>

	STRATEGY	ACTION
1.6	Clearly detail and be accountable for the actions taken to achieve the objective of the CSP.	<p>Council uses the CSP and resourcing options to prepare a four year Delivery Program for its term of office.</p> <p>Develop and deliver a four year Delivery Program detailing the actions Council will prioritise in a four year period which are aligned with achieving the objectives of the CSP.</p> <p style="text-align: right;">Act s.404</p> <p>Each year, adopt an Operational Plan including a detailed annual budget and statements of Council's Revenue Policy which includes the proposed fees and charges. The Operational Plan sits under the Delivery Program and lists all the actions Council will undertake during the year to achieve its strategic goals.</p> <p style="text-align: right;">Act s.405</p> <p>The adoption of the above IP&amp;R documents guides Councillors and staff to ensure the decisions and actions of Council are open, transparent and consistent with what the community has told Council they want, during the CSP consultation process.</p> <p>To demonstrate accountability to the community, Councillors and Council staff should at all times ensure that their decisions are consistent with the Delivery Program and Operational Plan. The decision making process should include appropriate analysis and documentation of all risks and financial implications.</p>
1.7	Account to the public for the expenditure of public monies and for the efficient and effective operation of Council.	<p>Develop an annual report detailing:</p> <ul style="list-style-type: none"> <li>• Progress on the Delivery Program;</li> <li>• Financial performance;</li> <li>• Asset reporting;</li> <li>• The Governance and Planning Act 2016;</li> <li>• Legal proceedings;</li> <li>• Contracts awarded;</li> <li>• Private works and financial assistance;</li> <li>• Details of external bodies, companies and partnerships;</li> <li>• Details of overseas trips by Councillors and staff;</li> <li>• Details of Mayoral and Councillor fees, expenses and facilities;</li> <li>• Total remuneration of the CEO;</li> <li>• Stormwater levies;</li> <li>• Companion animals;</li> <li>• Equal employment opportunity Management Plan.</li> </ul> <p style="text-align: right;">Act ss.428, 406</p> <p>A copy of Council's Annual Report is available on Council's website.</p>

## OBJECTIVE 2:

### Considered decision-making based on collaborative, transparent and accountable leadership

Council is committed to being ethical which is supported by a transparent and accountable approach to doing business. Council is also committed to collaborative leadership to promote efficient and effective decision-making.

Collaborative leadership and good governance is underpinned by the principle that the Councillors, the Lord Mayor, the CEO and staff have different and clearly defined roles and responsibilities as defined

in the Act (refer to Appendix B). An understanding of the roles, together with effective relationships between the Lord Mayor, the Councillors, the CEO and staff are essential elements of good governance.

Mutual respect and a good working relationship between all parties are fundamental to collaborative leadership and achieving good governance.

### Strategy and actions

	STRATEGY	ACTION
2.1	Maintain a strong ethical culture and a high standard of conduct.	<p>Council adopts a Code of Conduct based on the Model Code of Conduct published by the Office of Local Government. This is a mandatory requirement.</p> <p>The Code of Conduct sets out ethical and behavioural standards to be complied with by Councillors, Council staff, Administrators, conduct reviewers and delegates of Council.</p> <p>Councillors, the CEO and Council's senior staff are expected to demonstrate, through both their words and actions, commitment to that Code of Conduct. All staff are expected to comply with the Code of Conduct.</p> <p style="text-align: right;">Act s.440</p>

	STRATEGY	ACTION
2.1		<p>To improve the workplace and organisational culture, Council has introduced a "Blue Bus" training program which is designed to build awareness and understanding of how attitudes, behaviours and mindsets impact on the way people work together. The "Blue Bus" training program aims to provide a common language through open communication and collaboration across Council for Council officials to recognise, talk about and work towards a more constructive culture.</p> <p>At the time of the adoption of the Strategy, 95% of Council staff have already attended the "Blue Bus" training program, with Councillors being invited to attend in 2018.</p>
2.2	Clearly defined roles and responsibilities with independence as well as cooperation between all parties.	<p>The Act clearly defines the role of the Lord Mayor, Councillors and the CEO (refer to Appendix B for further information).</p> <p>Effective governance relies on the acceptance and independence of the different roles of the Lord Mayor, Councillors, the CEO and staff.</p> <p>Council adopts an Interaction between Councillors and Staff Policy to support the Code of Conduct and ensure an appropriate level of independence between Councillors and staff.</p> <p>An effective relationship between the Lord Mayor and Councillors promotes the successful delivery of the strategic directions as well as the reputation of Council.</p> <p>The Lord Mayor and CEO work closely together and the relationship is characterised by openness and good communication, with each keeping the other informed about important and relevant issues.</p> <p>Members of staff report to the CEO and are not subject to direction by Councillors. The CEO is the link between Councillors and Council staff.</p> <p style="text-align: right;">Act ss. 223, 226, 335 and 352(1)</p>
2.3	Effective management structure.	<p>The elected Council determines the organisational structure at a "senior staff" level with the structure they put in place providing for Council to meet its goals and objectives. Consistent with the Act, the CEO is responsible for determining the organisational structure below a senior level (a copy of the organisational structure is available on Council's website)</p> <p style="text-align: right;">Act s. 332</p>
2.4	Clear and considered decision-making processes to ensure decisions made by Council are in the best interests of the community and consistent with the Council's CSP.	<p>The elected Council delegates to the CEO functions of Council except those precluded from delegation under the Act or those functions the elected Council consider should be carried out by themselves.</p> <p>The CEO in turn delegates functions to staff at appropriate levels of the organisation structure so the day to day work of Council can be carried out. This includes financial delegations to ensure financial decisions are appropriately made and there is a system of accountability.</p>

	STRATEGY	ACTION
		<p>The delegations framework demonstrates the trust the elected Council places in the CEO and staff for decision-making. The CEO is responsible for ensuring that all delegations are in line with Council policy. Council policies provide guidance to staff to enable the appropriate decisions to be made.</p> <p>The CEO is responsible and accountable for ensuring that the elected Council receives quality and timely reports for matters that fall outside his/her delegations. The reports contain all relevant information, options, clear recommendations as well as details on the alignment with Council's strategic objectives and financial impacts. This ensures the elected Council can make informed and appropriate decisions.</p> <p>Councillors are entitled to put forward alternatives to the recommendations provided by Council staff through the CEO. All decisions must be supported by reason and align with Council's CSP.</p> <p>All decisions are made at an appropriate level and are supported by sound financial and risk analysis, as well as being consistent with the CSP.</p> <p>Clear and considered decision-making processes to ensure decisions made by Council are in the best interests of the community and consistent with Council's CSP.</p> <p style="text-align: right;">Act ss.377 &amp; 378</p>
2.5	Support and commitment to education and training.	<p>Education and training for both Councillors and staff to ensure they appropriately understand their governance obligations is important to Council.</p> <p>All Councillors are required to complete an education and induction program on election (generally every four years and regardless of whether they are new Councillors or re-elected) and ongoing professional development training. This is to ensure Councillors have an appropriate level of skills and experience required to properly fulfil their responsibilities in accordance with the Regulation.</p> <p>Council supports continuous education and professional development programs for Councillors. A budget to allow Councillors attend ongoing professional development is provided for in Council's Payment of Expenses and Provision of Facilities to Councillors policy.</p> <p>Council is committed to educating staff at all levels through formal established training programs, including:</p> <ul style="list-style-type: none"> <li>senior management induction program covering governance matters that all senior managers are required to attend on commencement of employment at Council;</li> <li>staff induction program covering governance issues that all staff are required to attend upon commencement of employment at Council;</li> <li>provision of a training budget per staff member to support staff in ongoing training and education relevant to their roles.</li> </ul> <p>Council has an established governance training program for staff at all levels endorsed by the Executive Management Team. The adopted training program includes all relevant aspects of governance depending on the level within the organisation.</p>



# OBJECTIVE 3:

## Active citizen engagement on local planning and decision-making processes and a shared responsibility for achieving goals

Council is committed to citizen engagement which commences with the community strategic planning process. Council recognises that community engagement is an important part of local democracy, fostering community cohesion, pride of place and participation in civic life.

Once the key strategic objectives of the community are established, Council takes an open and transparent approach to all of its activities and ensures the delivery of efficient and effective decisions, facilities and services

that meet the community's expectations on a financially sustainable basis. This demonstrates a shared responsibility for achieving the goals of the entire community.

Council acknowledges it is accountable to the community and is committed to improving community engagement by proactively making information available to keep the community informed and engaging with the community on key issues and matters of significance in the local government area.

## Strategy and actions

	STRATEGY	ACTION
3.1	Being open and transparent with regard to Council's community engagement activities.	<p>Council undergoes significant community consultation as part of the development and adoption of the CSP. The CSP is supported by a specific Community Engagement Strategy. Community engagement for the CSP is the key way the community can become involved in setting the strategic direction of Council.</p> <p>Once the CSP is adopted, Councillors and Council staff are empowered to implement the strategies and goals established in consultation with the community.</p> <p>Council also adopts a Community Engagement Framework and a Community Engagement Policy to provide for openness and transparency with Council's community engagement activities as well as being accessible, inclusive and actively seeking input into decision-making.</p>

	STRATEGY	ACTION
		<p>Councillors and staff recognise that decisions are improved by engaging residents and other stakeholder groups. Within Council's ability to finance and resource, Council commits to conduct transparent and inclusive engagement processes that are responsive and accountable.</p> <p>Council assigns a high priority to appropriately involving residents and other stakeholders early on and throughout the process, especially when the decision(s) impact on their lives. Council recognises and complies with the practices developed by the International Association for Public Participation. The IAP2 Public Participation Spectrum helps identify and select the appropriate level of public participation, select methods of engagement and identify a range of tools.</p> <p>Community engagement is defined in many different ways depending on context. For Council, community engagement is the primary way we build community awareness and understanding, and gain better insights into community opinion. The information shared with Council by residents is used to assist with ensuring services and facilities best meet their needs.</p> <p>Council is currently expanding its community engagement program to empower residents to be further involved in the decision-making process. Methods the engagement team employ when undertaking engagement activities include:</p> <ul style="list-style-type: none"> <li>• Online surveys;</li> <li>• Geo mapping tool surveys;</li> <li>• Focus groups;</li> <li>• Facilitated workshops;</li> <li>• Intercept surveys;</li> <li>• Information sessions.</li> </ul> <p>There are constantly evolving tools that are being developed in the engagement space to better target hard to reach community groups as well as make the engagement experience as attractive and accessible as possible. Council staff will continue to review many of these tools for potential use across Council's planning and service provision initiatives.</p> <p>Diverse community engagement with a broad section of the community is important as Council (Councillors and staff) have a responsibility to act in the best interests of all residents in the Newcastle local government area.</p>
3.2	Provision of public access to Council meetings and business papers.	<p>All Ordinary Council meetings as well as the Development Applications Committee, Public Voice Committee and Briefing Committee meetings are open to the public unless required to be closed in accordance with the Act.</p> <p>Council makes its business papers available on Council's website in advance of Council meetings as well as in hard copy from Council's City Administration Centre.</p> <p>Minutes of all open Council meetings are also made available to the public via Council's website.</p>

	STRATEGY	ACTION
3.3	Clear line of communications between members of the public and Councillors.	<p>Councillors' contact details including email addresses and telephone numbers are listed on Council's website to allow members of the public to directly communicate with Councillors.</p> <p>Members of the public may raise issues with Councillors at any time. As business papers are released to members of the public in advance of Council meetings, members of the public can email or speak to Councillors about issues scheduled to go before the elected Council prior to a Council meeting.</p> <p>Where members of the public have issues or concerns of strategic significance they wish to present to Councillors, they may apply under Council's Public Voice Policy to address the elected Council in open session.</p> <p>Where members of the public have issues or concerns in respect of a development application that is to go before the elected Council at a Development Applications Committee, they, and the applicant for the DA, will be provided with an invitation to address the elected Council in a Public Voice session.</p> <p>The main objective of the Public Voice Policy is to provide members of the community with the opportunity to address Councillors on matters within its charter.</p> <p>Council's Public Voice policy and the relevant application form are available on Council's website. Public Voice sessions can cover a broad range of issues including those related to development applications where the elected Council is the decision maker as well as other strategic issues.</p> <p>Applications for Public Voice are generally only rejected/deferred where:</p> <ul style="list-style-type: none"> <li>• there is a timing issue and/or other forms of communication are appropriate; or</li> <li>• the topic of discussion is outside of Council's jurisdiction and Council is not in a position to make a decision on the matter (Council would generally guide the applicant to the relevant body or if the dispute is of a private nature, such as tree dispute on private land), Council may suggest alternative courses of action, such as a mediation through a Community Justice Centre.</li> </ul> <p>Council will consider changes to the Code of Meeting Practice and/or Public Voice Policy to provide for the implementation of a system to allow members of the public to address Council on a meeting night before a Council meeting.</p> <p>A summary of Public Voice topics previously presented by members of the public to Councillors is available on Council's website.</p>
3.4	Open and accessible government information as well as a commitment to the protection of privacy.	<p>Under the GIPA Act, Council is required and committed to:</p> <ul style="list-style-type: none"> <li>• making open access information that is required under the GIPA Act to be available on its website or one way free of charge (fees are applicable to formal GIPA requests);</li> <li>• proactively publishing more information on Council's website than is legally required and improve efficient release of information;</li> <li>• processing all informal requests for information efficiently and effectively; and</li> <li>• processing all formal access applications within the statutory timeframes and in compliance with the GIPA Act.</li> </ul>

	STRATEGY	ACTION
3.4		<p>The CEO ensures the provision of detailed and timely information to Councillors relevant to the discharge of their civic functions while still maintaining appropriate level of independence between the elected Council and staff.</p> <p>Council will ensure it meets the highest level of public disclosure regarding all dealings with Council Officials while also meeting its obligations under the relevant privacy legislation and Council's Privacy Management Plan.</p> <p>Council will ensure that its procedures meet the highest level of transparency, accountability and probity and comply with the requirements of all current legislation.</p> <p>Whilst Council is committed to releasing information, such disclosure will be done where there is public interest to do so, in accordance with the GIPA Act. This means that some personal or commercial in confidence business information may not be disclosed where there is no public interest to do so.</p>
3.5	Open and transparent disclosures.	<p>A standing item on every Council meeting agenda is the disclosure of conflict of interests requiring Councillors to make a disclosure to the meetings about any conflicts they have in relation to any items on the Council meeting agenda. The Councillors' conflict of interests declarations are recorded in the minutes.</p> <p>Council staff are also required to declare in writing to their manager any conflict of interests that arise in the course of them conducting their duties.</p> <p>Where Councillors or staff declare a pecuniary or significant nonpecuniary interest, they must remove themselves from the decisionmaking process (for example, Councillors are required to leave the Council Chamber and not vote on the matter; staff must step aside and another staff member will be responsible for the decision-making).</p> <p>Councillors, senior staff and other staff members with decision-making functions are required to complete an annual pecuniary interest return, disclosing to the CEO:</p> <ul style="list-style-type: none"> <li>• property;</li> <li>• income;</li> <li>• significant gifts;</li> <li>• significant contributions to travel;</li> <li>• shares of and positions held in companies (if remunerated for such positions);</li> <li>• positions in trade unions and professional / business associations;</li> <li>• debts; and</li> <li>• discretionary disclosures (any disclosures that don't "fit" in other sections).</li> </ul> <p style="text-align: right;">Act ss 442-449</p> <p>Councillors and staff are also required to declare all gifts given to them and these declarations are kept on Council's gift register.</p> <p>Council will publish the following, at least quarterly, in respect of the diaries of the Lord Mayor and the Executive Management Team (including the CEO):</p> <ul style="list-style-type: none"> <li>• The date and purpose of meetings;</li> <li>• Organisations or individuals attending (provided consent is given).</li> </ul>

	STRATEGY	ACTION
3.5		<p>The publication will not include:</p> <ul style="list-style-type: none"> <li>• details of internal meetings with staff; or</li> <li>• meetings where individual attendees do not consent to having their personal information published and the publication of such information is considered not to be in the public interest.</li> </ul> <p>Council's Manager Legal and Governance will have access to the Lord Mayor's and CEO's diaries to ensure openness and transparency is balanced against Council's obligations to protect the privacy of individuals.</p> <p>Council's practice of open dairies is intended to be consistent with the NSW Government's practice for publishing ministers' dairies.</p> <p>Council will publish monthly a report on the expenses of the Chief Executive Officer, Lord Mayor and Lord Mayor's Office in detail.</p>
3.6	Consideration of the community's advice on Council issues.	<p>Council may establish advisory committees by resolution of Council. The purpose of these committees is to provide guidance and make recommendations to the elected Council within a particular area of expertise. Many of the committees have community members or members of key stakeholder groups as well as Councillors as members.</p> <p>The committees meet to discuss issues that fall within their area of expertise and make recommendations back to the elected Council.</p> <p>The elected Council adopts a constituting document for each of the committees setting out, including but not limited to:</p> <ul style="list-style-type: none"> <li>• responsibilities/ terms of reference;</li> <li>• membership;</li> <li>• meeting frequency and agenda items;</li> <li>• committee authority; and</li> <li>• reporting obligations.</li> </ul> <p>The elected Council, by resolution, nominates Councillor representatives to the committee where the constituting document provides for Councillor members.</p> <p>At the time of the development of this Strategy Council has in place nine Advisory Committees as set out in Annexure C.</p> <p>Council will include advisory committee meeting cycles in the meeting schedule adopted by the elected Council under the Code of Meeting Practice on the next occasion it is adopted or as determined by the elected Council from time to time.</p> <p>The agenda and minutes of these meetings and their membership will be published on Council's website unless they contain personal information, commercially sensitive information, or information in confidence.</p> <p>Council also has a number of Business Improvement Associations (BIAs) for the purpose of expenditure and oversight of special benefit rates from businesses within each nominated commercial centre.</p> <p>BIAs are required to report annually to Council's Audit Committee as well as publicise annual business plans and financial summaries and activity reports on Council's website.</p>

	STRATEGY	ACTION
3.7	Councillor participation on community issues.	<p>Councillors are nominated to, and currently sit on, approximately 10 externally constituted community committees which are wide ranging in focus and scope. These are set out in Annexure D.</p> <p>These committees do not come under the oversight of Council and are subject to their own individual governance arrangements.</p> <p>The appointment to external community committees allows Councillors to further engage with and understand community needs. Councillors can bring matters before the elected Council by way of a Notice of Motion.</p>
3.8	Effective complaints handling focussed on customer service improvements.	<p>Council adopts a Customer Complaints Handling Policy to ensure:</p> <ul style="list-style-type: none"> <li>• Council responds to complaints in a timely, consistent and cost-effective way;</li> <li>• The boosting of public confidence and perception of the quality of the services provided by Council;</li> <li>• Complaints information and statistics are used to deliver quality improvements in services and the way in which it handles complaints;</li> <li>• Complaints are escalated internally and will be reviewed by Council's Legal and Governance team where members of the community remain dissatisfied after the initial review of their complaint.</li> </ul> <p>A review of the complaint by Council's CEO may also be offered to the community member should they be dissatisfied with the response from Council's Legal and Governance Team.</p> <p>Members of the public can escalate complaints to the NSW Ombudsman, at any time, where they are dissatisfied with Council's response.</p> <p>The role of the NSW Ombudsman is to make sure agencies, such as local councils and their staff, do their jobs properly and are meeting their responsibilities to the community.</p>

# OBJECTIVE 4:

## A local government organisation of excellence

Well-functioning local government is a key element in helping the community achieve the objectives of the CSP. The organisation is committed to the principles of continuous improvement in order to increase the efficiency and effectiveness of service delivery on a financially sustainable basis.

Council encourages a positive workplace culture and promotes a strong governance framework.

Council has a number of overarching policy and procedure documents supporting good governance and providing appropriate guidance to support Council as an organisation of excellence.

## Strategy and actions

	STRATEGY	ACTION
4.1	Accountable to actions it takes to support a strong governance framework.	<p>Council will establish a Governance Committee made up of Councillor and independent members. The purpose of the Governance Committee will be to:</p> <ul style="list-style-type: none"> <li>oversee the development of Council's governance policies and policy framework;</li> <li>review Council's Code of Conduct at regular intervals to ensure consistency with the Model Code of the Office of Local Government, including Council's approach to: <ul style="list-style-type: none"> <li>managing conflict of interests; and</li> <li>secondary employment.</li> </ul> </li> <li>review and endorse staff awareness programs on Code of Conduct, fraud and corruption prevention and public interest disclosures;</li> <li>review and monitor Council's effectiveness in handling customer complaints (including making recommendations for changes to process or procedure);</li> <li>review and monitor Council's Fraud and Corruption Prevention Plan; and</li> <li>review and monitor Council's Integrated Planning and Reporting Framework.</li> </ul> <p>The Governance Committee will report periodically to Council as provided in a Governance Committee Charter adopted by the elected Council.</p>

	STRATEGY	ACTION
4.2	Established system for the efficient, effective and orderly conduct of meetings.	<p>The elected Council adopts a Code of Meeting Practice from time to time based on the requirements within the Act and Regulation. The Code of Meeting Practice provides for, including but not limited to:</p> <ul style="list-style-type: none"> <li>adopting a meeting cycle for regular Council meetings;</li> <li>provision of notice of Council meetings and means by which Councillors can add items to the Council meeting agenda;</li> <li>publicly advertising the dates and times of Council meetings;</li> <li>the timeframes and form for the issuing of agendas and business papers by the CEO to Councillors and the public;</li> <li>approval of minutes at the next Council meeting and the signing of minutes by the Lord Mayor;</li> <li>voting on items of business in Council meetings;</li> <li>quorum at meetings;</li> <li>the attendance of the public at meetings, except where meetings must be closed to the public in accordance with the Act;</li> <li>the requirement to vote by division and record the voting by individual Councillors on planning instrument matters; and</li> <li>Councillors declaring conflict of interests at Council meetings.</li> </ul> <p>Council will consider further amendments to the Code of Meeting Practice to support this strategy when the Office of Local Government release their model Code of Meeting Practice, including exploring options to allow members of the public to ask questions to the presenter and/or Councillor during a Councillor briefing session.</p>
4.3	Improve fraud and corruption control.	<p>Council has an adopted Fraud and Corruption Control Strategy that provides:</p> <ul style="list-style-type: none"> <li>an integrated and overarching strategy to control fraud and corruption risk at Council;</li> <li>guidance on all fraud and corruption management activities and regular updated tracking actions taken by Council to prevent fraud and corruption; and</li> <li>a mechanism for evaluation and continuous improvement of fraud and corruption management activities at Council through the Fraud and Corruption Control Plan.</li> </ul>

	STRATEGY	ACTION
4.4	Council takes steps to ensure it appropriately identifies and manages serious wrong-doing.	<p>Council adopts an internal reporting policy from time to time (at least once per council term) based on the NSW Ombudsman's model internal reporting policy. It provides for:</p> <ul style="list-style-type: none"> <li>procedures for reporting serious wrongdoing to appropriate levels of management or to Council's Legal and Governance team (for independence); and</li> <li>the reporting of systemic and recurring governance problems to those with sufficient authority to correct them.</li> </ul>
4.5	Promote an organisation that eliminates or minimises risk.	<p>Council supports and is committed to risk management. Council adopts and maintains a risk management framework and Risk Management Committee to appropriately identify and manage:</p> <ul style="list-style-type: none"> <li>business and financial risks, including fraud and corruption;</li> <li>risk management plans for projects or undertakings;</li> <li>business continuity planning; and</li> <li>emerging risks.</li> </ul> <p>The Risk Management Committee reviews risk and insurance related initiatives which provide for risk awareness and mitigation strategies to be implemented where appropriate.</p>

	STRATEGY	ACTION
4.6	Ensure accountability for public money and high levels of service, governance, quality, professional conduct and compliance with professional standards and other legislative requirements.	<p>Council is required under the Act to ensure external audits of its financial reports are carried out in accordance with accounting standards.</p> <p>The Auditor-General is the auditor for Council but it may appoint a person or a firm to act on its behalf.</p> <p style="text-align: right;">Act s.415, s.422</p> <p>Council adopts and maintains an audit committee in accordance with statutory obligations and recognised best practice. The Audit Committee is made up of independent and Councillor members. The Audit Committee reports periodically to the elected Council as provided in its committee Charter adopted by the elected Council.</p> <p>The objective of the Audit Committee is to provide independent assurance and assistance to Council on risk management, fraud control, governance, financial, and legal and regulatory obligations.</p> <p>The Audit Committee is responsible for:</p> <ul style="list-style-type: none"> <li>acting as a forum for communication between Council, executive management, internal audit and external audit; and</li> <li>providing oversight of Council's internal audit activity.</li> </ul>

**Exercise of functions generally**

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work cooperatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

**Decision-making**

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decisionmakers are to be accountable for decisions and omissions.

**Community participation**

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

**Principles of sound financial management**

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
  - (i) performance management and reporting,
  - (ii) asset maintenance and enhancement,
  - (iii) funding decisions,
  - (iv) risk management practices.

(d) Councils should have regard to achieving intergenerational equity, including ensuring the following:

- (i) policy decisions are made after considering their financial effects on future generations,
- (ii) the current generation funds the cost of its services.

**Integrated planning and reporting principles that apply to councils**

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.

Act s. 8-8C

# Lord Mayor

**The role of the Lord Mayor is to:**

- be the leader of the elected Council and a leader in the local community;
- advance community cohesion and promote civic awareness;
- be the principal member and spokesperson of the elected Council, including representing the views of the elected Council as to its local priorities;
- exercise, in cases of necessity, the policy-making functions of the elected Council between meetings of the elected Council;
- preside at Council meetings;
- ensure that Council meetings are conducted efficiently, effectively and in accordance with the Act;
- ensure the timely development and adoption of the strategic plans, programs and policies of Council;
- promote the effective and consistent implementation of the strategic plans, programs and policies of Council;

- promote partnerships between Council and key stakeholders;
- advise, consult with and provide strategic direction to the CEO in relation to the implementation of the strategic plans and policies of Council;
- in conjunction with the CEO, ensure adequate opportunities and mechanisms for engagement between Council and the local community;
- carry out the civic and ceremonial functions of the Lord Mayor's Office;
- represent Council on regional organisations and at intergovernmental forums at regional, State and Commonwealth level;
- in consultation with Councillors, lead performance appraisals of the CEO; and
- exercise any other functions of the elected Council that the elected Council determines.

Act s.226

## Elected Council/Councillors

**The role of the elected Council is to:**

- direct and control the affairs of Council in accordance with the Act;
- provide effective civic leadership to the local community;
- ensure as far as possible the financial sustainability of Council;
- ensure as far as possible that Council acts in accordance with the principles set out in the Act and the plans, programs, strategies and policies adopted by the elected Council;
- develop and endorse the CSP, delivery program and other strategic plans, programs, strategies and policies adopted by the elected Council;
- determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of Council's resources to implement the strategic plans (including the CSP) of Council and for the benefit of the local area;
- keep under review the performance of Council, including service delivery;
- make decisions necessary for the proper exercise of Council's regulatory functions;
- determine the process for appointment of the CEO by the elected Council and to monitor the CEO's performance;

- determine the senior positions within the organisation structure of Council;
- consult regularly with community organisations and other key stakeholders and keep them informed of Council's decisions and activities;
- be responsible for ensuring that Council acts honestly, efficiently and appropriately; and
- consult with the CEO in directing and controlling the affairs of Council.

**The role of Councillors as individuals is to:**

- be an active and contributing member of the elected Council;
- make considered and well informed decisions as a member of the elected Council;
- participate in the development of the integrated planning and reporting framework;
- represent the collective interests of residents, ratepayers and the local community;
- facilitate communication between the local community and the elected Council;
- uphold and represent accurately the policies and decisions of the elected Council;
- make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.

Act ss.223, 232, 227, 282

**Councillors are required to take an oath or affirmation: (as provided in the Act):**

- **Oath:** I [name of Councillor] swear that I will undertake the duties of the office of Councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.
- **Affirmation:** I [name of Councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Act ss.223, 232, 233A

## Chief Executive Officer

**The role of the CEO is to:**

- conduct the day-to-day management of Council in accordance with the strategic plans, programs, strategies and policies adopted by the elected Council;
- implement, without undue delay, lawful decisions of the elected Council;
- advise the Lord Mayor and the Councillors on the development and implementation of the strategic plans, programs, strategies and policies adopted by the elected Council;
- advise the Lord Mayor and the Councillors on the appropriate form of community consultation on the strategic plans, programs, strategies and policies adopted by the elected Council and other matters related to Council;
- prepare, in consultation with the Lord Mayor and the Councillors, Council's CSP, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report;

Act ss.335, 377, 378

- ensure that the Lord Mayor and the Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions;
- exercise any of the functions of Council that are delegated by the elected Council to the CEO;
- appoint staff in accordance with the organisation structure determined under Chapter 11 of the Act and the resources approved by the elected Council;
- direct and dismiss staff;
- implement Council's annual Operational Plan, Delivery Program and workforce management strategy; and
- provide any other functions that are conferred or imposed on the CEO by or under this or any other Act.

## Senior Staff

**The role of Senior Staff is to:**

- Senior staff are responsible for providing timely advice to the CEO within their specific areas of responsibility, as required, on the progress of projects/activities and work.
- They are also responsible for ensuring that their team's and individual work plans support the achievement of Council's strategic goals.

<https://www.olg.nsw.gov.au/councils/integrated-planning-and-reporting/process/roles-and-responsibilities>

## APPENDIX C

### ADVISORY COMMITTEES

(as at date of the adoption of this Strategy)

- 1 Asset Advisory Committee;
- 2 Coastal Revitalisation Consultative Committee;
- 3 Disability Inclusion Advisory Committee;
- 4 Environmental Advisory Committee;
- 5 Guraki Aboriginal Advisory Committee;
- 6 Newcastle Cycling Advisory Committee;
- 7 Newcastle Floodplain Risk Management Advisory Committee;
- 8 Newcastle Youth Council Committee;
- 9 Smart and Innovative Cities Committee.

These are not committees constituted under s.355 of the Act.

## APPENDIX D

### EXTERNAL COMMUNITY COMMITTEES

(as at date of the adoption of this Strategy)

- 1 Building Better Cities Housing Management and Development Committee;
- 2 Fort Scratchley Historical Society's Management Committee;
- 3 Hunter and Central Coast Joint Regional Planning Panel;
- 4 Hunter Region SLSA Helicopter Rescue Services Board;
- 5 Hunter Water Corporation Consultative Forum;
- 6 NSW Association of Mining Related Councils;
- 7 NSW Public Libraries Association;
- 8 Newcastle Art Gallery Foundation Board;
- 9 Newcastle City Traffic Committee;
- 10 Northern Settlement Services Management Committee.

These are not committees constituted under s.355 of the Act.





