

8. POLICY REGISTER REVIEW: FIRST CUT RECOMMENDATIONS FOR REMOVAL



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PURPOSE OF REPORT

1. The purpose of this report is to recommend the removal by revocation of a number of items that are currently contained in the Policy Register. This list of 'first cut' initial items includes 'straight-forward' and non-contentious documents. They have been superseded by, or incorporated in other documents, or are now obsolete.
2. The purpose of this report is also to provide a suggested vision of a revised Policy Register, once the process of review is completed.

EXECUTIVE SUMMARY

3. The project of reviewing the Christchurch City Council's Policy Register has been ongoing since early in 2005. The Policy Register contains some 290 items ranging from policies to one-line Council resolutions and detailed operational procedures. Instead, it should contain formal Council policy statements that advise the Council in decision-making and are available to the public.
4. To date, Councillors have had a number of seminars on the topic. In addition, Councillors Cox, Evans and Sherriff and Council staff have worked together to identify a process for efficient review by Councillors of the existing Policy Register.
5. This report recommends the removal by revocation of some 'first cut' initial items from the Register (those that are superseded or obsolete). Eliminating what staff consider to be 'clear-cut' and non-contentious items first means future work on reviewing the content of the Register will be more manageable and clear. Items identified for this first step are listed in Appendix A. Further steps on revoking or removing items from the Register will follow later this year, and this will be followed by the review of a number of retained policies.
6. This report also puts forth a vision for a revised Policy Register, with a suggested structure and content (see Appendix B). The vision incorporates:
 - Table of contents
 - Introduction
 - Retained policies (in full text) grouped into three key categories:
 - (i) Council Policy
 - (ii) Group Policy
 - (iii) Group Procedure
 - List of current strategies and major plans (title and date only)
 - Index listing all items in the Register, and references to documents that have superseded items previously in the Register.
7. It is worth stressing that at this stage staff are *not* suggesting the revocation of any policies the Council currently uses in its decision-making processes. The aim of this stage of the project is simply to 'clean out' the Register of items that either have no place on a Policy Register, are outdated or superseded, or are better retained elsewhere.

FINANCIAL IMPLICATIONS

8. There are no direct financial implications, as this project is largely an administrative review task.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

9. Covered by existing unit budgets.

LEGAL CONSIDERATIONS

Have you considered the legal implications of the issue under consideration?

10. A consistent theme in the Local Government Act 2002 (LGA) is that local authorities are to carry out their duties and make decisions in a transparent manner. In addition, the Local Government Official Information and Meetings Act 1987 (LGOIMA) provides that any person has a right to be given access to any document which contains policies, principles, rules or guidelines in accordance with which decisions or recommendations are made by the Council (s21(1)). Although this does not necessarily mean the Council has to keep a Policy Register, administratively it is appropriate to do so for the purposes of s21 of the LGOIMA. It could be argued that the current state of the Policy Register, or rather the policies within the Register, fails to comply with these requirements. In accordance with these legislative provisions, it is in the public interest that the content of the Policy Register is clear, up-to-date and relevant. This will allow consistent understanding of current policies both internally, and externally of Council.
11. Understanding of current policies internally is particularly important in terms of s80 of the LGA, which requires that:

“if a decision of a local authority is significantly inconsistent with...any policy adopted by the local authority...the local authority must, when making the decision, clearly identify—

 - (a) *the inconsistency; and*
 - (b) *the reasons for the inconsistency; and*
 - (c) *any intention of the local authority to amend the policy or plan to accommodate the decision.”*
12. If the Council has out-dated policies, then it may often make decisions that are inconsistent with those policies, but in doing so, it should still comply with s80 each time. In fact, s80(c) contemplates that the first time such an inconsistent decision is made will be the time when the Council identifies that an out-of-date policy should be revoked or amended. Inconsistency may also arise when a new policy or other Council document has implications for an existing policy, without the older document being revoked.
13. The printed version of the Policy Register [published annually until 2004] includes a clause stating that its contents are intended as a guide and the Council may depart from the policies when undertaking decision-making processes. Although the Council is able to do this, it must do so in accordance with s80.
14. The removal and revocation of items from the Policy Register is therefore important in order to comply with the LGA, the LGOIMA (s21), and to make it easier for Council and staff to identify when a decision is being made that is inconsistent with a policy.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. One of the City's Community Outcomes, as published in the 2006-16 LTCCP (pg 55), is *A Well-Governed City*. The LTCCP identifies that progress made towards achieving this Community Outcome will be measured using Confidence in Council decision-making as an indicator. Having an up-to-date, relevant and manageable policy register in place as a tool for effective and clear decision-making will contribute to the public's confidence in Council decision-making.
16. One of the Council's Strategic Directions, as documented in the LTCCP (pg 59), is *Strong Communities*, goal 3 of which is *promote participation in democratic processes*. The LTCCP identifies that this will be achieved by *making it easy for people to understand and take part in Council decision-making, as well as providing readily available and easily understood information about Council services and structures*. Reviewing the Policy Register closely aligns with both objectives. It may indirectly also address the key challenge of decreasing civic engagement, as outlined in the LTCCP (pg 60).

17. Reviewing the Policy Register also aligns with the Council activity Democracy and Governance, in that one of the ways Council contributes to the Community Outcome Governance is by making decisions that respond to or plan for current and future community needs (pg 111). A clearer and more manageable Policy Register, with up-to-date and relevant items, will contribute to Council making clear and transparent decisions that respond to community needs.
18. The Council's decision-making process, under the activity of Democracy and Governance, is also cited in the LTCCP as a driver that supports the Council's objective to develop strategies and policies which set the direction and work for the future of Christchurch (pg 112). Reviewing the Policy Register to make it clearer and more manageable will ultimately enhance the decision-making process.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

19. As above.

ALIGNMENT WITH STRATEGIES

20. Not applicable.

Do the recommendations align with the Council's strategies?

21. Not applicable.

CONSULTATION FULFILMENT

22. Initial feedback has been sought from Group Managers on the status of all items on the Register, which led to recommendations for required action for each item on the Register.
23. The Policy Register has no legal standing as such. It is a publication put together for administrative convenience. Revoking and removing any items that cannot be classed as 'policy', or are superseded or obsolete therefore requires no external consultation. It is an internal, administrative task. In fact, it is in the public interest that irrelevant and superseded items be removed. This would then comply with the consistent theme of transparency set out in the LGA, as well as provision to make available policies with which Councils make decisions as outlined in the LGOIMA (s21).
24. Section 78 of the LGA requires the Council to give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter. However, section 79 of the LGA gives local authorities discretion as to what extent it goes to achieve this compliance. In relation to revoking obsolete policies (see Appendix A), it is considered an insignificant matter and a low level of compliance suffices, so there is no need to consult. As noted above, it is likely that the community view, and public interest, would be supportive of the Council removing irrelevant and superseded policies from its Register.

STAFF RECOMMENDATION

It is recommended that the Council :

- (a) Remove by revocation each item in the list contained in Appendix A (attached);
- (b) Consider the suggested vision of a revised Policy Register with the recommended structure and nature of content (after review is completed) as outlined in Appendix B (attached);
- (c) Note that staff will continue to work on reviewing the Policy Register, and engage elected members in ongoing relevant discussions.

BACKGROUND (THE ISSUES)

Why Review?

25. A review of the Council Policy Register was requested early in 2005 in response to the observation that a large number of policies in the Council register did not meet the essential definition of policy.
26. The Policy Register contains some 290 items ranging from policies to one-line Council resolutions and detailed operational procedures. The range of formats varies considerably from single line resolutions to more formally structured policies. At present, the Register incorporates all policy decisions and associated resolutions made by the Council, regardless of subject or format.
27. The Register should contain formal Council policy statements that advise the Council in decision-making and are available to the public. This would see the Register serving as an effective, up-to-date and manageable tool for decision-making.

Recent Discussions with Elected Members

28. Following a seminar with Councillors on 17 October 2006 Councillors Cox, Evans and Sherriff and Council staff have worked together to identify a process for efficient review by Councillors of the existing policy register.
29. In an additional seminar on 27 February 2006, staff reiterated information regarding the Policy Register to elected members and put forth a list containing all items currently on the Register with a recommended action for each. At this seminar, elected members agreed that it is necessary that items that cannot be classed as policy and therefore should not be contained in the Register, items that are superseded, and items that are obsolete should be revoked/removed. This will allow the Register to serve as a more manageable and effective tool in decision-making.

A Vision for the Policy Register

30. A vision of the suggested structure and content of the revised Policy Register is attached (see Appendix B).
31. The revised Register will begin with a clear table of contents, as well as a brief introduction, which defines and outlines various different terms and types of documents.
32. Retained policies (in full text) on the Register will be grouped into three key categories that relate to the nature, purpose and 'audience' of the policy. These are as follows (for more information on each category, see Appendix B):
 1. Council Policy,
 2. Group Policy,
 3. Group Procedure.
33. The revised Register will include a list of current strategies and major plans. This list will include the documents' title and date only. On the inter/tranet, the title will be hyperlinked to the relevant full document.
34. Lastly, the Register will contain an index at the back. This will include all items in the revised Register, and also provide references to relevant documents that have superseded items previously in the Register. This will allow for easy identification and reference of items that are no longer in the Register, particularly during the transition phase.
35. The purpose of this reorganisation is to establish a system whereby only those policies that have long term strategic relevance to the Council are included in the policy register, and policies that relate to operational matters sit within the unit responsible for the relevant application.

The Review Process

36. Previous work on the Register has identified key milestones in the review process. These are as follows:
- Milestone 1. Identification of policies for removal from the Register by revocation
 - Milestone 2. Develop guidelines and template for future policy development
 - Milestone 3. Review remaining policies
37. It is also proposed that a triennial review of the entire Register occur with the incoming Council.
38. Staff are currently working on achieving Milestone 1. It is worth stressing that staff are *not* suggesting the revocation of any policies the Council currently uses in its decision-making processes. The aim of this stage of the project is simply to 'clean out' the Register of items that either have no place on a Policy Register, or are outdated or superseded. At the end of this review process, Council will have a Policy Register that serves as a manageable, up-to-date, and effective tool for decision-making.
39. It is suggested that Milestone 1 be tackled in various stages, rather than acting in one motion to identify and revoke or remove all items considered inappropriate for the Register. The first step is outlined below. Items in question for this step are attached in Appendix A.

Milestone 1:

Step 1. 'First cut' initial removal by revocation of items that:

- (a) have been superseded by, or incorporated in other documents,
 - (b) are obsolete,
- [more steps to follow]

40. It is recommended that superseded items be removed by revocation from the Register, with references to documents they have been replaced by noted in the index of the revised Register. Items that are obsolete are out of date and/or may refer to practices no longer carried out by Council, for example. It is recommended that these items are also removed by revocation. Appendix A outlines the rationale for why each item should be removed by revocation.
41. Further steps to achieve Milestone 1 (that deal with the perhaps more 'difficult' items earmarked for recommended revocation or removal) will follow (Strategy and Planning will work with Democracy Services Unit going forward). A report outlining Step 2 and recommended items for revocation or removal will follow in August 2007. Removing by revoking 'first cut' initial items now will enable further work to be clearer and more manageable.