

15. POLICY REGISTER REVIEW

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Strategy and Planning Manager
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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 in the Policy Register. This 'second cut' list includes items that either have been superseded by or incorporated in other documents, are obsolete, or are not Council policies and therefore inappropriately included in the Register. It is part of the continuing progress of reviewing the Policy Register, last addressed by the Council in May 2007 when recommended 'first cut' removals by revocation were adopted.

EXECUTIVE SUMMARY

2. The project of reviewing the Christchurch City Council's Policy Register has been ongoing since early 2005. It has been agreed by the Council that the Register should contain formal Council policy statements that advise the Council in decision-making and are available to the public.
3. Several Council seminars on the topic held during 2005 and 2006 clarified the Council's understanding of the need to review the Register and the criteria for future content of a revised Register. At the Council meeting of 17 May 2007, an initial 'first cut' list of 36 items were removed by revocation from the Policy Register.
4. This report recommends the removal by revocation of a further, 'second cut' list of items (Appendix B attached) that are superseded, obsolete or not appropriate for inclusion in a revised Policy Register. The key reason for presenting these items to the Council in stages rather than at one time is practicality: staged steps ensure reasonable amounts of information are presented for Councillors' consideration. It is anticipated that there may be one further, 'third cut' list to be presented at a later stage.

FINANCIAL IMPLICATIONS

5. 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?

6. Covered by existing unit budgets.

LEGAL CONSIDERATIONS

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

7. 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 policy, 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 the Council.

8. 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.”*
9. 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.
10. 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.
11. 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 the Council and staff to identify when a decision is being made that is inconsistent with a policy.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. 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.
13. 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).
14. Reviewing the Policy Register also aligns with the Council activity *Democracy and Governance*, in that one of the ways the 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 the Council making clear and transparent decisions that respond to community needs.
15. 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?

16. As above.

ALIGNMENT WITH STRATEGIES

17. Not applicable.

Do the recommendations align with the Council's strategies?

18. Not applicable.

CONSULTATION FULFILMENT

19. Initial feedback has been sought from General Managers on the status of all items on the Register, which led to recommendations for required action for each item on the Register.
20. 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).
21. 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 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 Policy Register.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Remove by revocation each item in the list contained in Appendix A (attached).
- (b) 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?

22. 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.
23. The existing Policy Register [last published in print in 2004] contained 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.
24. 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.

Discussions with Elected Members

25. At the most recent seminar to Councillors on this matter, on 27 February 2007, 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.

The Review Process

26. 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
27. It is also proposed that a triennial review of the entire Register occurs with each incoming Council.
28. Adoption of this report recommending removal by revocation of the attached items will mark the completion of most of Milestone 1. A further, smaller 'third cut' may be required to recommend a final group of identified items, that will be revealed as the project proceeds.
29. It is intended that Milestone 2 will be completed during the term of this Council, and a revised Policy Register be available in time for the benefit of the incoming Council.

THE OBJECTIVES

30. This 'second cut' removal by revocation of identified items will significantly progress the policy review project towards achieving Milestones 1 and 2. This is a necessary precursor to republishing a revised, updated Policy Register both in print and online.