

## COUNCIL WORKSHOP AGENDA

#### **MONDAY 25 FEBRUARY 2013**

12PM - 1.30PM

#### IN COMMITTEE ROOM 2, CIVIC OFFICES

(Note: This forum has no decision making powers and is purely for the purpose of information sharing.)

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#### 1. APOLOGIES

### 2. PRODUCTIVITY COMMISSION REPORT - TOWARDS BETTER REGULATION

As part of the Government's better Local Government agenda the Productivity Commission was asked to address issues around improving regulation at a Local Government level. The Commission has issued a report of its findings and asked a number of findings and questions. This workshop will examine the content of the report and provide direction for the Council's submission to the Commission.

**Presenters:** Alan Bywater, Strategic Policy Manager, Strategic and Planning Group, Judith Cheyne, Solicitor, Legal Services Unit, Anne Columbus, Manager Investigations and Compliance, Inspections and Enforcement Unit, and Glenda Dixon, Senior Planner, City Planning Unit.

#### Attachments:

- Cut to the chase summary
  - http://www.productivity.govt.nz/sites/default/files/cttc-local-government-regulatory-performance.pdf
- Contents pages (see attached)
- Diagram to guide the decision whether regulatory functions should be administered at Central or Local Government Level (see attached)

Also provided for background reading is the entire draft report

http://www.productivity.govt.nz/sites/default/files/towards-better-local-regulation-draft\_0.pdf

Note: Would workshop presenters please contact the Committee Adviser prior to the day of the meeting for set-up of PowerPoint presentations.

#### **CATERING**

A light lunch will be provided at the beginning of the Workshop

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#### **Allocating Regulatory Roles: A Guiding Framework**

#### Local & proximate: Allocate the regulatory function locally unless there is a good reason to allocate elsewhere · Who benefits from the regulation? Are they represented in the jurisdiction making the Where do the benefits and Who bears the costs? Are they represented in the jurisdiction making the decision? costs fall? · What is the magnitude of costs and benefits? • Are there mechanisms for coordinating between local jurisdictions, eg regional are still protocols? What are primarily local the options Could national interests be taken into account by the provision of more guidance about the outcomes sought, or should the statute enabling the regulation be more for taking prescriptive? costs and If the benefits · Does more direct accountability for regulatory performance need to be established? interests extend into Should there be a national standard? account? nationally · If the benefit of local regulation accrues nationally should the local jurisdiction be funded (or incentivised or assisted) to provide it? · Should regulatory decision making or that part of the decision making where there is a significant national benefit, costs or risk, be centralised? · Who has the relevant information (eg technical information and information about preferences) for regulatory decision making? Information · Who has the relevant information for effective implementation? Who has the How will information and knowledge be diffused and appropriately deployed in the information and the Will an effective diffusion of information be compromised by splitting regulatory roles capability? between central and local government? · Who has the capability to make regulatory decisions? Who has the capability to Capability How will capability be maintained? Are there opportunities for cooperation/sharing of expertise among jurisdictions to maintain capability or fill a capability gap? · What are the risks assigned along with the allocation of regulatory roles? Who is able to manage risk · Does the jurisdiction have the information and the capability to mitigate risks? effectively? · Does the jurisdiction have the tools available to effectively mitigate risk? Could the risks identified be reassigned to parties better able to manage them? Are preferences relatively heterogeneous (different) or are they homogenous (the Are there efficiencies from · If they are homogeneous, would it be more efficient for the role to be carried out by a reducing duplication? larger grouping at one level of government (eg a cluster approach or shared service arrangement) or centrally? · Are adequate accountability and governance arrangements in place? Does the jurisdiction have If not, can the required governance and accountability arrangements be put in place? effective governance and · Could the role be assigned to another jurisdiction at the same level of government? accountability in place? Could the role be better undertaken at a different level of government?

Where regulatory roles are split, what is the relationship between levels of government?

- Where there is a statute conferring regulatory powers, does it specify the nature of the relationship between central and local government?
- What mechanisms are in place to ensure clarity about roles and accountability for outputs?
- · How important is it that the respective regulatory roles are coordinated?
- Is splitting roles between central and local government likely to compromise regulatory effectiveness?