



**SUBMISSION ON LOCAL GOVERNMENT REGULATORY PERFORMANCE
IN RESPONSE TO
NEW ZEALAND PRODUCTIVITY COMMISSION ISSUES PAPER JULY 2012**

OFFICERS' RESPONSE – 14 SEPTEMBER 2012

<p>Q.1</p>	<p>What is the relative importance of the range of the regulatory activities local government undertakes? Where should the Commission's focus be?</p> <ul style="list-style-type: none"> • The range of regulatory activities local government undertakes makes a significant contribution to the health, safety and wellbeing of all New Zealanders. • The Commission should identify those responsibilities or activities that local government undertake that have uniform application throughout the country and look at ways where they can be more efficiently implemented e.g. Building Act. • Identify those things local government is not well- resourced or equipped for, or does not have the necessary (affordable) in-house skills to properly conduct. <p>A case in point is administration of hazardous substances (s97 HSNO Act). Many local authorities, and particularly those outside the metropolitan areas, while having to discharge their HSNO related responsibilities under the Resource Management Act 1991, do not have sufficient volume of work to warrant employing appropriately qualified in-house staff. The HSNO work is such that it is highly specialised, being highly technical and complex, and requires suitably university trained persons (e.g. chemistry, chemical engineering, applied physics etc) to be able to properly administer. It is suggested that many local authority staff (environmental planners, building consent officers etc) will currently be in the invidious position of having to administer legislative provisions for which they are inadequately trained. This carries obvious risks associated with public health and safety.</p> <ul style="list-style-type: none"> • Where councils are the appropriate body to administer, obtain accurate costs and ensure adequate recovery systems or Central Government funding available. Also do more to establish management systems and processes so that each Council does not have to work this out individually.
<p>Q.2</p>	<p>What are the main economic, social, demographic, technological and environmental trends that are likely to affect local government regulatory functions in the future?</p> <ul style="list-style-type: none"> • User pays or other external funding; cost from rates. • To date no function is 100% recoverable even if charges or funds apply. There is a public good element, the value of which needs to be recognised. • Increased cost to the community, they don't see the benefit (in regulations) and if they are good citizens or operators feel that the costs unfairly apply. • Community want more and seek instant satisfaction in many cases because of potential speedier responses offered by digitisation. They seek better free access information etc., transparency and demand greater participation. • The aging population demographic will see a greater portion of the population on fixed incomes well below the average wage (i.e. Government superannuation). This raises issues of affordability of services at the local level.
<p>Q.3</p>	<p>Has the Commission accurately captured the roles and responsibilities of local government under the statutes in Table 2?</p> <ul style="list-style-type: none"> • There could be a whole Table of its own under the Local Government Act 2002 – auditing, LOGOMA (public participation processes etc.). • Those provisions of the Reserves Act 1977 that apply to local government should be included in the scope of the review as there are many provisions that adversely affect the efficient performance of local government. Refer to separate document for our comments specific to the Reserves Act. •

<p>Q.4</p>	<p>Are there other statutes that confer significant regulatory responsibilities on local government? What, if any, regulatory roles of local government are missing from Table 2?</p> <ul style="list-style-type: none"> • Reserves Act 1977 • Amusement Device Machinery Act 1950 <p>Note: It is acknowledged that the Local Government Act and Resource Management Act are currently undergoing their own separate reviews and fall outside the scope of this regulatory performance review.</p>
<p>Q.5</p>	<p>Are there any other local organisations with regulatory responsibilities that the Commission should consider?</p> <ul style="list-style-type: none"> • The inter-relationship with the Department of Conservation under the Reserves Act. • Good local government at the local level has inter-relationships with Police and the local District Health Board etc. While the respective organisations act independently under their own legislative mandates strategic relationships are import for co-ordination of effort in the best interests of communities. (e.g. Policy development and implementation in respect of gambling machines, consumption of liquor etc.
<p>Q.6</p>	<p>Do the different characteristics and priorities of local authorities explain most of the difference in regulatory practice across local government?</p> <ul style="list-style-type: none"> • Yes. • The larger the authority, the greater volumes of work, the more specialised staff that can be employed. Where there are insufficient volumes of work that require specialist outputs, services have to out-sourced e.g. shared service arrangements with other LA's or the hiring of private sector consultants. • Community expectations and priorities differ. • The differing economic activity within districts and regions place a priority on different services. (E.g. oil and gas industry; pastoral farming, horticulture, forestry, mining etc.) • Expertise of staff in-house. • Bi-cultural relationships. Those TA's with a greater number of Iwi and Hapu arguably have greater demands placed on them due to the multiple relationships that need to be maintained. • MOU's with Iwi. Treaty of Waitangi responsibilities filter down in different ways resulting in MOU's. Demand for additional services can result and/or additional are costs incurred.
<p>Q.7</p>	<p>Are community expectations to 'do more' about social issues leading to different approaches to regulation between local authorities?</p> <ul style="list-style-type: none"> • Yes. There are frequent local issues/social issues. • Councils are often the first stop even if the issue falls outside legislated responsibilities. Councils are much more accessible when such issues occur. Central Government is less adaptable and somewhat less friendly. • There was a time when local government was not involved in the sale of liquor (previously the local District Licensing Authority). • The community expectation is that we should get involved with social issues. This often leads to pressure on political representatives to do something, even if the matter does fall within the normal scope of business.
<p>Q.8</p>	<p>To what extent are local preferences a source of regulatory variation in New Zealand? How far should councils, when implementing a national standard, have discretion to reflect local preferences in their bylaws?</p> <ul style="list-style-type: none"> • Health & Safety – should be standardised. • Social impact type stuff – what rules do you want, don't want all communities to look the same. <p>Freedom camping – need a local say.</p>

<p>Q.9</p>	<p>Are there areas of regulation where local and central government regulation appear to be in conflict? If so, how far should such conflicts be accepted as a consequence of the diversity of preferences?</p> <ul style="list-style-type: none"> • Oddities in the way – legislation like HSNO, applied, mainly carried out by central government agencies with a small part remaining with local government who are having to find ways to resource a partial function. Very inefficient.. • Also in terms of HSNO and H&S there seem to be opportunities to consider effects on the environment and people beyond the site and workers so that there is no need for a parallel RMA process. The EPA could be well equipped to manage complex matters. Few if any TA’s have the in house expertise to effectively deal with such issues. • Blurred or illogical boundaries. • Environmental Health role & District Health Boards: minimise the differences; liaison committees; at a local level we get ‘around the table’/working parties. • Duplication of roles of central government departments and LA’s. Three examples: <ul style="list-style-type: none"> - Historic Places Act and RMA – where a resource user (e.g. landowner, developer) has to often obtain approvals from both the Historic Places Trust and the LA (RMA land use consent) for the same activity e.g. disturbance/destruction of an archaeological site. - Consumption of Liquor and RMA – an applicant often has to obtain approvals from both the District Licencing Authority for a licence to sell liquor and an RMA land use consent to conduct the activity. - Reserves Act and RMA – The Department of Conservation has an advocacy role in the conservation of indigenous vegetation that extends to private land. Its role is manifested in the development of LA District Plan provisions about significant indigenous vegetation at the local level, often in an adversarial role before Council hearing commissions and the Environment Court. Typically, the Department pursues a centralist policy line that does not take account of local conditions, including the level of threat (or lack of) to the indigenous vegetation and/or the local planning authority’s proposed policy position arrived at through consultation with the key stakeholders, that is, the private landowners. Where the central and local policy positions are conflicted the end result is significant litigation expense (\$100,000’s) for taxpayers and ratepayers alike with no demonstrated net benefit in environmental protection.
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<p>Q.10</p>	<p>Does the way in which a local authority chooses to exercise its regulatory powers – through bylaws or through its District Plan – lead to differences in effectiveness and outcomes for communities?</p> <ul style="list-style-type: none"> • Yes - differences in effectiveness and outcomes. • Generally a lack of resourcing to enforce rules and bylaws as well as they should be is an issue. • Councils’ sometime adopt or create bylaws or rules without due consideration of the implementation resourcing implications (benefits v costs). This needs to be an integral part of the process. • Advertising Signs enforcement (for maintenance of amenity) can be challenging. Resource hungry. Little opportunity to recover costs. • Communities see different emphases on different issues and need to within certain bounds be able to determine what is important to them.
<p>Q.11</p>	<p>In what ways has the Treaty of Waitangi influenced how local authorities have undertaken regulatory functions delegated to them by the Crown?</p> <ul style="list-style-type: none"> • The provisions and obligations created under the RMA 1991, and more recently under the Local Government Act, for Councils to take account of the principles of the Treaty of Waitangi and to consult with Tangata Whenua have had a profound effect on the way local government does business. Politicians and staff alike have had to become culturally aware and culturally safe in their business practices. The obligations have been challenging as the principal means by which the Council – Tangata Whenua relationship is established and maintained is by way of respectful, understanding and effective interpersonal relationships. This has affected all areas of local government business and resulted in more lengthy processes and increased (mostly non-recoverable) costs.

<p>Q.11 contd</p>	<ul style="list-style-type: none"> • These engagement obligations on local government, where undertaken with goodwill and understanding, have mostly resulted in socially and culturally stronger and more resilient communities notwithstanding the growing pains, and ‘bumps and bruises’ (learning’s) encountered on the journey. • Challenges to consider revised arrangements of political representation to enable Maori to participate in decision making.
<p>Q.12</p>	<p>What does this variation mean in practice – for Māori, the local authority and for the regulation of the resource?</p> <ul style="list-style-type: none"> • Māori more included, greater dialogue, but their expectations are not matched by their resources/capacity to participate/respond. Capacity issues often result in protracted processes both in terms of staff time and delays. Certain relationships require face to face visits and cannot be rushed. • Maori find that local authority more approachable than in the past; relationships with staff tend to work well; often more challenging for politicians as the contact is not as frequent as that of staff. • Local authorities have been challenged to be engaged with Tangata whenua, and to understand the Maori world view, and the arrangements of Iwi and Hapu with their boundaries.
<p>Q.13</p>	<p>Are there other significant sources of variation in local authority regulatory practice than those described in this chapter?</p> <ul style="list-style-type: none"> • Every local authority will have a variation on how they approach regular practice (refer Q.6).
<p>Q.14</p>	<p>Can you provide examples of inconsistencies in the administration and enforcement of regulations between local authorities?</p> <ul style="list-style-type: none"> • No specific meaningful examples available. <p>This question is perhaps best addressed to those persons/businesses needing to meet similar compliance requirements across more than one LA.</p>
<p>Q.15</p>	<p>Do these inconsistencies impose extra costs on businesses? If so, are these extra costs significant?</p> <ul style="list-style-type: none"> • Where variations in compliance requirements occur, this could result in extra costs for businesses. However, just because the compliance costs for the same or similar activity may vary between LA’s does not mean that the costs are not justifiable. Different LA’s will invariably be subject to different cost inputs relative to their location, levels of service, wage and salary structure and the differing extent (public/private benefit) to which a given service is subject to cost recovery.

<p>Q.16</p>	<p>To what extent does variation in regulatory practice matter?</p> <ul style="list-style-type: none"> • Variations in regulatory practice can affect the reputation of local government as a whole, and individual Councils can come in for criticism from businesses that deal with more than one LA. • There will always be variation in regulatory practice (i.e. administration of central government regulations) as it mostly comes down to the abilities and approach of the individual Council officer. • Local government needs to ensure there are no significant variations across the country, but to try and eliminate any variation is an idealistic and unattainable target when compliance requirements are administered by multiple authorities. • Central government could assist in smoothing out the variations of approach by offering (and continuing to offer) local government assistance with provision of standardised forms, criteria, training etc.
<p>Q.17</p>	<p>Can you provide examples of regulatory innovation by local government?</p> <ul style="list-style-type: none"> • Regulations that are less prescriptive and more outcomes driven provide greater opportunity for

<p>Q.17 contd</p>	<p>innovation.</p> <ul style="list-style-type: none"> • NPDC has adopted a case management approach for some consenting processes. This has resulted in positive feedback from customers as they have enjoyed a much more positive customer experience. • NPDC endeavours to apply a business engineering approach to most of its business processes. The aim is optimise the efficiency of business processes while at the same time delivery a seamless customer service. • Having a focus on the customer, and systematising business processes where ever possible tends to result in innovative solutions.
<p>Q.18</p>	<p>Is the innovation specific to a particular local authority and its unique circumstances, or could it be adopted more widely?</p> <ul style="list-style-type: none"> • Notwithstanding that one LA may innovate, it will only be adopted by other LA's where there is a willingness to share information, and a willingness on behalf of management and affected staff to adopt the innovative practice being considered. So, in that sense, innovation can be considered to be unique to particular LA's. • Local authorities do share but not necessarily an open forum – could be a notice board about the things we are doing e.g. major projects notice board. • Local authorities make huge investments in systems. Each organisation is essentially left to its own devices. This approach is not always successful. There does not seem to be any sense in each TA 'reinventing the wheel' and making similar mistakes.
<p>Q.19</p>	<p>What mechanisms or incentives are there for local authorities to share innovations (or experiences with 'failed' innovations) with others?</p> <ul style="list-style-type: none"> • Most of what we do is in the public domain, so widespread sharing of ideas occurs. Happens at all levels and in different ways. • Sharing innovation is part of the culture of local government and should be encouraged.
<p>Q.20</p>	<p>What factors encourage (or deter) local authority innovation? (eg, the (in)ability to capture the cost savings from innovation)</p> <ul style="list-style-type: none"> • Incentives: wanting to do things more efficiently and effectively. • Keeping costs down. • Reputation of the authority and how it is perceived by its own community, and the local government community. • Awards that recognise innovation are one of the greatest incentives for innovation. Being an Award winner brings kudos to the staff involved, the LA and the local community.

<p>Q.21</p>	<p>Has the Commission captured the advantages and disadvantages of centralisation and decentralisation for each of the factors?</p> <ul style="list-style-type: none"> • The discussion in the Issues Paper about the advantages and disadvantages of centralisation and decentralisation has been succinctly and adequately captured for each of the factors.
<p>Q.22</p>	<p>Which of the factors discussed in this chapter are the most important for allocating regulatory functions locally or centrally?</p> <ul style="list-style-type: none"> • Local preferences are often the most important factor to take into account when designing regulatory functions. Local preferences captured through authentic and well informed consultation enable regulatory responses to be shaped to work to the strengths of the local community so as to deliver the desired outcomes.

Q.23	<p>Which other factors might be important for considering whether a regulatory function should be undertaken locally or centrally?</p> <ul style="list-style-type: none"> National priorities and local capability (or the cost of capacity building) are also important factors to consider when designing regulatory frameworks.
Q.24	<p>Are the factors discussed above helpful in thinking about whether a regulatory function should be relocated?</p> <p>Yes, the matters covered in the Issues Paper are most helpful in thinking about relocation of regulatory function.</p>
Q.25	<p>In the New Zealand context, are there regulatory functions that need reconsideration of who (central, local, community) carries them out?</p> <ul style="list-style-type: none"> HSNO responsibility is very small scale and very difficult and costly to resource at the provincial level – capability and capacity is the issue here. In similar vein administering the Nation Environmental Standard Contaminants in Soil also raises issue of capability and capacity. Most local authorities cannot afford to employ such persons in-house (in-house personnel often not suitably experienced or qualified) to manage these responsibilities so these are resourced externally through consultants or by other arrangements.
Q.26	<p>Do local authority significance policies allow for adequate consideration of the present and future costs and benefits of local government regulation-making?</p> <ul style="list-style-type: none"> The range of issues requiring decisions by an LA is very wide and it is impossible to foresee every possibility, including the regulatory functions that central government may devolve to local government over the next 3-5 years and beyond. However, the NPDC considers its Significance Policy (ref: LTP 2012-22 pg 285) is sufficiently broad to enable it to give adequate consideration to the present and future costs and benefits of the making of local bylaws.
Q.27	<p>Does the local government regulation-making process lead to good regulation? If there is evidence to show that it does not, how could the process is improved?</p> <ul style="list-style-type: none"> Mostly. Where there is competent administrative and technical support coupled with appropriate information provision and community consultation (i.e. good process) the resulting regulations are mostly satisfactory. Issues that are highly contentious (e.g. fluoridation of drinking water) can sometimes result in decisions that have been significantly influenced by pressure groups from beyond the local community.
Q.28	<p>Do you have examples of regulatory responsibilities being conferred on local authorities with significant funding implications?</p> <ul style="list-style-type: none"> Considered separately, regulatory responsibilities may not have funding significance. However, the cumulative effect is significant. For NPDC the 2012/13 budget provision for regulatory services is \$10.5m. This covers animal control, building consents, environmental strategy and policy, resource consents, environmental health (including food premises, sale of liquor, gambling and prostitution etc) and parking control. Recoveries through fees and charges will be in the order of 78% with the balance, \$2.1m having to be funded by ratepayers. This represents 3.6% of the total rates requirement for NPDC. (Ref: LTP 2012-22 pgs 111, 181).

<p>Q.29</p>	<p>How might central government regulation-making better take account of the costs and impact on local authorities from the delegation of regulatory functions?</p> <ul style="list-style-type: none"> • When contemplating delegation of regulatory functions, particularly new functions, central government needs to ask local government three questions: <ul style="list-style-type: none"> • Do you have the capacity and capability right now to undertake this function? • If not, what will you need to do to have sufficient capacity and capability to deliver this function effectively and efficiently. • What will be the estimated additional cost (burden on ratepayers) to deliver this service? • As a general principle, if central government expects local government to undertake regulatory functions, the regulations should allow for local government to recover the costs of service delivery, and with the ability for local authorities to set their own fees and charges as opposed to fixed fees being set in central government regulation.
<p>Q.30</p>	<p>How might central government better work with local authorities on the design, implementation and funding of delegated regulatory functions?</p> <ul style="list-style-type: none"> • Refer Q 29.
<p>Q.31</p>	<p>How could the RIA framework be improved to promote a fuller understanding of the impact of devolving new regulatory functions to local authorities?</p> <ul style="list-style-type: none"> • The framework is adequate. The real issue is about best practice. In the transactions between central and local government, central government ideas and proposals need to be communicated early, engage in genuine dialogue and consultation, listen carefully to what local government is saying. Overall, the need to intervene with regulation needs to be clearly established on evidence.
<p>Q.32</p>	<p>How successful has the guidance document Policy development guidelines for regulatory functions involving local government been in improving the consistency and coherence of central government policies that involve local government?</p> <p>We have no specific evidence of the application of the Guidelines in practice.</p>
<p>Q.33</p>	<p>To what extent is the effective implementation of regulations delegated to local government hampered by capability issues in local authorities? Do capability issues vary between areas of regulation?</p> <ul style="list-style-type: none"> • The more technically complex areas are always a challenge for the capability issues of local government as they do not set naturally within the core competencies and skill sets usually employed by local authorities. • Administering HSNO in association with the RMA and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health are two areas where the effectiveness of implementation has been challenging.
<p>Q.34</p>	<p>Can you provide examples of regulatory cooperation and coordination between local authorities or between central and local government, and describe successes and failures?</p> <p>Failures tend to occur where functions are only partially devolved or where the function devolved is not a good fit with the existing capabilities and capacities of the local authority. Some examples:</p> <ul style="list-style-type: none"> • National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect

<p>Q.34 contd</p>	<p>Human Health – out of necessity we have had to call on the Regional Council for assistance as they have the specialised people to deal with this; they used to deal with this.</p> <ul style="list-style-type: none"> • The Department of Conservation involvement in District Plan provision issues relating to Significant Indigenous Vegetation, for which local government is mandated to address under the RMA. DOC advocating for a certain regulatory approach (rules in district plans) with minimal evidence as to the level of threat to justify the regulatory approach advocated. Insistence on a particular regulatory approach has resulted in landowners engaging in the wrong debate (about property rights instead of the value of indigenous vegetation) and has cost local ratepayers \$000's in litigation costs with no net benefit to the environment. • Historic Places Act and RMA – where a resource user (e.g. landowner, developer) has to often obtain approvals from both the Historic Places Trust and the LA (RMA land use consent) for the same activity e.g. disturbance/destruction of an archaeological site.
<p>Q.35</p>	<p>What types of regulatory functions more readily lend themselves to coordination to improve regulatory performance?</p> <ul style="list-style-type: none"> • Sharing of services for building control, environmental health, planning and animal control have been traditional areas of coordination for LA's. • Taking a shared service approach in respect of HSNO and NES Contaminated Soils, where technical specialists are required for service delivery, and where scales of economy can be achieved, should be considered. • There may also be opportunities for further co-operation or integration of process in terms of the minerals licensing regime and applying the RMA to mining and Oil & Gas activities.
<p>Q.36</p>	<p>What are the most important factors for successful regulatory coordination?</p> <ul style="list-style-type: none"> • Seamless responses. • Case management. • Customers faced with getting other consents – coordinated approach required. • Clear definition of roles.
<p>Q.37</p>	<p>Are opportunities for regulatory coordination being missed?</p> <p>We are not aware of any missed opportunities in this region.</p>
<p>Q.38</p>	<p>What are the main barriers to regulatory coordination?</p> <ul style="list-style-type: none"> • Overlaps in legislation. • Blurred boundaries of responsibility between central and local government. • Conflicting focus on related issues between central & local government.
<p>Q.39</p>	<p>Are there examples in New Zealand where local authorities mutually recognise each other's regulations?</p> <ul style="list-style-type: none"> • Yes. Regional Planning documents by TLA's under the RMA.
<p>Q.40</p>	<p>Which local government regulatory areas (e.g. planning and land use, building and construction, environmental regulation, public safety and food safety) impose the greatest unnecessary regulatory burden on individuals and businesses?</p> <p>This question is best asked of individuals and businesses.</p>

<p>Q.41</p>	<p>In what ways are these regulatory areas unnecessarily costly (eg, are they too complex, prescriptive or unclear)?</p> <p>Refer Q.40</p>
<p>Q.42</p>	<p>Are there particular examples where local government approaches to regulatory responsibilities are especially effective at minimising unnecessary compliance costs for individuals and businesses?</p> <ul style="list-style-type: none"> • The Exempt Works provisions under the Building Act are effective at minimising unnecessary compliance costs for individuals and businesses.
<p>Q.43</p>	<p>For which aspects of the regulatory process (eg, approval, monitoring, enforcement and appeals) could compliance costs to business be reduced without compromising the intent of the regulation? How could this be done?</p> <ul style="list-style-type: none"> • Audited, self monitoring. • Use different tools to achieve sought outcome. • Rewarding positive behaviours. Tax incentives for outcome proven environmental or tangible community benefit.
<p>Q.44</p>	<p>How well are the principles on which local authorities are required to base the funding of regulatory activities applied?</p> <p>Identifying private/public benefits is usually a qualitative and imprecise exercise. Given the variability of approach across the country it is probable that the principles are not well understood.</p>
<p>Q.45</p>	<p>Are there examples of where cost recovery is reducing compliance with regulations and reducing their effectiveness?</p> <ul style="list-style-type: none"> • Charges for the disposal of solid waste to landfill are often perceived by many in the community to be excessive. This can result in indiscriminate dumping and littering, particularly in rural areas.
<p>Q.46</p>	<p>To what extent are councillors involved in the administration and enforcement of regulation? Has this raised issues in regard to the quality of regulatory decision-making and outcomes?</p> <ul style="list-style-type: none"> • Officers have the necessary delegated authority, powers to administer regulatory functions. • Decisions to prosecute may be subject to Council decision dependent on the seriousness of the non-compliance. • We provide structured feedback to councillors through informal monthly briefings within a councillor portfolio system and regular formal reporting to the full Council via the Monitoring Committee, a standing committee of Council.
<p>Q.47</p>	<p>Are there any other governance issues which impede the efficiency of local government regulation?</p> <ul style="list-style-type: none"> • None that we are aware of within NPDC.
<p>Q.48</p>	<p>Are the current processes for reviewing existing regulation adequate? Could they be improved?</p> <ul style="list-style-type: none"> • Central government review of existing regulation affecting local government appears to be mostly

<p>Q.48 contd</p>	<p>driven by political issues at a national level, and particularly economic and social issues. Current examples include the Resource Management Act, Local Government Act, Sale of Liquor etc.</p> <ul style="list-style-type: none"> • The need for review of such statutes as the Reserves Act 1977 seems to be off the radar as there is no obvious political driver for review. However, as previously identified, the Reserves Act 1977 is long overdue for review and streamlining to free up local government land and reserves management. • The Council maintains a Policy and Bylaws Register. Policies and Bylaws are reviewed in accord with specific legislative review requirements or on an as required/needs basis. The default position is at least every three yrs.
<p>Q.49</p>	<p>In which regulatory areas are there good regulatory review mechanisms? In which regulatory areas are there poor or insufficient regulatory mechanisms?</p> <ul style="list-style-type: none"> • The RMA provisions the reviewing of Regional and District Plans is a useful review model. • With central government regulation, central government tends to set the priorities and timing for review.
<p>Q.50</p>	<p>Who should undertake regulatory review – the responsible agency or an independent body?</p> <ul style="list-style-type: none"> • The agency responsible should carry out the review.
<p>Q.51</p>	<p>Is there a sufficient range of mechanisms for resolving disputes and reviewing regulatory decisions of local authorities?</p> <ul style="list-style-type: none"> • Yes.
<p>Q.52</p>	<p>Are some appeal mechanisms used excessively, frivolously or for anti-competitive reasons?</p> <ul style="list-style-type: none"> • The most common appeal mechanism experienced by this Council is under the RMA. • The NPDC experience is that the RMA appeal provisions are not used excessively. • It is envisaged that recent amendments to the RMA will limit the frivolous or anti-competitive appeals. • In NPDC’s experience is that any appeal provisions available under other local government legislation are used infrequently.
<p>Q.53</p>	<p>In what areas of local government regulation is performance being monitored effectively?</p> <ul style="list-style-type: none"> • There is rigorous auditing of Annual and Long Term Plans under the LGA provisions. • RMA consent processing monitored by two-yearly survey by MfE.

<p>Q.54</p>	<p>Are there areas of local government regulation where performance is not being monitored and assessed?</p> <ul style="list-style-type: none"> • Outside of the LGA and RMA we are not aware of any routine monitoring of the effectiveness of local government regulation by central government. The pattern tends to be that in response to political pressures regulations are often deemed to be ‘broke’ and need to be ‘fixed’. EG Sale of Liquor Act • • Consent process – too much emphasis on processing time and not enough emphasis on the quality of outcome. • Needs to be more emphasis on the outcomes achieved. • Monitoring of food outcome?
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Q.54	<ul style="list-style-type: none"> • Parking? Measure: utilisation of spaces but we do not report on that. • Only concern about how many infringements. • Ultimate drive is 100% compliance, more about non-compliance though.
Q.55	<p>Is the current monitoring system effective in providing a feedback loop through which improvements in the regulatory regime can be identified and rectified? What examples are there of successful improvements to a regulatory regime?</p> <ul style="list-style-type: none"> • Local government could be more effective with monitoring systems. – See Q.56 • Monitoring often tends to be information gathering for the sake of statistics with little focus on outcomes.
Q.56	<p>What challenges or constraints do local authorities face in developing and sourcing data for better practice regulatory performance measures?</p> <ul style="list-style-type: none"> • LA's typically focus on statistics and not outcomes e.g. parking infringement notices issued as opposed occupancy (as a level of service performance). • Greater use needs to be made of information technology. • There are many missed opportunities for monitoring. For example the data capture required for building consents issued satisfies a national statistics requirement but does not adequately meet the needs for strategic and urban planning. • Recognising that LA's are information rich and that data needs to be captured by systems from which it can be more readily mined (retrieved). • Recognising that information captured by one business unit within a Council has value for many other purposes than for which may have been initially gathered, e.g. dog registration numbers have value for urban planners in determining community need for and location of dog exercising facilities. • The cost of monitoring can be expensive. • The need to clearly identify the indicators required for monitoring and to keep them simply. • To minimise cost through accessing data already captured by the LA and/or using data from public domain sources.
Q.57	<p>Are there examples where local authorities are using better practice performance measures? What, if any, obstacles exist for wider adoption of these measures?</p> <p>NPDC LTP 2012-22 - Section 2 – Council Services - pgs 42 - 127</p>
Q.58	<p>What kind of regulatory performance measurement would add maximum value to local authorities, their communities and New Zealand?</p> <ul style="list-style-type: none"> • Refer Q.57
Q.59	<p>What regulatory performance indicators are most commonly used by local authorities? Can you provide examples of good input, output and outcome measures for regulations you have experience with? What makes them good indicators?</p> <ul style="list-style-type: none"> • Process times, principles of infringements etc.

<p>Q.60</p>	<p>What kind of centrally provided data would enhance the local government regulatory monitoring regimes?</p> <ul style="list-style-type: none"> • Census. • Economic data. • Crime and social statistics. • Putting the above information into a dashboard, provided by central government would be very helpful. Profile of New Plymouth, etc.
<p>Q.61</p>	<p>Are there quality issues in existing nationally available data sets that would need to be resolved before developing national performance measurement regimes?</p> <ul style="list-style-type: none"> • The most commonly used nationally available data sets are produced by Statistics NZ. The quality and integrity of this data is considered to be reliable.
<p>Q.62</p>	<p>What are the specific characteristics of individual local authorities that make local authorities comparable with regard to their regulatory performance?</p> <ul style="list-style-type: none"> • Size/area. • Size/population. • Urban/rural. • Socio-economic. • Deprivation Index • FTE's (with analysis by functional business units) • Levels of activity – e.g. numbers of consents, registrations etc • Non-Compliance rates – numbers of infringements, prosecutions etc • While having limited regulatory performance information, Communitrak Surveys by Colmar Brunton provide for useful comparison
<p>Q.63</p>	<p>Of the performance indicators commonly collected by local authorities, do any naturally lend themselves to systematic benchmarking of regulatory performance?</p> <ul style="list-style-type: none"> • The variability in characteristics between LA's to make meaningful comparisons about regulatory performance would suggest that only high level benchmarking would be of greatest value.
<p>Q.64</p>	<p>What new performance indicators could meaningfully measure the regulatory performance of local government?</p> <ul style="list-style-type: none"> • Quality and outcome. • Decision making.
<p>Q.65</p>	<p>Is there a role for a third party evaluator to measure customer service standards in local authority regulatory functions?</p> <ul style="list-style-type: none"> • Yes, independent third party evaluation could be helpful although the variability in characteristics between LA's could prove a limiting factor. • An independent 'mystery shopper' approach could be helpful.