

Report 11.178
Date 20 April 2011
File E/11/01/04

Committee Council
Author Margaret Meek, Senior Policy Analyst

Decision-making process and guidelines

1. Purpose

To endorse an updated decision-making process and associated guidelines.

2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

3.1 The Local Government Act 2002

Part 6 of the Local Government Act 2002 (the Act) includes the decision-making and planning requirements that must be used by Greater Wellington in making decisions. It prescribes:

- the procedural steps associated with making decisions
- the judgements local authorities are entitled to make when determining the extent of compliance with part 6 of the Act.

The Act distinguishes between decisions and significant decisions. A significant decision has a high degree of importance for any of the following:

- community wellbeing
- the people who are interested in or likely to be affected by the decision
- the capacity of a local authority to perform its role and the costs of it doing so.

For all decisions, Greater Wellington is required by section 76(3)(a) of the Act to ensure that its decision-making processes promote compliance with applicable decision-making requirements.

In the case of significant decisions, Greater Wellington is required by section 76(3)(b) to ensure that before a decision is made, all applicable requirements have been observed.

Broadly speaking, the Council's decision-making processes must:

- involve consideration of all reasonably practicable options, including the costs and benefits of those options
- involve consideration of the views and preferences of persons likely to be affected or have an interest in a decision
- identify and explain any significant inconsistency between any decision and the Council's policies or plans
- provide opportunities for Māori to contribute
- promote compliance with the principles of consultation.

4. Comment

On 16 December 2004 the Council adopted a decision-making process and guidelines (Report 04.606 refers). Officers have amended the existing guidelines to reflect recent legislative amendments to part 6 of the Act and guidance provided by the High Court and Court of Appeal in judgements considering the practical application of Part 6 of the Act.

Officers worked with Simpson Grierson to develop new decision-making guidelines (the Guidelines). The Guidelines developed have been endorsed by Simpson Grierson.

All Councillors have been provided with a copy of the Guidelines.

5. Communication

It is envisaged that the Guidelines will be implemented by 1 July 2011. Training on the new Guidelines will be available to staff.

6. Recommendations

That the Council:

1. ***Receives*** the report.
2. ***Notes*** the content of the report.
3. ***Revokes*** the decision-making guidelines adopted by it on 16 December 2004.

4. ***Endorses the new decision-making guidelines.***
5. ***Authorises the Chief Executive to modify the guidelines to align with any future legislative changes or associated matters which may impact on their application.***

Report prepared by:

Report approved by:

Report approved by:

Margaret Meek
Senior Policy Analyst

Francis Ryan
Manager, Democratic
Services

Leigh-Anne Buxton
General Manager, People and
Capability