

Regulatory Best Practices Guide



**BRITISH
COLUMBIA**

Ministry of Community,
Aboriginal and Women's Services

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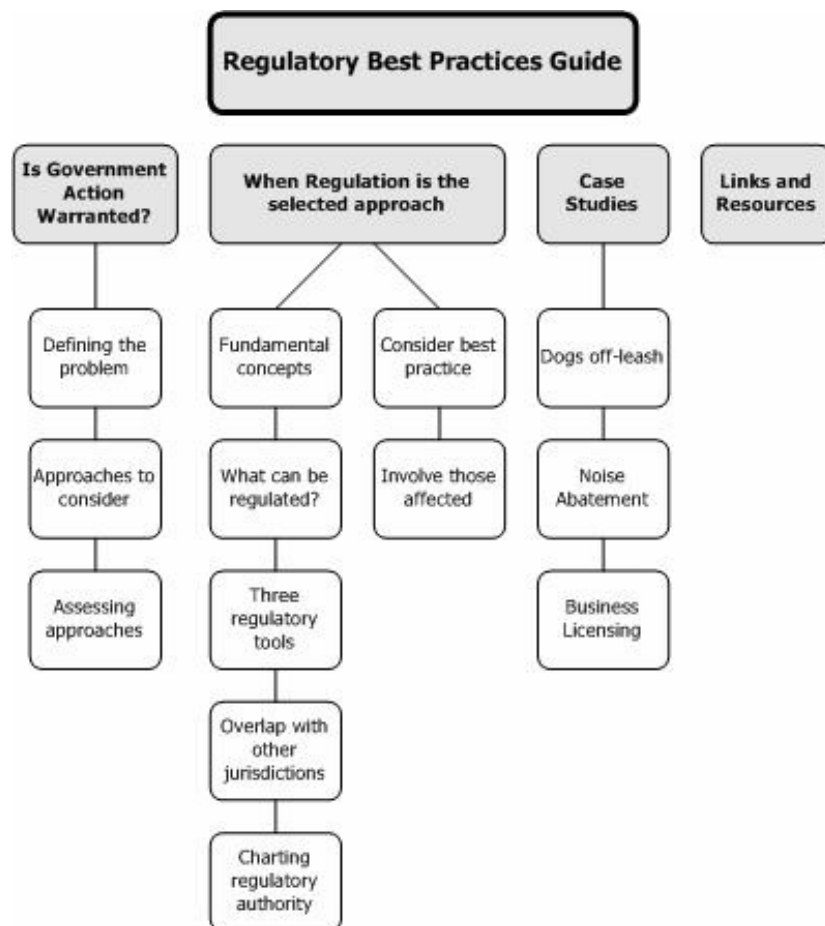
1.0 Introduction

The [Community Charter](#) provides BC's municipalities with the authority to regulate in a number of areas of primarily local interest. The [Local Government Act](#) continues to provide this authority for regional districts.

This guide is written to encourage the best possible use of municipal regulatory authority in relation to a number of broadly stated "spheres of jurisdiction" set out in the *Community Charter*. It also encourages non-regulatory approaches to addressing difficult local issues.

1.1 What is in this guide?

- Tips on how to decide whether government action is warranted
- How to assess what type of government action might be considered
- Key elements of good regulatory practice
- Tips on the process for developing good regulatory schemes
- Examples of real issues to illustrate approaches to regulatory practice



1.2 Who will be interested in this guide?

- Elected officials and staff of municipalities
- Consulting practitioners who provide administrative and legal services to municipalities
- Residents and businesses
- Individuals and groups who consider themselves stakeholders in relation to an issue

1.3 How was this guide developed?

The [Local Government Department](#) of the Ministry of Community, Aboriginal and Women's Services initiated this guide. An eight member Steering Committee worked with Ministry officials and its consultants, [CitySpaces Consulting Ltd.](#) and [Staples McDannold Stewart](#). The committee included:

- Beth Campbell, Hotelier, Penticton;
- Aaron Dinwoodie, Director, Regional District of Central Okanagan;
- Frank Leonard, Mayor, District of Saanich;
- David MacMartin, Director, Government Affairs, Canadian Pacific Railway;
- John Murray, Geologist, Nelson;
- Harriet Permut, Senior Policy Analyst, Union of British Columbia Municipalities (UBCM);
- Bob Ransford, COUNTERPOINT Communications Inc.; and
- Richard Taylor, Executive Director, Union of British Columbia Municipalities (UBCM)

A readers' panel of senior administrative officials also reviewed the guide:

- William Cochrane, Municipal Administrator, District of Oak Bay;
- Jim Gustafson, Administrator, City of Castlegar;
- Gary Guthrie, City Manager, City of Abbotsford;
- Warren Jones, City Manager, City of Coquitlam; and
- Don Schaffer, City Clerk, City of Prince George

1.4 We value your feedback

This guide was prepared for a broad audience. Your feedback on its organization and content is welcomed. Comments on the day-to-day realities of applying the *Community Charter* provisions, or on topics for future case studies, would be appreciated. Please contact the Ministry of Community, Aboriginal and Women's Services [Advisory Services Branch](#).

2.0 Is Government Action Warranted?

Not all issues are solved solely by government action. Before deciding whether to intervene in relation to a specific problem, it makes good sense to look at the situation from a broad perspective.

Best practice in the sphere of government intervention suggests that before any intervention is considered, there should be:

- clear evidence that a problem exists, taking into account the views of those who are affected;
- an analysis of the likely benefits and costs of action and non-action; and
- consideration of alternative approaches for addressing the problem.

Experience has shown that "today's problem" may be a result of "yesterday's intervention." In this case, re-evaluating the need for intervention may be justified. Reducing involvement, rather than increasing it, may be a better practice.

In this era of global competition, all jurisdictions are considering whether government intervention is likely to put their own jurisdiction at a significant, long-term disadvantage. The potential consequences of intervention – both liabilities and benefits – need to be anticipated and communicated.

Close to home, provincial government policy is to encourage alternatives to government action in the recognition that individuals, organizations and the private sector have considerable capacity to deal with problems. This guide serves to point to some of these alternatives.

Other provincial measures, including the Deregulation Initiative, act to cut red tape and the regulatory burden. The [Deregulation Office's web site](#) provides a description of these initiatives. The framework is in step with international trends and includes: specific performance measures; the review of existing regulation; the control of regulatory quality; and transparency and accountability.

2.1 Defining the problem

Experience in local government has shown that it is sensible to take time to adequately define the problem, particularly with complex problems. If you avoid jumping to solutions, this will likely save time and expense later.

Not every issue warrants a major problem-solving process; each municipality will find the "best fit" for its community.

Some issues emerge slowly but others seem to demand immediate attention. At times, only a few people are affected, while in other circumstances the impact is widespread. In many situations, council is called on to "do something!"

Skateboarders in the Town Square!

Imagine the following scenario. Individuals, businesses and seniors' groups are demanding that skateboarders be banned from the Town Square and have approached the mayor and individual councillors repeatedly. Council has referred this matter to staff.

Typically, a first step will be to assess whether skateboarding in a public place is an area where there is clear municipal jurisdiction and, if so, whether staff will proceed on its own or engage in stakeholder and public consultation. A check with neighbouring municipalities might be undertaken to find out whether they have had a similar issue and how they went about defining the scope and severity of the problem.

The next step is to define the problem by identifying its causes as well as its symptoms. This helps to determine those factors that the municipality can influence most effectively, and those aspects of the problem that are outside the municipality's ability to influence. This need not take a long time or be overly complex.

A description of the nature, frequency, magnitude and impact of the problem is generally undertaken – are people being knocked down or intimidated? How often is this happening? Are there particular hours that this is most problematic? If this information isn't immediately available, staff might consider:

- observing and recording the incidence of skateboarding at different times of day, night, and during different weather conditions and seasons;
- interviewing skateboarders, nearby businesses, Town Square users, city maintenance crews, recreation providers, seniors' groups, and youth organizations; and
- drawing on existing data sources, for example, police incident records.

As part of a consultation process, staff may ask people for their opinions about the reasons behind the problem, as well as suggestions that will help during the problem-solving stage. For example, in talking with a business owner, staff may explore why they think skateboarding has become a problem and what approaches might be taken other than prohibition. Is this a symptom of a broader, underlying challenge that the municipality might address?

With the underlying causes and symptoms of the problem defined, it may be easier for council to determine whether some form of local government intervention – or leadership initiative – is warranted. Staff's report to council typically sketches out some alternative approaches. (Note: Some alternative courses of action are discussed in [Approaches to consider](#).)

TIP: A combination of text and statistics helps define any issue. Anecdotal information, while helpful, gives a partial picture. Empirical data is often included in a staff report.

2.2 Approaches to consider

When the problem is defined **and** it is clear that municipal government action is warranted, the decision about how to intervene becomes important.

A core administrative capacity is the ability to choose the most efficient and effective policy approach, whether regulatory or non-regulatory. Council will look to staff for advice on which approach will lead to a high level of compliance and where the overall benefits justify whatever costs may be incurred.

2.2.1 What approaches might be considered?

Here are some approaches that municipal governments use to address a problem. Sometimes, approaches are combined or two or more municipalities tackle an issue together.

1. **Monitoring.** This approach acknowledges that there is a problem but that it is not defined well enough to warrant immediate action. A method of collecting and reporting relevant data for a set time period could be established.
2. **Dialogue.** In certain situations, informal dialogue may be a good approach. Sometimes people are not aware that their actions (or inactions) are creating problems for others. If a neutral third party brings the individuals or businesses together for discussion, the solution may become apparent. A related method is formal dispute resolution. In this case, trained facilitators are engaged to identify solutions in collaboration with the parties involved. Many BC communities have local organizations that provide dispute resolution services; the BC Justice Institute is another resource.
3. **Public education.** The problem may be one where high voluntary compliance is achievable if residents and businesses have reliable, timely information. A public education campaign (media, brochures, speakers) may be needed to reinforce the desired outcomes.
4. **Self-regulation.** Another approach is to engage a group to be part of the solution rather than part of the problem. Depending on the group, say a group of sports organizations, there could be self-policing about the use of municipal playing fields for a prescribed time period, for example during drought conditions. The umbrella group, not the municipality, would decide on appropriate penalties.

5. **Voluntary codes and agreements.** In some circumstances a negotiated "contract" between the municipality and one or more parties is more appropriate than regulation. For example, an industrial operation may enter into an environmental performance agreement. If the industrial user complies, the company may benefit from positive publicity and the residents of the municipality may benefit from the industry's improved environmental practices.
6. **Existing service.** Sometimes, an improved level of municipal service may solve a problem. For example, if garbage becomes a major summer-time nuisance and the municipality collects the garbage, more frequent pick-ups, or pick-ups earlier in the day might be the right solution.
7. **New service.** The problem may be one that requires multiple approaches, even going so far as to provide a new municipal service. For example, if youth skateboarders are a problem in public places, a municipality may decide to construct and operate a skateboard park.
8. **Deregulation.** The problem may be a result of a regulatory bylaw that is outdated. For example, the continued enforcement of a bylaw out-of-step with the community's circumstances may be creating a backlash among those who are affected or the bylaw may be unnecessarily complex. In this situation, deregulation – or simplification of an existing regulatory bylaw – might be the approach selected.
9. **Regulation.** A regulatory approach may be the most appropriate solution. With some exceptions, council may prohibit, impose requirements or restrict certain activities. The use of gas-powered leaf-blowers is an example where council may choose to regulate rather than use another approach. It has the authority to prohibit the use of leaf-blowers, limit the times that they can be used, limit the noise level at source, or require the user to post notices in advance of their use.

2.3 Assessing the approaches

Each municipality will select the approach it considers to be best suited to its own circumstances at the time. Sometimes, the choice is made intuitively and reasonably quickly. But, when the problem is complex, or one that affects many people, a systematic comparison among approaches may be helpful. Even though the intended outcomes of various approaches may be similar, there are usually different costs and benefits associated with each one.

The check-list set out below is a possible tool for this comparative analysis. Each approach being considered would be assessed using these criteria. In some situations, all nine approaches outlined above will be assessed; usually, there will be three or four approaches being seriously considered. A separate check-list would be undertaken for each approach under consideration.

Even after a thorough comparison is made there may not be a definitive answer on which approach will be most effective. But by going through this exercise, it may clarify what additional information is needed before proceeding, or suggest that some pilot testing is in order.

TIP: Sometimes information is quantifiable, even if only of an “order of magnitude” or “relative” – i.e. this costs more (or less) than that.

SUGGESTION: Depending on the complexity of the issue, it may be helpful to engage the advice of stakeholders at this stage.

SUGGESTION: Sometimes, it is difficult to quantify costs and benefits because information isn’t available or is expensive to generate. If so, it may come down to whether the likely benefits generally justify the estimated costs, considering the distribution of impacts across the community.

**Check-List for each approach
(e.g. monitoring, voluntary codes, regulation, etc.)**

Criteria	Definitely	Probably	Maybe	Unlikely	Definitely Not
There would be immediate benefits to the community as a whole					
There would be immediate benefits to individuals					
There would be immediate benefits to the business community					
There would be immediate benefits to interest groups					
There would be long-term benefits to the community as a whole					
There would be long-term benefits to individuals					
There would be long-term benefits to the business community					
There would be long-term benefits to interest groups					
There would be financial benefits to the municipality (e.g. increased taxes, fees)					
There would be financial costs to the municipality (e.g. enforcement, administration)					
There would be financial costs for law enforcement (e.g. police, prosecutions)					
There would be financial costs to individuals					
There would be financial costs to the business community					
There would be financial costs to interest groups					

3.0 When Regulation is the Selected Approach

If municipal action is warranted **and** regulation is the preferred approach (or a complement to non-regulatory approaches), two avenues of exploration should precede the development of a regulatory bylaw:

- first, staff should be able to confirm that there is legal authority to proceed (refer to Sections 3.1 to 3.5 of the guide); and
- secondly, a check of best practices should be undertaken to assist in the development and evaluation of an optimal regulatory solution (refer to Section 3.6).

3.1 Fundamental concepts

Across Canada, the trend has been towards more broadly stated powers. This gives municipalities more flexibility to structure their activities in a way that reflects the diversity, size, economic conditions and wishes of their own communities.

3.1.1 Broad powers through British Columbia's *Community Charter*

In assessing the legal regulatory authority in relation to a matter, consideration of the "broad powers" concept is essential. This section provides a road map of the general regulatory authority of the *Community Charter* and how the broad powers are to be interpreted by reference to other parts of the legislation.

In understanding and interpreting the *Community Charter* it is helpful to compare it with the scheme of the former local government legislation. How has the *Community Charter* altered regulatory powers of a municipality?

- The powers are still prescribed but stated broadly; and
- The effect of broadly stated powers is to expand and enhance them.

Under the *Local Government Act*, the specific detail of a regulatory power was set out; if there was no mention of a specific power, a local government had no authority to take action.

Trees – Pre- and Post-Charter

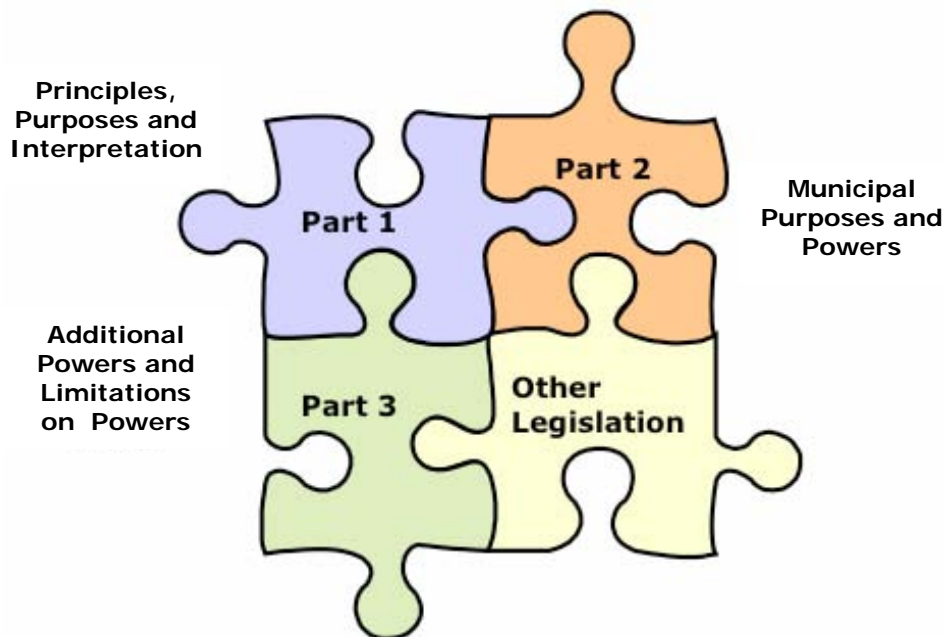
For example, under Section 708 of the *Local Government Act*, there was no general power to require the planting of trees; this power was limited to circumstances where a tree had been lost because of a bylaw contravention and needed to be replaced. But under [Section 8](#) of the *Community Charter* there is general legal authority to require the planting of trees because there is the broad power to impose requirements in relation to trees and to require persons to do things with their property at their expense.

Animals – Pre- and Post-Charter

Another example is in relation to animals. Under Division 1 of Part 22 of the *Local Government Act*, there was no specific power to regulate cats because the regulation of cats was not specified. However, under [Section 8](#) of the *Community Charter*, there is a broad power to regulate animals and an animal is defined so as to include cats. Therefore, the broad power to regulate animals has expanded the power to regulate certain kinds of animals not mentioned in the *Local Government Act*.

3.1.2 Fundamental Powers

[Section 8](#) of Part 2 of the *Community Charter* sets out fundamental municipal powers and includes all the regulatory “spheres of jurisdiction” (as discussed in [What Can be Regulated?](#) and [Three Regulatory Tools](#)). Other sections may come into play depending on the subject matter. The accompanying graphic illustrates the connection among three parts of the *Community Charter* and other provincial legislation.



3.1.3 Provincial Authority

For example, public health, protection of the natural environment, animals, buildings and structures, and removal and deposit of soil are all matters over which a municipality may exercise regulatory powers under [Section 8](#); however, these are also matters within the “spheres of concurrent authority” with the Province under [Section 9](#). This section must be consulted to determine the scope of the regulatory authority.

3.1.4 Jurisdiction

[Sections 10](#) and [11](#) inform the interpreter about the physical jurisdictional limits of the fundamental powers and their relationship with other provincial laws.

3.1.5 Ancillary Powers

[Division 3](#) of Part 2 contains powers ancillary to the fundamental powers, including the authority to make different provisions for different circumstances, provide services outside municipal boundaries, enter into inter-municipal schemes, licence, enter property, take action at a defaulter's expense, discontinue a service, require security and deal with emergencies outside the [Emergency Program Act](#).

3.1.6 Additional Powers and Limits

[Part 3](#) contains specific provisions relating to particular classes of subject matter to be regulated such as buildings, trees and businesses. Some of the regulatory subjects found in Part 3 add to the broad powers or limit them.

3.2 What can be regulated?

The *Community Charter* gives municipalities the authority to legislate in relation to a number of broadly stated "spheres of jurisdiction". The regulatory authority of councils is found in [Section 8](#). Section 8(3) to 8(6) permits councils to regulate, prohibit and impose requirements, by bylaw.

The following chart illustrates in simple form the *Community Charter* regulatory powers. For a complete list of matters that can be regulated refer to the *Community Charter* Section 8.

Regulatory Powers – Section 8(3)

Power	Regulate	Prohibit	Require
Sphere			
13 Spheres			
Signs			
Firearms			
Business			
Note: The 13 spheres include the five spheres of concurrent authority.			

If a municipality does adopt a bylaw under Section 8(3), (4), (5), or (6), the *Community Charter* requires the municipality to make available to the public, on request, a statement respecting council's reasons for doing so.

3.2.1 What cannot be regulated?

While municipalities now have broad regulatory powers, there are circumstances where these powers are limited and clarified.

- A council cannot enact a bylaw that intrudes into a federal or provincial exclusive jurisdiction, is inconsistent with federal or provincial law, or is contrary to the *Charter of Rights and Freedoms*; and
- The authority of Section 8(3)-(6) cannot be used in relation to matters governed by the land use and heritage conservation parts of the *Local Government Act*.

3.2.2 Distinction regarding municipal services

Municipalities need to be clear about the distinction between municipal services and regulatory authority for those services.

One of the fundamental powers of the *Community Charter*, in Section 8(2), authorizes a municipality to provide any service that council considers necessary or desirable. Municipal services are also one of the broadly stated "spheres of jurisdiction" in Section 8(3) for which a council may regulate, prohibit and impose requirements.

Section 8(11) clarifies that the authority to provide a service, in and of itself, does not include the authority to regulate in relation to that service. A municipal council may use the authority in Section 8(3)(a) to regulate in relation to the service, as long as the service contains some service aspects and is not purely about establishing rules and regulations.

- **Illustration:** A victim assistance service, emergency planning program, or economic development program may be purely service oriented, with no regulatory elements. These services could be initiated under Section 8(2). Other municipal services will contain a regulatory component, such as building services, fire protection, and animal control. If a service includes a regulatory component, council will need to develop a regulatory bylaw for the service under Section 8(3)(a).

3.3 Three regulatory tools

There are three regulatory tools: the power to regulate; the power to prohibit; and the power to impose requirements. These are three distinct authorities that can be used separately or in combination. As set out in Section 8(7), these three tools may be used in relation to persons, property, things and activities.

The *Community Charter* defines the first of these powers as follows:

- **“Regulate”** includes authorize, control, inspect, limit and restrict, including by establishing rules respecting what must and must not be done, in relation to the persons, properties, activities, things or other matters being regulated.
- **Illustration:** A municipality may by bylaw impose requirements in relation to trees, or it may prohibit certain types of activities in relation to trees. It may do this without establishing a more elaborate regulatory scheme that includes other controls or inspection requirements.

Council’s authority relating to signs, firearms and business relies on only one or two of the regulatory tools [Section 8(4), (5), and (6)]. Municipalities may only use their regulatory tools in relation to business. Council does not have the general authority to prohibit or impose requirements on business.

3.3.1 Examples of the regulatory tools

Section 8(8) sets out the scope of how the regulatory tools can be used. For example:

- the power to regulate authorizes councils to inspect buildings to see if they comply with the building bylaws;
- the power to prohibit authorizes councils to prohibit noises that are disturbing; and
- the power to impose requirements authorizes councils to require residents to make use of a municipal sewage collection system.

3.4 Overlap with other jurisdictions

In considering municipal regulatory action in relation to a locally significant problem, it is essential to clarify whether there is authority to proceed independently or whether the problem crosses legal boundaries.

- Is this a matter that falls into one of five "spheres of concurrent authority" with the provincial government?
- Is this a matter that falls within the exclusive jurisdiction of the federal or provincial government?
- Is the issue affected by other BC and Federal enactments or the *Canadian Charter of Rights and Freedoms*?

If the answer to one or more of these questions is "yes", municipal staff and council will ask: Is this a matter where our municipality should take a leadership or coordination role? And if the answer is "yes", the administration will need to devise a method for involving and consulting with other municipalities or levels of government and determining any legal implications of proceeding.

Section 10 of the *Community Charter* establishes the rule that a municipal bylaw is of no effect if it is inconsistent with a provincial enactment. In order to be inconsistent, complying with the bylaw must mean contravening the provincial enactment.

3.4.1 The Provincial Government

There are five "spheres of concurrent authority" set out in [Section 9\(1\)](#) of the *Community Charter*.

There is no provincial involvement unless the matter comes within one of five spheres. Additionally, there is no provincial involvement if the municipal bylaw is authorized by a different part of the *Community Charter* or a different Act, even if such a bylaw could have been made under one of the concurrent spheres of authority. The accompanying graphic illustrates the areas of concurrent authority and the ministries that are directly involved.



Before adopting a bylaw that is subject to the concurrent authority of the Province, council must do one of three things:

- adopt the bylaw so as to be consistent with the regulation that may be enacted by the Minister responsible;
- adopt the bylaw through an agreement with the Minister responsible; or
- have the bylaw approved by the Minister responsible.

For more information on provincial concurrent authority and on the application of this authority by the Minister responsible for each sphere, refer to the *Community Charter* web page (www.mcaaws.gov.bc.ca/charter/).

3.5 Charting regulatory authority

This section provides two examples of how to chart the nature and scope of the regulatory authority in relation to the topics: business regulation and animals.

3.5.1 Business regulation

The *Community Charter* gives municipalities the authority to regulate but not to prohibit businesses, nor impose restrictions on them. There are a number of sections that should be taken into account when assessing the scope of authority to regulate businesses.

- **Fundamental Power.** The fundamental power to regulate business is found in [Section 8\(6\)](#). [Section 8\(7\)](#) clarifies that the power to regulate includes the power to regulate persons, property, things and activities. Section 8(9) requires councils to provide a statement of council's reasons for adopting a business regulation bylaw, on request.
- **Jurisdiction.** The authority to regulate business must be interpreted by referring to other parts of the *Community Charter* dealing with the scope of jurisdiction ([Sections 10](#) and [11](#)). If a municipal bylaw is inconsistent with the provincial enactment it is of no force and effect. In the same vein, a municipal council may only exercise its powers within its boundaries, unless authorized otherwise.
- **Ancillary Powers.** Some of the ancillary powers contained in [Division 3](#) of Part 2 are relevant to business regulation: the authority to establish variations in bylaws ([Section 12](#)); as well as the authority to provide for a system of licences, permits and approvals ([Section 15](#)). A municipality may also need to look at the ancillary power to enter onto property ([Section 16\(6\)](#)) and provide an intermunicipal regulatory scheme ([Section 14](#)).

- **Additional Powers and Limits.** [Division 9](#) of Part 3 contains additional powers and limits which pertain to business regulation. In [Section 59\(1\)](#), there are specific additional powers granted to a council to require and prohibit in relation to particular types of business. These powers are not granted in the fundamental authority to “regulate” business in [Section 8\(6\)](#) and apply only to the specific businesses described in [Section 59\(1\)](#).
 - o For example, there is a specific authority to require those persons engaged in the business activity of purchasing, taking in barter or receiving used or second-hand goods to notify the chief constable of the jurisdiction and to prohibit those persons from altering, selling or exchanging or otherwise disposing of those goods for a specific period of time. [Section 59](#) also contains the additional authority to prohibit the operation of a public show, exhibition, carnival or performance of any kind or in any particular location.
 - o [Section 59\(2\)](#) requires a council to give notice of its intention to adopt any bylaw that regulates business or utilizes one of the additional powers in [Section 59\(1\)](#). Council must also provide an opportunity for persons who consider themselves affected by the bylaw to make representation to council before such a bylaw is adopted.
 - o Specific limits on a council’s general authority to issue, suspend or cancel licenses apply in the case of business licences. These limits to the general authority are found in [Section 60](#). They include a requirement that a business licence holder must be given notice and an opportunity to be heard before their license is cancelled or suspended.
- **Bylaw enforcement.** Another part of the *Community Charter* that may be relevant to the use of the business regulation and licensing authority is [Part 8](#), which contains the provisions dealing with bylaw enforcement.
- **Licence fees.** [Section 194](#) is important to consider when establishing the licence fees for businesses. It establishes the authority of a council to impose fees in relation to municipal services, the use of municipal property and the exercise of authority to regulate, prohibit and impose requirements.

3.5.2 Animals

The *Community Charter* gives municipalities the authority to regulate, prohibit and impose requirements in relation to animals. In order to exercise these regulatory powers appropriately, municipalities must first review and consider other relevant parts of the *Community Charter*.

- **Fundamental power.** The fundamental power to regulate, prohibit and impose requirements in relation to animals is found in [Section 8\(3\)\(k\)](#).

- **Concurrent authority.** If the animal in question is considered wildlife, the regulatory authority is subject to the provincial sphere of concurrent authority contained in [Section 9](#). This would require a review of any regulation adopted by the ministry responsible or, if no regulation has been adopted, the bylaw would have to be approved by the Minister responsible or an agreement would be entered into between the Minister responsible and the council adopting the bylaw
- **Jurisdiction.** [Sections 10](#) and [11](#) set out the scope of jurisdiction. A bylaw dealing with animals may not be inconsistent with existing provincial legislation. Whether it is inconsistent is determined by applying the "impossibility of dual compliance" test contained in [Section 10\(2\)](#). The bylaw and the provincial legislation are inconsistent if the bylaw compels what the provincial enactment forbids. As well, the regulation of the animal could only occur within the boundaries of the municipality unless otherwise authorized under legislation ([Section 11](#)).
- **Ancillary powers.** Consideration of [Division 3](#) of Part 2 containing the ancillary powers is also required as a municipality may wish to make different provisions for different circumstances and establish and make provision for different classes as authorized by [Section 12](#). The ancillary power of licensing contained in [Section 15](#) may come into play for the purposes of establishing a system of licences for domestic animals, as would the ancillary power to enter onto property to inspect ([Section 16](#)).
- **Additional powers.** [Part 3, Division 6](#) contains additional powers related to seizure of animals and dangerous dogs ([Sections 47-49](#)). [Section 48](#) contains the additional power to impose penalties in relation to animals seized and to establish and regulate fees in respect of the seizure of animals.
- **Bylaw enforcement.** The bylaw enforcement part of the *Community Charter* might also play a significant role in understanding the powers related to the regulation of animals. This Part contains the authority to impose municipal tickets, take civil enforcement proceedings and obtain entry warrants.
- **Licence fees.** [Section 194](#) contains the authority to impose fees. This would apply to any animal control regulatory scheme that included a licensing system imposing licence fees.

3.6 Best Regulatory Practice

There are [commonly accepted practices](#) connected with regulatory activity at all levels of government.

Each municipality has its own methods for [seeking out public opinion and advice](#) in connection with regulatory activity.

3.6.1 Consider Best Practices

If council has decided that regulation is the method that will achieve the highest level of compliance, staff will carry out an analysis of specific terms and conditions, leading to the writing of a draft bylaw. In doing this, there are a number of practices to consider. These have been sourced from related literature and are grouped under the following headings – A Solid Start, A Rigorous Assessment and A Clear Conclusion. Rather than prescribing the “best practice”, this guide poses a number of questions associated with each topic for consideration by everyone involved.

3.6.1.1 A Solid Start

One of the key elements of good regulatory practice is being well prepared. Here are three practices that municipal governments commonly use at the front end of developing new or updated regulations.

- **Check on legal authority.** Does the municipality have authority to proceed with a regulatory measure? Is there any potential overlap with another level of government? (Refer to: [What can be regulated](#) for more details).
- **Define the problem.** Are the causes and the symptoms of the issue identified? Is this documented in a report to council? Is this information publicly accessible? (Refer to [Defining the problem](#) for more details).
- **Involve those affected.** Is there a communications and consultation process for involving those who are affected by the problem and, potentially, affected by the outcome? Is there a publicly accessible report that outlines this process? (Refer to: [Involve those affected](#) for more details).

3.6.1.2 A Rigorous Assessment

Best practice suggests that a thorough and systematic assessment be undertaken, particularly when issues are complex or contentious. The five practices identified below are ones that should likely be undertaken during the assessment period.

- **Generate options.** Have a variety of terms and conditions been considered that would result in the best outcome for most people? Has research been undertaken that would help inform the options being considered? Have other municipalities been contacted, particularly neighbouring municipalities that may have experienced similar problems? Have non-prescriptive approaches been fully considered?
- **Compare and assess options.** Have the options been analyzed in terms of short- and long-term costs and benefits? Have unintended outcomes and consequences been anticipated? Has stakeholder input been fully taken into account? Has the option that will achieve the highest level of voluntary compliance been selected? If not, why not? Is the analysis documented in a report to council? Is this information publicly accessible?

- **Re-evaluate the “final draft” option.** This is a central aspect of finalizing any regulatory measure. The evaluation should address commonly accepted principles of good regulatory practice. An [evaluation tool](#) is presented at the end of this section.
- **Make costs of complying reasonable.** Are proposed licence fees or fines reasonable relative to the significance of the matter? How do they relate to the actual costs of administration and enforcement? How do they compare with nearby municipalities? What are the consequences of too high or too low a fine or licence fee? Will too low a penalty result in people ignoring the regulation? Have the cumulative indirect costs of compliance been considered?
- **Ensure reliable enforcement.** Have steps been taken to ensure that those who administer the bylaw have the resources to respond in a timely way? Does the municipality have bylaw enforcement officers to accommodate the anticipated new responsibilities? Or, if there are going to be new administrative requirements, does staff have the capacity to add these to their work program?

3.6.1.3 A Clear Conclusion

After assessing and selecting terms and conditions, municipal administrators will give direction for bylaw drafting. Best practice research addresses this key element and also points the way to further processes. Here are five practices that municipal governments may consider.

- **Write in plain language.** Is the bylaw clearly written and easy to understand? Will complexity lead to unintended consequences? Will citizens and businesses understand the rules and their impact?
- **Explain the reasons for a decision.** Is it clear what factors were taken into account in the decision-making process? Can the decision be publicly justified? How has the outcome reflected public and stakeholder input?
- **Consider other ways to increase compliance.** Would a regulatory bylaw benefit from complementary measures such as a companion education program or third party monitoring? When the bylaw comes into effect, would a news release and media backgrounder be helpful to assist in an understanding of the issue and its resolution?
- **Set up a way to evaluate effectiveness.** Have measures of effectiveness been identified? Has a monitoring system been established? Is there a commitment to report back on the effectiveness of the new (or amended) regulatory bylaw after a reasonable period of time?
- **Commit to a review.** Will this regulation be regularly reviewed to ensure that it is still appropriate and necessary? Is there a “sunset clause” in the bylaw? Or, has another expiry provision been incorporated? If not, what are the reasons why either provision cannot or should not apply?

Evaluating the “Final Draft” Regulatory Scheme
 (Refer to “Re-evaluate the Final Draft” Option)

Question	Does not apply	Yes	Only Some what	No	If not, why not?
Does the municipality have valid legal authority ?					
Do the terms and conditions aim for a balance among various interests?					
Are the terms and conditions fair to all parties affected?					
Are the costs and benefits equally distributed ?					
Is a high level of voluntary compliance expected?					
Are the costs and burden of complying with the regulation reasonable in relation to the problem?					
Are there immediate benefits to the community as a whole, to the business community, to individuals?					
Are there long-term benefits to the community as a whole, to the business community, to individuals?					
Is there a positive financial impact on the municipality, both short and longer term?					
Does the measure avoid or eliminate duplication with regulations of provincial or federal governments?					

3.6.2 Involve those affected

"Involve those affected" by the issue is one of the best practices identified in [Consider best practices](#). It is expanded upon here.

A Communications and Consultation Process

There is much to gain when regulation is approached in an open and transparent manner. Consultation increases opportunities for effective problem-solving by engaging those with interest and ideas. It also helps to air opposing interests and practical problems. And, importantly, because the issue is to be openly discussed, it may increase voluntary compliance and reduce enforcement costs.

When a municipality – or group of municipalities – is considering regulation as the principal means of problem-solving, staff will generally develop a communications and consultation plan and submit this to council(s) for review.

A typical communications and consultation process usually includes:

- the **identification of interested parties**. This will include those individuals, businesses and organizations potentially affected by any form of regulation, groups that have a wider interest and, perhaps, other levels of government. And importantly, if the municipality has its own internal review processes – staff committees, standing advisory committees – these need to be identified;
- the proposed means of **communicating** with interested parties on an early and ongoing basis. This may involve media relations, paid advertising, newsletters, mailings, web site, and local radio talk shows. The identification of a spokesperson is also important. This could be a member of council or a senior staff person; and
- the proposed means of **consulting** with interested parties. This may involve stakeholder meetings, an ongoing advisory group, public meetings, open houses and surveys, or a combination of these. Dates and venues for events benefit from being scheduled well in advance.

TIP: At the beginning of an advisory process, committee members need to have an understanding of the likely time commitment required. Meetings that are scheduled well in advance help ensure good participation.

TIP: A neutral facilitator might be appropriate for public meetings. She or he will be skilled at managing conflict if it occurs.

- the identification of what written and web-based **information** is needed. As much information as possible should be provided to ensure informed input and decision-making. This would likely include background information used for defining the problem, any resource material from other municipalities that have tackled the issue, and any work done on the costs and benefits of alternative regulatory approaches.

TIP: Readers appreciate plain language text. Graphics will help capture interest.

- a clear and defined **time frame** for consultation, along with an identification of any milestones and a general date for reporting back to council. At times, processes become unnecessarily complex or time consuming if the time frame is not clearly defined at the outset.
- the anticipation of **costs**. These are important considerations for council, particularly if the current budget did not anticipate the need for this process. Staff costs will include time for organization of the consultation process, analysis of the input and an assessment of any unintended consequences.

TIP: Logistics, advertising, display materials, handouts, hosting, facilitating, tabulating feedback and preparing reports can be costly and may require a dedicated staff person or a combination of staff.

- the identification of how to be **accountable**. When a decision is made – or regulatory bylaw is adopted or amended – those who had input into the consultation process want to understand how their input influenced the outcome. A public report that describes the consultation process and the input and feedback received is one way of demonstrating accountability.

TIP: A report on the municipality's web site will be a quick reference tool for those who are interested.

4.0 Case Studies of Regulatory Practices

A scan of municipalities in British Columbia revealed a number of relatively high profile local issues that, ultimately, led to consideration of a regulatory approach, leading to a council-adopted bylaw. While any one of these might have represented an interesting case study, only three were chosen: Dogs off-leash; Noise Abatement; and Business Licensing. Each is based on a real situation, but each is an example of an issue that may arise in communities of all sizes in any part of the province. The case studies give background on the issue and describe the process that led to the specific regulatory outcome. Legal considerations are also discussed, including an analysis of how regulatory authority could be used from the *Community Charter*.

A commentary note forms the end to each case study. This is provided as a way to link the case study to the principles of good regulatory practice and, where appropriate, to suggest ways in which the process could have been enhanced or modified.

4.1 Dogs off-leash

This case study focusses on an issue that comes up in many municipalities in British Columbia and potentially affects all residents, whether they do or do not own a dog. The material outlines how one municipality approached the issue. An end-note commentary suggests ways in which the municipality might have modified or enhanced its process in relation to the principles of good regulatory practice.

Issue	Dogs running off-leash in city parks
Community	Small city
Is municipal government action warranted?	Council determined that the volume of complaints warranted government action. Staff was directed to develop proposals to address this issue and make recommendations.
Defining the problem	There was conflict between dog owners and non-dog owners in city parks. Many complaints were received about dogs being off-leash – in contravention of the existing bylaw. The complaints related to health, safety and environmental impacts.
Consideration of regulatory and non-regulatory approaches	This was an amendment to an existing regulatory bylaw. For this reason, staff did not undertake an assessment of alternative approaches.
Regulatory authority	<p>The municipality has regulatory authority. Section 8 of the <i>Community Charter</i> allows the City to regulate, prohibit or impose requirements in respect of both public places and animals. For example, the Council could:</p> <ul style="list-style-type: none"> • impose a requirement on dog owners to keep their dogs on a leash except in certain parks at certain times; • prohibit dogs without a leash in public places; or • establish a rule, in the parks bylaw, that park users with dogs must keep them on a leash. <p>Each tool may be used separately or in combination, depending on the circumstances and the desired outcome.</p>
Jurisdiction	The municipality has jurisdiction within its own boundaries; however, it could not extend this authority to a First Nations reserve, federal or provincial park.
Legal considerations	<p>Section 12(1)(b) and (c) of the <i>Community Charter</i> authorizes the city to distinguish between kinds of public places or classes of parks and make different rules for different classes.</p> <p>The city may also make different rules for different times of the day, days of the week or different rules for holidays as authorized by Section 12(1)(a) of the <i>Community Charter</i>.</p>

Issue	Dogs running off-leash in city parks
Seek information	<p>In-field research for suitable park locations was undertaken, with a focus on park areas without playgrounds, ornamental flower gardens, or sports fields.</p> <p>Best practice research from other cities was also undertaken. This provided information relating to the successful implementation of designated leash-optional parks, usually with provisos.</p>
Consultation Process	<p>City staff identified dog owners, regular park users (sports groups), and the general public as interests potentially affected. They undertook consultation to involve these interests through:</p> <ul style="list-style-type: none"> • public forums; • presentations and exhibits; • surveys; • regular meetings with user groups; and • providing opportunities for written responses from the public.
Generation of options	<p>Staff developed three options based on all input and expert advice.</p> <p>Option 1 – Designated Leash-Optional Areas and Times: Council would approve this for 10 designated parks for a one year trial period.</p> <p>Option 2 – Adopt a Park Space for Leash-Optional Times: Same as Option 1 except that leash-optional areas would only be accessible to a recognized group that had agreed to “adopt the space” for set times and be responsible for site clean up and education.</p> <p>Option 3 – Continue with the status quo.</p>
Assessment of options	<p>Each option was assessed based around the impact of dogs on the:</p> <ul style="list-style-type: none"> • urban environment with more people moving into the city and choosing to own dogs; • environment, especially on vegetation and soil erosion; • park users; • health and safety issues relating to interaction with seniors, dog feces in children’s play areas, confrontation of aggressive dogs, positive health aspects of walking dogs and socializing; • education, enforcement and regulation relating to limited resources and enforcement of existing rules, increased requirements for dog infrastructure such as trash bins, water dishes, improved signage, etc.
Unintentional consequences	<p>At the time of preparing the bylaw there were no perceived unintentional consequences.</p>

Issue	Dogs running off-leash in city parks
Cost of regulation	The cost of implementing a new bylaw was a major consideration. The options were examined by infrastructure costs, enforcement costs, staff time and education programs.
Option selected	The city selected Option 1.
Evaluation of effectiveness	A monitoring and evaluation process was developed to record the number of complaints to which the bylaw enforcement officer had to respond.
Commentary	<p>This municipality proactively set up a process in which stakeholders were given opportunities to participate prior to a decision being made. The process was transparent and inclusive of interest groups. Options were generated and assessed.</p> <p><i>What else might this community have done in approaching the issue of dogs off-leash?</i></p> <p>Education. The city might have investigated non-regulatory approaches such as an education program for dog owners about the importance of keeping dogs on-leash in areas that have conflicting uses, such as playgrounds and sports fields. Also, it might have instituted a voluntary compliance code. This approach might be better suited to a small community with few parks.</p> <p>New Service. The city might have considered the non-regulatory option of providing a municipal service under Section 8(2) and 8(3)(a) of the <i>Community Charter</i> to accommodate dog owners by creating a new "off-leash space" not within the park system. This space might be a green space owned by the city or leased from a third party. The costs associated with this non-regulatory option would have to be assessed against the costs of other regulatory options.</p> <p>Intermunicipal. The city could join with one or more municipalities to regulate dogs in public places under an inter-municipal scheme as authorized by Section 14 of the <i>Community Charter</i>. This option takes into account regional impacts related to the use of parks.</p> <p>Licences. The municipality could require dog owners who wish to keep their dogs off-leash to purchase a special "off-leash" licence under Section 15 of the <i>Community Charter</i>. This would allow the city to require owners to obtain a licence as a condition of using "off-leash" parks or other designated public places and defray the additional costs of maintaining the off-leash areas on a user pay basis. Also, it could refuse to grant an off-leash licence to the owner of a dog that had been determined to be a "dangerous dog" as defined in the <i>Community Charter</i>. The licence could contain conditions such as the specific times or days or places where the off-leash rule applied. The city could refuse to renew an off-leash licence or cancel one if a licence holder had contravened the terms of the licence or violated the bylaw. It could impose fines for a violation of the licence or seize a dog off-leash without an off-leash licence under Section 48(a)(i) of the <i>Community Charter</i>.</p>

Issue	Dogs running off-leash in city parks
	<p>Further Restrictions. The city could prohibit certain breeds or sizes of dog from going off-leash anywhere or in certain places as authorized by Section 47 of the <i>Community Charter</i>. This option is useful in communities where a specific breed or size of dog is a problem.</p> <p>Monitoring and Evaluating. The municipality could also evaluate the effectiveness of the selected option by conducting follow-up surveys with park users.</p>

4.2 Noise abatement

This case study focusses on a problem that arises in many municipalities. The material outlines how one municipality approached the issue of noise. An end-note commentary suggests ways in which the municipality might have modified or enhanced its process in relation to the principles of good regulatory practice.

Issue	Complaints relating to excessive noise
Community	Medium-sized city
Is municipal government action warranted?	Enforcement of the existing bylaw was difficult and the municipality had not reviewed the bylaw for more than a decade. Council wanted to use this opportunity to provide clear direction on the actual levels of noise that are acceptable within different parts of the municipality or in different circumstances.
Defining the problem	<p>City officials regularly receive complaints from residents relating to excessive noise. Following up noise complaints is time consuming for staff and police. Defining what level of noise is acceptable is problematic. The noise bylaw contained a subjective test for noise, making it difficult to enforce.</p> <p>In the previous 12 months, the number of complaints had increased. Common areas of concern were noise from construction activities, road/rail/air traffic, leaf blowers, garbage and recycling pick up, festivals and outdoor concerts. Council asked staff to investigate the situation in light of the availability of newer, more affordable technology to objectively measure noise levels.</p>
Consideration of regulatory and non-regulatory approaches	Non-regulatory approaches were not considered as an alternative to regulation but as a complementary measure.
Regulatory authority	<p>The city has regulatory authority. Section 8(3)(h) of the <i>Community Charter</i> authorizes council to adopt a bylaw to regulate, prohibit and impose requirements in relation to "the protection and enhancement of the well-being of its community in relation to the matters referred to in Section 64". (nuisances, disturbances and other objectionable situations).</p> <p>Section 64 authorizes council to exercise its powers in relation to "noise, vibration, odour, dust, illumination or any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public".</p> <p>The three regulatory tools of regulating, prohibiting or imposing requirements may be used separately or in combination.</p>
Jurisdiction	The municipality may not exercise its authority in relation to noise arising out of federal undertakings, such as aeronautics, railroads and shipping.

Issue	Complaints relating to excessive noise
	Similarly, in accordance with Section 10 of the <i>Community Charter</i> , a provision of a municipal noise bylaw has no effect if it is inconsistent with a provincial enactment.
Legal considerations	<p>Establishing standards of noise using a decibel scale creates a bylaw that is relatively easily enforced. The regulatory authority, however, may only be imposed in relation to a noise that disturbs others.</p> <p>Permits. Section 15 of the <i>Community Charter</i> authorizes the municipality to prohibit an activity unless a permit has been granted. This allows council to include in its bylaw an exemption to those who have been granted a special events permit or construction exemption permit.</p> <p>Entry onto Property. Section 16 of the <i>Community Charter</i> authorizes the Bylaw Enforcement Officers to enter onto property to determine if the provisions of the noise bylaw are being contravened.</p>
Seek information	<p>An acoustical engineering firm was hired to identify the nature of current and anticipated future sources of noise disturbance and to identify acceptable noise levels. The city's lawyer was involved in the drafting the bylaw amendments.</p> <p>Other BC municipalities were identified that had prepared noise bylaws based on quantitative measures; interviews were conducted with their planners and enforcement staff.</p>
Consultation Process	<p>The city identified community involvement as a fundamental part of the review process. One of the first tasks completed in updating the bylaw was the creation of a communications strategy. Input from the public was received through:</p> <ul style="list-style-type: none"> • community survey; • written submissions; • regular meetings with interest groups; • public consultation – open houses; and • non-statutory public hearings
Generation of options	<p>Two options were considered:</p> <ol style="list-style-type: none"> 1. Continue with the status quo; or 2. Create a Noise Bylaw with a Noise District Map. Based on the research and consultations, three zones were created: Quiet District; Intermediate District and the Activity District. Maximum noise levels were set for each district. The bylaw targets certain problem noises such as construction and leaf blowers. It also provides exemptions for special events and construction issues.

Issue	Complaints relating to excessive noise
Assessment of options	The goal of creating a new noise bylaw was to find a way of reducing the number of complaints from residents.
Unintended consequences	Buy-in was not achieved from large industrial users and an additional round of consultation was undertaken. The industrial users would like their existing noise levels to be enshrined as the base level for the activity areas. In some cases their current levels of noise might exceed the maximum proposed by the bylaw.
Costs of regulation	In preparing the draft bylaw staff anticipated the cost of regulation, compliance and mitigation. An additional Bylaw Enforcement Policy was created to ensure that the provisions of the noise bylaw could be enforced effectively.
Option selected	The municipality selected the option that sets out three specific noise districts with quantifiable maximum noise levels.
Evaluation of effectiveness	While the municipality has not established specific tools for evaluating the effectiveness of the bylaw, it is considered to be effective insofar as buy-in was received from most of the industries that generate noise at levels high enough to lead to complaints. An example is the construction industry, which agreed to maximum noise levels and agreed to continue with the policy of limiting their hours of work.
Commentary	<p>This city proactively set up a process in which stakeholders were given opportunities to participate prior to the decision being made. The process was transparent and inclusive of interest groups, including businesses that generate noise. Options were generated and assessed.</p> <p><i>What else might this city have considered?</i></p> <p>The city might have investigated non-regulatory approaches, such as a voluntary compliance code, or third-party monitoring for a test period. Additionally, the City might have prepared a problem definition report that included statistics about the incidence, type and duration of noise. This may have helped in developing a broader range of options. Also, this municipality might have considered the development of a means to report on the success of the amended bylaw, perhaps a quarterly report showing comparable statistics on complaints and compliance.</p> <p>The city might have examined the impact of the set decibel levels on the large industrial users in order to avoid the unintended consequence that the large industrial users, with current activity, exceed the maximum decibel level proposed in the bylaw.</p> <p>The city could have considered entering into an inter-municipal scheme with adjacent municipalities in order to deal with the coordination of the regulation of noise along common boundaries.</p>

4.3 Business Licensing

This case study is an example of an inter-municipal approach within an urban region. The material outlines how a group of municipalities approached the issue of business licensing. An end-note commentary suggests ways in which the group might have modified or enhanced its process in relation to the principles of good regulatory practice.

Issue	Streamlining the business licensing process
Community	Urban region – 11 municipalities; process initiated by one municipality
Is municipal government action warranted at this time?	It was agreed that local government leadership was needed to simplify the situation.
Defining the problem	<p>Contractors and other businesses that conduct their operations in several municipalities had to obtain business licences for each municipal jurisdiction.</p> <p>Some municipalities had complicated fee structures with fees ranging from \$50.00 to \$3,000 and as many as 200 business categories. This makes the processing of applications time consuming and onerous for staff and for business owners.</p> <p>Those businesses that work in multiple jurisdictions within a region could end up paying thousands of dollars annually for licences. In some instances, businesses chose not to obtain a licence rather than work their way through the often complicated and expensive licensing system.</p>
Consideration of regulatory and non-regulatory approaches	Non-regulatory approaches were not appropriate for this situation.
Regulatory authority	Municipalities have regulatory authority. Section 8(6) of the <i>Community Charter</i> authorizes council, by bylaw, to regulate in relation to business.
Legal Considerations	<p>Inter-municipal</p> <p>Additionally, Section 14 of the <i>Community Charter</i> permits two or more municipalities, by bylaw, to adopt in each participating municipality an inter-municipal scheme in relation to business. Such a bylaw may:</p> <ul style="list-style-type: none"> • provide that the bylaws of a participating municipality apply in other participating municipalities;

Issue	Streamlining the business licensing process
	<ul style="list-style-type: none"> • provide that the municipal powers, duties and functions of one participating municipality are exercisable in relation to business in another participating municipality; • provide that the council of one participating municipality could delegate powers, duties and functions to council members, council committees, officers, employees and other specified bodies of another participating municipality; • restrict a participating municipality from separately exercising its authority in relation to business; and • establish the process by which a participating municipality may withdraw from the inter-municipal business licensing scheme. <p>Licensing</p> <p>Section 15 of the <i>Community Charter</i> authorizes council to provide for a system of licences. This includes:</p> <ul style="list-style-type: none"> • providing for the granting or refusal of a licence; • providing for the effective periods of a licence; • establishing terms and conditions that must be met for obtaining, continuing to hold or renewing a licence, including the nature and terms of those conditions and who may impose them; • providing for the suspension or cancellation of licences for failing to comply with a term or condition or failing to comply with the business licensing bylaw; and • providing for reconsideration or appeals of decisions made with respect to the granting, refusal, suspension or cancellation of business licences. <p>Additional Powers and Limits</p> <p>Sections 59 and 61 of the <i>Community Charter</i> also deal with specific restrictions and additional powers in relation to business. Section 60 specifies that an application for a business licence may be refused; however, it cannot be unreasonably refused and written reasons must be provided. Additionally, a business licence may be suspended or cancelled for reasonable cause once the licence holder has been given an opportunity to be heard.</p>

Issue	Streamlining the business licensing process
Seek information	<p>The initiating municipality worked closely with the One Stop Business Registration team at the Ministry of Competition Science and Enterprise.</p> <p>The initiating municipality then made contact with neighbouring jurisdictions to determine their interest in a standardized inter-municipal business licence.</p> <p>Having confirmed the interest of ten other municipalities, legal advisors and administrators representing each municipality worked together to develop a model inter-municipal licence agreement.</p> <p>Other jurisdictions in BC had implemented inter-municipal business licence agreements. Municipal staff reviewed the process other municipalities had gone through by talking with staff to learn how to best implement the agreement.</p>
Consultation Process	<p>The legal and administrative inter-municipal team did not engage in a consultative process.</p>
Generation of options	<p>The legal and administrative team considered two options:</p> <ol style="list-style-type: none"> 1. Continue with the same uncoordinated and piecemeal approach to business licensing within the region; and 2. Enter into an inter-municipal business licence agreement with surrounding municipalities. The purpose of the agreement was to eliminate the requirement for service providers to purchase numerous business licences in order to operate throughout the region. As an alternative, the service provider would purchase one licence at a nominal fee of \$100 from their residential municipality that would allow them to operate throughout the region.
Assessment of options	<p>Advantages of the scheme included:</p> <ul style="list-style-type: none"> • Considerable cost savings to businesses that operate throughout the region; • Ability for businesses to expand their trade area without additional red-tape; • Assist with the One Stop Program by creating a standardized computer business licence application form; and • Simplified government, and reasonable fees that reflect the costs of the service.

Issue	Streamlining the business licensing process
	A disadvantages of the scheme was a potential drop in municipal revenues due to loss of business purchases of licences.
Unintended consequences	There were no perceived unintended consequences with developing the inter-municipal business licence agreement.
Consider cost of regulation	The costs to the applicants are in most cases reduced, and a simplified fee and category system meant that staff would spend less time processing applications
Option selected	An inter-municipal business licence agreement was entered into and each municipality created/revised their business licence bylaw.
Evaluation of effectiveness	One year after implementing the inter-municipal business licence agreement the number of people applying for licences actually increased in several municipalities. Staff observe that this was due to the fact that a number of businesses came forward to obtain a licence that had not previously been licensed due to cost and complexity.
Commentary	<p>Business licensing in this context was an appropriate use of an inter-municipal approach. It is commendable that legal advisors and administrators were able to work together to devise an approach that was acceptable to the council of each of the participating municipalities.</p> <p><i>What else might have been considered?</i></p> <p>Businesses and business groups might have been approached to provide input at an initial stage and provide feedback when the bylaw was in its draft stage.</p> <p>A tool to monitor and evaluate the effectiveness of the inter-municipal approach might have been considered. As is, effectiveness is identified only through anecdotal comments from municipal staff.</p>

5.0 Links and Resources

There are several resources that may be of interest to the reader of this web guide.

Canada

Treasury Board Secretariat. Assessing Regulatory Alternatives. Ottawa. 1994

Conference Board of Canada. A Framework and Guiding Principles for Regulatory Review. Ottawa. 1997

<http://www.smartregulation.gc.ca/en/01/gp-01.asp> (www.smartregulation.gc.ca)

<http://www.deregulation.gov.bc.ca/>

United States

Government of the United States. More Benefits. Fewer Burdens. Creating a Regulatory System that Works for the American People. Washington. 1996.

<http://www.urbanfutures.org/ps238.html>

Regulatory Reform at the Local Level: Regulating for Competition, Opportunity, and Prosperity . RPPI Policy Study No. 238, February 1998

International

<http://www1.oecd.org/puma/regref/pubs/rco95/>

OECD. Regulatory Impact Analysis. Best Practices in OECD Countries. Paris. 1997.

OECD. The OECD Report on Regulatory Reform. Volume 1: Sectoral Studies. Volume 2: Thematic Studies. Paris. 1997

6.0 For Further Information

Ministry of Community, Aboriginal & Women's Services

Advisory Services Branch

1-250-387-4020

or

Toll Free through Enquiry BC

In Vancouver Call:

1-604-660-2421

Elsewhere in BC Call:

1-800-663-7867

