

COUNCIL POLICY

TITLE:	CONSULTATION
MEETING:	Council
EFFECTIVE DATE:	25 October 2011
FILE REFERENCE:	110800
MINUTE BOOK PAGE(S):	38476 - 38490

1 BACKGROUND

Part 6 of the Local Government Act 2002 (the Act) creates obligations for Council to consider Community views in its decision-making and to consult with certain persons under certain circumstances. It sets out procedures for Council decision-making and consultation. It also requires Council to provide opportunities and to consider how to foster the development of Māori capacity to contribute to its decision-making processes.

Council values and is committed to effective consultation. Council recognises that consultation is one of the ways in which it can interact and engage with the Community. This policy outlines how Council will meet its obligations and give effect to that commitment. There are close links between this policy and Council's policy on significance.

2 POLICY OBJECTIVES

The objectives of this policy are:

- To ensure that lawful and appropriate consultation processes are used to support Council decision-making
- To ensure that Community involvement in Council decision-making is meaningful and relevant
- To promote good Council decision-making by ensuring that Community views are known and considered as appropriate

3 PRINCIPLES

Council's approach to consultation is underpinned by a set of principles, of which some have been taken from Act and others have been developed by Council. The principles are:

- **Access to information**
Affected or interested people should have reasonable access to information which is relevant, meaningful and appropriate to their preferences and needs
- **Encouragement to present views**
All affected or interested people should be encouraged to present their views
- **Transparency**
Information should be provided about the purpose of the consultation, the scope of the decisions to be made, those who will make the decisions and how decisions will be made.
- **Opportunity to present views**
Every person who wishes to have his/her views considered should be provided with a reasonable opportunity to present those views in a way which is appropriate to his/her preferences and needs. A flexible range of delivery means should be allowed.
- **Recognising diversity**
Views should be sought from a broad range of people and/or groups who reflect the make-up of the Community.
- **Contributions by Māori**
Processes that will provide opportunities for Māori to contribute to decision-making should be established and maintained
- **Openness**
Presented views should be received with an open mind and given due consideration. Community input into decisions should be valued.
- **Feedback**
Information should be provided to affected or interested people about the outcome of the decision-making process and the reasons for decisions.
- **Timeliness**
Consultation should be a planned component of, and conducted early in, the decision-making process. Sufficient time should be given to allow for considered responses from all affected or interested people.

4 DEFINITIONS

Community means persons who are likely to be affected by, or to have an interest in the issue, proposal, decision or other matter subject to consultation and who either live or otherwise have a strong connection with Kawerau.

Consultation means setting out a concept or proposal not fully decided upon; providing relevant information; seeking information and perspectives which may otherwise not have been taken into account; genuinely listening to what submitters have to say with an open mind; considering responses and then making a decision.

Consultation partners means those groups/organisations which represent or reflect key interests or elements of the make-up of the Community. Consultation partners are listed in the Schedule.

Key stakeholders means those individuals or groups/organisations who are or will become substantively affected by the issue, proposal, decision or other matter subject to consultation.

Pre-consultation means Council consultation with any individual, group or organisation to seek input before the development or release of a draft document or proposed course of action about any issue, proposal, decision or other matter subject to consultation.

Significance, in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for:

- a) the current and future social, economic, environmental, or cultural well-being of the district or region;
- b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter;
- c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.

Significant, in relation to any issue, proposal, decision, or other matter, means that the issue, proposal, decision, or other matter has a high degree of significance.

Special consultative procedure means the procedure set out in section 83 of the Local Government Act 2002. The procedure is outlined in the Appendix.

5 POLICY STATEMENT

5.1 Decisions involving consultation

Council will use a consultation process as part of its decision making about any of the following:

- Making a Long Term Plan or Annual Plan
- Amending a Long Term Plan
- Making, revoking, reviewing or amending a Council bylaw
- Making, reviewing or amending a Council policy
- Reviewing a strategic asset
- Every decision assessed as being significant
- Any other issue, proposal, decision or other matter where Council considers consultation is appropriate

5.2 Parties to consultation

Council may consult with any or all of the following:

- The Community
- Tangata whenua
- Consultation partners as defined in this policy
- Key stakeholders
- Community groups or organisations
- Government agencies and/or local authorities
- Individual(s) or group(s) who are interested in or affected by the decision
- Any other individual(s) or group(s) which Council considers to be appropriate

5.3 Consultation processes

5.3.1 Community consultation

Council's Community consultation process may include any or all of the following steps:

- Media releases or statements
- Articles in print media
- Pre-consultation with key stakeholders
- Inviting each of the consultation partners listed in the Schedule to a pre-consultation meeting with Council to share their views
- 'Consult-a-Councillor' sessions in Tarawera Mall
- Calling for submissions from the public
- Making a draft document or proposal available for public inspection
- Providing an opportunity for submitters to be heard
- Hearing and considering submissions in an open meeting
- Following up with submitters about Council decisions and reasons
- Publicly notifying the final decision

The Community consultation process may be used for the review and development of Council policy and in other circumstances which Council considers to be appropriate.

5.3.2 Special consultative procedure

Council will use the special consultative procedure as prescribed by the Act when any issue, proposal, decision or other matter is assessed as being significant, when developing or reviewing Long Term Plans, Annual Plans and bylaws and when required by other legislation.

Council may choose to augment or otherwise enhance the special consultative procedure, for example by including steps from the Community consultation process, and may choose to use the special consultative procedure in circumstances other than when required.

The special consultative procedure is outlined in the Appendix.

6 RELEVANT DELEGATIONS

The Chief Executive Officer or his/her nominee has delegated authority for the implementation of this policy.

7 REFERENCES AND RELEVANT LEGISLATION

Local Government Act 2002
Council's Policy on Significance

Schedule – Consultation Partners

- Kawerau Business Association
- Kawerau Industrial Symbiosis Steering Committee
- Kawerau Enterprise Agency
- TTuwharetoa ki Kawerau Health, Education and Social Services
- Ngati Tuwharetoa (BOP) Settlement Trust
- TOHU Marae Trust
- Te Rūnanga o Ngāti Awa
- Rautahi Marae Committee
- Kawerau Grey Power
- Kawerau Youth Council
- Kawerau College
- Kawerau Principals' Association
- Kawerau Ministers' Association
- Kawerau Committee
- Disabilities Resource Centre
- Kawerau Social Services Trust Board

Appendix – Special Consultative Procedure

- (1) Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must—
 - (a) prepare—
 - (i) a statement of proposal; and
 - (ii) a summary of the information contained in the statement of proposal (which summary must comply with section 89); and
 - (b) include the statement of proposal on the agenda for a meeting of the local authority; and
 - (c) make the statement of proposal available for public inspection at—
 - (i) the principal public office of the local authority; and
 - (ii) such other places as the local authority considers necessary in order to provide all ratepayers and residents of the district with reasonable access to that statement; and
 - (d) distribute in accordance with section 89(c) the summary of the information contained in the statement of proposal; and
 - (e) give public notice, and such other notice as the local authority considers appropriate, of the proposal and the consultation being undertaken; and
 - (f) include in the public notice a statement about how persons interested in the proposal—
 - (i) may obtain the summary of information about the proposal; and
 - (ii) may inspect the full proposal; and
 - (g) include in the public notice a statement of the period within which submissions on the proposal may be made to the local authority; and
 - (h) ensure that any person who makes a submission on the proposal within that period—
 - (i) is sent a written notice acknowledging receipt of that person's submission; and
 - (ii) is given a reasonable opportunity to be heard by the local authority (if that person so requests); and
 - (i) ensure that the notice given to a person under paragraph (h)(i) contains information—
 - (i) advising that person of that person's opportunity to be heard; and
 - (ii) explaining how that person may exercise that person's opportunity to be heard; and
 - (j) ensure that, except as otherwise provided by Part 7 of the Local Government Official Information and Meetings Act 1987, every meeting at which submissions are heard or at which the local authority, community board, or committee deliberates on the proposal is open to the public; and
 - (k) subject to the Local Government Official Information and Meetings Act 1987, make all written submissions on the proposal available to the public.
- (2) The period specified in the statement included under subsection (1)(g) must be a period of not less than 1 month beginning with the date of the first publication of the public notice.
- (3) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any submission or both.