

APPENDIX 8: CONSULTATION POLICY

1. OUR COMMITMENT TO CONSULTATION

The Council is committed to:

- Ongoing and timely consultation with the community and other stakeholders on matters that affect them before final decisions are made;
- Valuing community participation;
- Clearly identifying the issues and decisions that are open to consultation;
- Providing appropriate feedback on Council decisions.

2. CONSULTATION OBJECTIVES

The Council's objectives in relation to consultation are:

- To develop consultation processes that support positive relationships between the Council and the wider community;
- To listen to what people say in a fair and objective way;
- To make it as easy as possible for local people and other stakeholders to participate in, and have a say in the development of the City;
- To ensure sufficient time is provided for interested members of the community to participate before final decisions are made;
- To gain and sustain the trust of our customers by consistently demonstrating Council's desire to meet their needs and understand their perspectives;
- To meet the requirements of legislation and ensure that the Council's statutory obligations surrounding consultation are met;
- To consult effectively - balancing consultation processes with available resources.

3. WHAT IS CONSULTATION?

Consultation in its widest sense is a genuine two-way communication between the Council, local people and other stakeholders. Consultation can be either formal or informal, ranging from a telephone enquiry to adopting a formal consultative process. Both may be legitimate and both are valuable.

Consultation may take a number of forms. For a discussion of the various forms of consultation, and guidance on what form of consultation you should use, refer to the Hutt City Council Consultation Guidelines.

Consultation may embrace a wide range of activities and can be defined in terms of:

- Asking local people and other stakeholders for input, feedback and information about Council initiatives, projects, services and operations and responding appropriately;
- Researching the needs, priorities and attitudes of local people;
- Seeking the views of local people on specific issues or proposals;
- Involving local people in decisions that affect them;
- Consultation can take many forms ranging from focus groups, meetings, surveys, public submissions and advisory committees.

Consultation is not:

- Simply providing information (for instance, distributing a statement that a decision has been made);
- Always about reaching agreement or consensus;
- Always about negotiation;
- Designed to replace the decision-making responsibilities of the elected members of Council.

4. WHO WE CONSULT WITH

The Local Government Act 2002 makes it clear that the Council has a very broad responsibility to consult with all “stakeholders” in its area. This includes:

- People living in the City;
- People working in the City;
- Mana Whenua;
- Runanganui o Taura Here ki Rimutaka;
- Users of Council services – our customers;
- People who don’t currently use Council services;
- Distinct communities (i.e. youth groups, ethnic minorities);
- Ratepayers;
- Business community;
- Voluntary sector;
- Specialist interest groups (i.e. environment, arts, etc);
- Council staff;
- Other central, regional and local government agencies;

- Other groups not identified who may need to be consulted with from time to time depending on the nature and scope of a particular project/s or proposal/s.

Please note that even if another piece of legislation (e.g. the Resource Management Act 1991) specifies a consultation process, you should still consider the consultation principles, which are set out in the Local Government Act 2002 and are referred to in this policy.

5. WHY WE CONSULT

The Council consults:

- **To gain better decisions and outcomes for the City**

Improved decision making and better outcomes or results are two of the main reasons that the Council consults. Public consultation strengthens democratic participation^[1] and accountability. It is an important means of enhancing the capacity of the Council to better meet the expectations of the people of the City when decisions are being made.

- **To meet Treaty of Waitangi obligations and enhance Council's relationship with Maori**

The Council has an obligation to take into account the principles of the Treaty of Waitangi and to recognise and provide for the special relationship between Maori, their culture, traditions, land and taonga.

The obligation to consult includes recognising those who have mana whenua, or inherited rights of land ownership.

A Memorandum of Agreement has been established which governs the relationship between Te Atiawa and the elected Council.

- **To meet legal requirements**

A wide range of legislative requirements, including the Local Government Act 2002, govern public consultation. If the Council does not follow these requirements, it may be exposed to unnecessary, embarrassing and costly legal challenges.

6. CONSULTATION PRINCIPLES

The principles that will direct Council's approach to consultation (these draw on those found in the Local Government Act 2002) are:

Being inclusive

Section 82(1)(b) of the LGA further requires that:

"persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority".

^[1] Participation being the democratic process in which citizens elect representatives from their community to represent them on the Council and make decisions on their behalf

This means that:

- Consultation processes set up by the Council will continue to be run in a way that encourages participation by, or provides information to, those who have an interest or are affected by the particular activity or project.
- Efforts will continue to be made to identify all those who may have an interest and devise the most appropriate consultation methods to reach them.
- Focus will be placed upon selecting methods and places most suitable for those people or groups who have not traditionally had contact with the Council.

Being open and responsive

Section 82(1)(d) of the LGA states that:

“persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons”.

Section 82(1)(e) requires the local authority to receive views presented to it with an open mind and to give due consideration to those views.

This means the process needs to be:

- Transparent;
- Flexible and responsive;
- Clear about the opportunities for input and the process for any decision-making;
- Respective of diverse points of view.

Timely processes

This means that:

- Council will provide a clear and achievable timetable that enables full participation in the consultation process for people to receive and absorb information. It will also allow adequate time for people to become involved in the process and respond or participate.
- Where this timetable is dictated by the Council's decision- making process, this will be clearly indicated.

Taking a prudent approach

The Council must balance its desire to include the community in its decision-making process with available resources. Section 82(4) of the LGA requires the Council, when making a decision about the extent to which it observes the consultation principles laid out in the Act, to have regard to (among other things) the costs and benefits of any consultation procedure.

- The City and Council are bound by resource constraints and will target resources for consultation in the most effective and efficient manner. In approving consultation process (es) Council will be advised of the approximate cost of the process.

Consulting with a clear purpose

Section 82(1)(c) of the LGA states that:

“that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of consultation and the scope of the decision to be taken following the consideration of views presented.”

This means that:

- Council will continue to clearly state in relation to each consultation process, the subject matter, what the aim of the exercise is, what outcomes are being sought and the role of both the Council and the participant's on the project.

Access to information

Section 82(1)(a) of the LGA states:

“that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons”.

This means that:

- Sufficient information will continue to be made available to allow people to participate to the level they desire.
- Information for consultation processes will be accurate, user friendly and accessible.
- As much information as possible will be made available in various forms and levels of complexity to suit participant's level of interest, prior knowledge and understanding.
- Information will be made available before opinions are sought and decisions made.

Meeting obligations under the Treaty of Waitangi

The Council recognises its obligations under the Treaty of Waitangi. In meeting these obligations, the Council has formed a Memorandum of Understanding with iwi and pan-tribal groups to acknowledge their special role under the Treaty and as defined in legislation such as the Resource Management Act.

Consultation processes with Tangata Whenua will be based on the relationships established by the agreements with the representative groups and will give effect to the principles of the Treaty of Waitangi.

Being innovative in approach to consultation

This means that:

- The Council will look to use new ways of consulting with its local people and other stakeholders as appropriate, to complement traditional methods and try to break through to people not usually reached.
- It will be flexible in accepting feedback from people in forms that suit them, for example; email, fax, telephone, one-on-one contact, survey's, submissions, hearings, focus groups, public meetings and so on, except where it is limited by legislation.

Learning and improving processes through experience

This means that:

- The Council will endeavour to learn from consultation processes it has been involved in and use this knowledge to improve future processes.

- The Council will look to use benchmarking to record how successful particular processes are and build a profile of what methods and tools are more likely to be successful with particular local people and other stakeholders.

Providing Feedback

Section 82(1)(f) of the LGA requires that:

“persons who present their views to the local authority should be provided by the local authority with information concerning both the relevant decisions and reasons for those decisions”

This means that:

- Council will provide appropriate feedback on its decisions and the reasons for their decisions.