

APPENDIX 7: THE SPECIAL CONSULTATIVE PROCEDURE ¹

The Local Government Act sets out the Special Consultative Procedure. It outlines the principles that apply when making certain decisions. This procedure is regarded as a minimum and Hutt City Council generally conducts consultation in excess of what is required by the procedure. When it is adopting its Long Term Plan or District Plan Council will hold formal meetings with community groups and other interested parties. At these meetings, Council will seek views on the matters it considers important and identify issues it believes are of concern to the community.

THE SPECIAL CONSULTATIVE PROCEDURE CONSISTS OF THE FOLLOWING STEPS:

STEP ONE: PREPARATION OF A STATEMENT OF PROPOSAL AND A SUMMARY

Council must prepare a description of the proposed decision of course of action. The statement must be available for distribution throughout the community, for inspection at Council offices and may be made available elsewhere. Council must also prepare a full and fair summary of the proposal, which must be distributed as widely as Council considers to be reasonably practicable. That statement must be included on an agenda for a Council meeting.

STEP TWO: PUBLIC NOTICE

Council must publish a notice in one or more daily newspapers, or in other newspapers of equivalent circulation, of the proposal and of the consultation being undertaken.

STEP THREE: RECEIVE SUBMISSIONS

Council must acknowledge all written submissions and offer submitters a reasonable opportunity to make an oral submission. At least one month (from the date of the notice) must be allowed for submissions.

STEP FOUR: DELIBERATE IN PUBLIC

All meetings where Council deliberates on the proposal or hears submissions must be open to the public (unless there is a reason to exclude the public under LGOIMA). All submissions must be made available unless there is reason to withhold them under LGOIMA.

¹ Parliament is currently considering amendments to the Local Government Act 2002 which, if passed, will materially alter when Council's must use the Special Consultative Procedure to consult with the community. If Parliament passes these amendments changes will be made to this Appendix.

STEP FIVE: FOLLOW UP

A copy of the decision and a summary of the reasons must be provided to submitters. There is no prescribed format for such a summary.

Council must, legally, follow the Special Consultative Procedure before it:

- Adopts a Long-Term Plan or Annual Plan.
- Amends a Long-Term Plan.
- Adopts, revokes, reviews or amends a bylaw.
- Changes the mode of delivery for a significant activity that is not provided for in an LTP, for example changes from Council delivery to delivery by a Council Controlled Organisation or from a Council Controlled Organisation to a private sector organisation.

Council may be required to use the Special Consultative Procedure under other legislation and it may use this procedure in other circumstances if it wishes to do so.