

# **LOCAL GOVERNANCE STATEMENT 2019-2022**

## **Guide for the community on Council processes**

### **Appendix 8 – Community Engagement and Consultation**

# APPENDIX 8: COMMUNITY ENGAGEMENT AND CONSULTATION

## 1. OUR COMMITMENT TO COMMUNITY ENGAGEMENT

Council is committed to:

- Our partnership relationship with iwi which focuses on ongoing, meaningful and timely engagement on issues that affect the city;
- Ongoing, meaningful and timely engagement 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 engagement, including formal consultation processes required by the Local Government Act 2002 (LGA);
- Providing feedback once a decision has been made.

## 2. COMMUNITY ENGAGEMENT OBJECTIVES

The Council's objectives in relation to community engagement are:

- To develop engagement processes that support positive relationships between Council and the wider community;
- To listen to and hear what people say fairly and objectively;
- To make it as easy as possible for local people and other stakeholders to participate in decision making processes, and have a meaningful say in the development of the City;
- To ensure there's sufficient time for interested members of the community to participate in decision making;
- To gain and sustain the trust of our people by consistently demonstrating our desire to meet their needs and understand their perspectives;
- To meet the requirements of legislation and ensure that the Council's statutory obligations surrounding engagement, including formal consultation, are met;
- To engage effectively while balancing engagement and consultation approaches with available resources.

## 3. OUR RELATIONSHIP WITH IWI

Ma te tuakana e tike ai te teina

Ma teina e tika ai te tuakana

Through relationships and respect we can find the way forward<sup>1</sup>

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<sup>1</sup> <https://www.boprc.govt.nz/media/717746/engagement-toolkit.pdf>

Ongoing, meaningful and timely engagement with iwi on issues that affect the city is key to producing better quality outcomes for everyone. Genuine engagement with iwi should acknowledge:

- Their rangatiratanga and status as Treaty partners
- That mātauranga Māori makes an important contribution to solving policy and practical problems
- That Māori have the resources and capability to contribute; and
- That some issues affect Māori disproportionately and iwi are therefore better placed to develop the solutions.

Engagement with iwi will not be limited to achieving formal obligations. Processes that consider Māori participation and views will be used because they are more effective.

Our goal is to effective, efficient and inclusive approaches which reflect the inclusion and consideration of Māori perspectives and cultural values. Good engagement should complement other ways your agency collects relevant information and data to inform policy development.

## 4 WHAT IS ENGAGEMENT?

Engagement in its widest sense is about giving local people a voice and involving them in decisions that affect them, their community, their neighbourhood, and their city. At the heart of community engagement is the development of relationships, open and clear communications, networking and listening and building understanding of the diverse people and places in Lower Hutt.

Engagement can take a number of forms and embrace a wide range of activities<sup>2</sup> such as:

**Information** – Supports all types of community engagement and keeps people informed about such things as decisions, services and local events.

**Consultation** – Can be used when there is a formal decision to make and/or when there are a number of choices about the details of what could be done. Many of the proposals Hutt City Council considers involve formal consultation.

**Deciding together** – Local people are involved in deciding which option to choose, but it is Hutt City Council that will act on the decision. Finding a solution for Naenae town centre and pool is a good example of this.

**Acting together** – Decisions and implementation are made in partnerships between local people or agencies and Hutt City Council. The development of the Homelessness Strategy is a good example of this.

**Supporting community initiatives** – Independent groups are empowered to develop and carry out their own plans. Council's role is primarily supportive or facilitative. A lot of Council activities involve supporting community initiatives. The development and implementation of

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<sup>2</sup> 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 (**URL in here**) and the Community Engagement Strategy [http://portal.huttcity.govt.nz/Record/ReadOnly?Query=container:\[uri:3677922\]&Tab=31&Uri=3677320&Page=1](http://portal.huttcity.govt.nz/Record/ReadOnly?Query=container:[uri:3677922]&Tab=31&Uri=3677320&Page=1) .

Petone 2040 is a good example of this.

All forms of engagement can involve:

- 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 and other stakeholders;
- Seeking the views of local people on specific issues or proposals;
- Involving local people in decisions that affect them;
- Using many forms of engagement including formal consultation ranging from kanohi ki te kanohi (face to face) with individuals and groups, focus groups, public meetings, surveys, public submissions and advisory committees.

*Engagement is not:*

- Simply providing information (for instance, distributing a statement that a decision has been made);
- Always about reaching agreement or consensus – sometimes this won't be possible;
- Always about negotiation – Council can be bound by legislation and not have the ability to negotiate a different outcome;
- Designed to replace the decision-making responsibilities of elected members.

## 5. WHO WE ENGAGE WITH

Council has a very broad responsibility to engage with all “stakeholders” in its area. This includes:

- People living, doing business and working in Lower Hutt – ratepayers and residents;
- People who use Council services – our customers and those people who don't currently use Council services but might in the future;
- Distinct communities of interest and identity such as young people, ethnic groups, the voluntary sector, special interest groups e.g. heritage, Arts and Culture, environment, professional and community groups);
- Central, regional and other local government agencies and non-government organisations;
- 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.

## 6. WHY WE ENGAGE

Council engages to achieve the best decisions and through that outcomes for the Lower Hutt. Engagement strengthens democratic participation<sup>[1]</sup> and enables the community to hold Council accountable for the decisions it makes and the process it uses to do so.

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 Council.<sup>3</sup>

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

## 7. CONSULTATION PRINCIPLES

The following principles direct Council's approach to consultation (these draw on those found in the Local Government Act 2002)<sup>4</sup> and are:

### *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:

- Information will continue to be made available to enable people to participate to the level they desire.
- Information about engagement 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 people's level of interest, prior knowledge and understanding.
- Information will be made available before views are sought and decisions made.

### *Being inclusive*

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

*“persons who will or may be affected by, or have an interest in, the decision or matter*

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<sup>3</sup> Put in here a URL to the MoUs between Council and mana whenua

<sup>4</sup> <http://www.legislation.govt.nz/act/public/2002/0084/latest/whole.html#DLM172327>

*should be encouraged by the local authority to present their views to the local authority”.*

This means that:

- Council engagement processes will continue to encourage participation by and provide 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 to engage with them in ways that are best for them.
- Focus will be placed on reaching and engaging with those people or groups who find it difficult for whatever reason to have their views heard and taken into consideration

*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.

*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”.*

This means that people will be given a reasonable opportunity to present their views to Council either in writing, on line and/or in person using a medium that is most available and useful to them.

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;
- Respectful of diverse points of view.

#### *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 including the reasons for the decisions.

#### *Timely processes*

This means that:

- a clear and achievable timetable that enables and encourages full participation will be provided. This timetable will also allow adequate time for people to become involved in the process and respond.
- As much as possible, Council’s decision- making process and timetable will provide sufficient time for community participation.

#### *Taking a prudent approach with resources*

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 to have regard to (among other things) the costs and benefits of any consultation procedure when it is making a decision about the extent to which it observes the consultation principles laid out in the LGA.

Resources for engagement will be targeted in the most effective and efficient manner. In approving engagement process(es) Council will be advised of the approximate cost of the process.

#### **Being innovative in approach to engagement**

*This means that:*

- Council will look to use new ways of engagement with its local people and other stakeholders as appropriate, to complement formal consultation and try to involve people not usually reached by more formal methods of consultation
- It will be flexible in accepting feedback from people in forms that suit them, for example; on the forms, email, fax, telephone, kanohi ki te kanohi/face to face, 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:

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