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**REPORT 3**  
*(1215/52/IM)*

## **RESULTS OF THE DRAFT ENGAGEMENT POLICY CONSULTATION**

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### **1. Purpose of Report**

This report presents:

- feedback from the public consultation exercise undertaken on the Draft Engagement Policy
- the amended Engagement Policy (Appendix 2) to be referred to the Council for adoption.

### **2. Executive Summary**

The Draft Engagement Policy was publicly consulted on from 27 September through to 20 November 2006. 31 submissions were received.

The submissions have been analysed and subsequent amendments to the Policy are proposed in this document. Amendments include:

- greater reference to the context of “consultation”, as provided for in the Local Government Act 2002 (LGA)
- clarification of what is meant by “involving”, in terms of the consultation the Council undertakes
- increased recognition of the role of mana whenua, Maori and community boards in providing community input into Council decision-making
- an expanded executive summary.

The draft Policy has not been amended to reflect submissions which sought to:

- move the Council’s standard consultation practice beyond “involving” to “collaborating” and “empowering”
- limit the use of the “commercial sensitivity” provisions of the Local Government Official Information and Meetings Act (LGOIMA).

An amended version of the Policy is attached at Appendix 2 for the Committee’s consideration and recommended to be forwarded to the Council for adoption.

### **3. Recommendations**

It is recommended that the Committee:

1. *Receive the information.*
2. *Recommend to the Council that it adopt the Engagement Policy (attached as Appendix 2 to this report).*
3. *Recommend to Council that a copy of the Council's engagement principles (Section 2 of the Policy) be made available in all Council facilities.*
4. *Delegate to the Chief Executive and the Mayor (in the absence of the Governance, Communication and Participation Portfolio Leader) the authority to make minor editorial changes to the Engagement Policy document.*

### **4. Background**

#### **4.1 Communication and Participation Project**

The Council agreed to undertake a "Communication and Participation Project" in April 2005 to review the way it communicates and consults with Wellington residents. The project was initiated as a result of:

- concerns expressed by elected members and members of the community about Council's consultation and participation practices
- a declining level of satisfaction with the amount the Council consults and the way it involves people in decision-making (from the February 2005 Residents' Satisfaction Survey).

Research was undertaken to inform the Communication and Participation Project which included:

- interviewing regular participants in the Council's consultation processes
- holding focus groups for people who had never participated in a consultation process or had participated, but did not do so regularly
- researching worldwide trends in governance.

As a result of the research, the Communication and Participation Project was divided into four focus areas for change:

- improving relationships with community organisations and groups
- improving communications
- updating the mechanisms the Council uses to engage with communities and individuals
- reviewing the Consultation Policy (adopted in 2001).

The draft Engagement Policy was the result of the review of the Consultation Policy. The draft Policy:

- updates the context for engagement (and consultation as a subset of engagement) in terms of the Local Government Act 2002 (LGA)
- demonstrates that the Council's commitment to engaging with individuals and communities extends beyond decision-making/consultation processes, to the full range of the Council's work and activities.

## **4.2 Formal Consultation Process**

Over 550 community groups, organisations and interested individuals were sent a copy of the draft Policy and invited to comment on it. The consultation was advertised in the *Our Wellington* page of the Dominion Post both at the beginning and towards the end of the consultation period. All the relevant documents were placed on the Council's website, and hard copies of the draft Policy were available from all Council service centres and libraries.

Officers also met with Ngati Toa, the Tenths Trust, the Council's two community boards and some of the Council's advisory groups.

## **5. Discussion**

### **5.1 Submissions received**

Thirty-one (31) written submissions were received on the Draft Engagement Policy. Seven (7) of these submissions were followed up with oral submissions, which were heard by the Strategy and Policy Committee on 23 November 2006.

Seventeen (17) of the written submissions were from groups and organisations, with the remaining 14 being from individuals. The submissions are attached in Appendix 1.

The following section provides a summary of the submissions received and the recommended response to the submissions.

### **5.2 Recognition of Council's special relationship with mana whenua and Maori**

Ngati Toa requested that the draft Policy give greater recognition to the special relationship described for Maori in the LGA 2002. While Ngati Toa acknowledged that the governance relationship mana whenua have with the Council is established in the agreed memoranda of understanding, they also saw the Policy as a mechanism for ensuring mana whenua and Maori are involved at the earliest opportunity in Council decision-making/consultation process.

Ngati Toa also stated their view that the LGA provides for an increased governance role for Maori. The Council acknowledges the special relationship set out for mana whenua and Maori in the LGA, but sees it as focused on encouraging and enabling increased participation in decision-making rather than as providing the ability for Maori to make decisions.

Changes made to the draft Policy:

- Section 1.3: Additional policy objective included regarding mana whenua and Maori
- Appendix 1: Expanded description of the Council's obligations to Maori under Part 6 of the LGA

### **5.3 Recognition of the role of community boards**

The community boards were concerned that they were not specifically referred to in the draft Policy, especially considering their statutory position of being elected bodies with a mandate to speak on behalf of their areas.

The boards' agreed Terms of Reference (TOR) also refer to their role in consultation, and the community boards felt the draft Policy needed to better reflect the intent of both the LGA and their TOR in regard to their role. As with mana whenua, the boards felt the Policy needed to be a mechanism for ensuring the community boards are identified early as a stakeholder in decision-making/consultation processes (as appropriate).

Changes made to the draft Policy:

- Sections 2 and 4: Inclusion of the Council's support of the role of community boards in providing community views
- Section 5.4, principle 1: Expanded to include a paragraph about the Council's commitment to ensuring community boards are identified and approached early in the consultation processes that are relevant to them.

### **5.4 Implementing the Policy**

A number of submitters commented that the intent of the draft Policy was good, but that they needed to see it supported by positive actions before believing the Council's current consultation environment had improved.

The implementation of this Policy will be critical to achieving the objective of building greater public trust and confidence in the Council. Implementation will be undertaken through Council-wide training, supported by updated "Consultation Guidelines" for officers. These guidelines will provide detailed information on how officers should make decisions around when to consult, who should be consulted and how, as well as the process to be followed when developing and undertaking a consultation.

Comments noted. No changes to the Policy required.

### **5.5 Policy intent**

A number of submitters were concerned with the perceived intent of the Policy, particularly focusing on the terminology used and how that terminology is defined.

#### **5.5.1 "Engagement" vs "Consultation"**

A number of submitters were concerned with the replacement of the current Consultation Policy with an Engagement Policy. They saw the broader focus on engagement across Council functions as detracting from the importance of consultation as a legislative requirement of the LGA 2002.

The term "engagement" was also confusing to a number of submitters – described as being a "PC word", "combative", or meaningless where simpler terminology such as "talking to", "listening to" or "participation" would be easier to understand. One submitter did not understand the distinction between engagement and consultation.

The term engagement was taken up as a result of the research undertaken in the Communication and Participation Project. The research showed that:

- people who were not regular participants were not sure what “consultation” meant and often had negative associations for it
- the Council needed to have a greater commitment to understanding what its communities wanted outside of specific consultation processes.

To address these issues, officers recommend that the term engagement continues to be used but that the definitions of both engagement and consultation are better clarified in the Policy, i.e. where “engagement” is the overall term covering the Council’s interaction with members of the public, whereas “consultation” is a subset of engagement that specifically relates to engagement through the decision-making process.

Changes made to the draft Policy:

- Increased use of the term “consultation” in Section 5 to ensure the Policy is aligned to the specific consultation requirements of the LGA.
- Included a by-line in the title of the Policy, to clarify that the document includes the Council’s policy on consultation.

### **5.5.2 “Involving”**

“Involving” was seen by a number of submitters as not well defined and as limiting the “extent, quantity and quality of consultation”. These limitations were seen as:

- not providing for a “dialogue” based process as provided for in the Council’s 2001 definition of consultation – “dialogue followed by decision-making”
- only providing for a linear consultation process, rather than a “recursive” one (so people who became aware of the consultation late in the process were only able to have a limited impact)
- not extending consultation to “collaborating” and “empowering”, or considering consultation to be about negotiation and/or consensus-building.

“Involving” is used in the draft Policy as a key descriptor of how the Council will undertake consultation, meaning that the Council is committed to finding out community views and taking them into account in its decision-making.

The definition of “involving” has been clarified in the draft Policy so that it clearly states that this means community views will be sought from an early stage in a decision-making process, rather than just through a formal public consultation process that may be run towards the end of a such a process.

With regard to “collaborating” and “empowering”, the use of these types of consultation will be assessed on a case by case basis. As stated in the Policy, the most frequent type of consultation will be at the level of “involving”. Although Section 10(a) does allow for communities to make decisions, the Act envisages a representative democracy where the community influences decision-making through participation in consultation, with final decision-making resting with elected members.

Changes made to the draft Policy:

- Section 5.2:
  - Amended introduction to the public impact diagram so that it is put into the specific context of consultation related engagement
  - Clearer definition of “involving” so that it relates to early in the decision-making process.
- Amended public impact diagram so that “informing” is removed, recognising that “informing” is not a mechanism for consulting with the public as it does not provide for dialogue based interaction.

### **5.5.3 “Feedback”**

The term “feedback” was described as disempowering and undermining of the importance of the information provided. The term “submission” was seen as a weightier way of describing the information provided by submitters, and was seen as having more potential to influence a decision than “feedback” (which was associated with providing a reactive response at the end point of a process that may not be taken into account).

“Feedback” was used in the draft Policy as a result of the research undertaken that showed that the term “submission” was not well-understood to those people who normally do not participate in Council decision-making processes. To officers, “submission” also refers to the formal process that happens at the end of a decision-making process, so feedback was used as a word that could describe the input provided throughout the process of making a decision.

Changes made to the Policy:

- Replaced the term feedback with “views” or “input” to reduce the connotation that requesting feedback refers to a reactive process rather than an interactive one.

## **5.6 Consultation timeframe**

Four submissions (one from an individual, three from organisations, including the Tawa Community Board), stated that a consultation timeframe of 20 days was insufficient to enable individuals and organisations to provide feedback.

The Council has examples of 20 day consultations that have successfully achieved a high level of response (i.e. 1300 submissions received on the 2006-16 LTCCP). For this reason, the Council will retain the bench-mark at 20 days, although the wording will be changed to put increased emphasis on longer consultation periods being considered when appropriate.

Changes made:

- Section 5.4, principle 4: Minor text changes.

## **5.7 Openness, transparency and accountability**

A number of submitters referred to greater transparency and accountability being required around the Council's consultation, particularly in the context of the discretion given to the Council to decide when it consults and who it consults with.

### **5.7.1 Identification of affected/interested parties**

Some submitters were concerned with how the Council would use its discretion to identify "affected and interested" parties. Submitters noted that:

- the Council needed to be transparent in how it used this discretion
- the draft Policy was unclear about how the Council would determine who would be included.

Raising awareness around what decisions are being considered is an important issue in ensuring "affected and interested" parties also have the opportunity to identify themselves to the Council.

To help enable this, the Council will be expanding the 'Public Input' page of its website so that it provides information on upcoming consultations. Officers are also investigating providing this information regularly on the *Our Wellington* page.

Changes made to the Policy:

- Section 5.4, principle 1: Sentence added providing for the Council to have a role in raising awareness around upcoming decisions that are going to be made, to give people the opportunity to flag their interest in being involved from early in a decision-making/consultation process.

### **5.7.2 Commercial sensitivity**

Three submissions also referred to increasing transparency around the Council's use of the confidentiality/privacy provisions it is able to use under LGOIMA. Requests were made for the Council to ensure it limited its usage of such provisions and/or to make the information available on request.

The Council currently takes significant care to ensure that the confidentiality provisions of LGOIMA are used appropriately. As such, no changes are considered necessary to the Policy.

Comments noted. No changes to the Policy required.

### **5.7.3 Accountability**

One suggested accountability mechanism was for a Public Reference Group to be established, which would be tasked with overseeing the development/evolution of the consultation policy and measuring the Policy's success.

New initiatives were provided for in the 2006/07 financial year (the creation of an e-Panel and a Civic Network) which are focused on increasing participation in the Council's decision-making. The aim of these initiatives is to increase accountability through more people being involved in consultation.

The Council will monitor the implementation of these initiatives over the coming year, and if it is found that they are not increasing participation as expected, will consider

looking at other public accountability mechanisms (the Public Reference Group could be one of these, as could providing contact details on each consultation of an independent body which could be contacted if the consultation process is believed to be inadequate).

No changes to the Policy required.

## **5.8 LTCCP**

The Council's Long Term Council Community Plan (LTCCP)/Annual Plan process was referred to in a number of ways, including:

- disappointment that this Policy was not completed prior to the adoption of the 2006-16 LTCCP.
- disappointment with the consultation process around the LTCCP. Submitters suggested the process could be improved by:
  - consulting separately on specific proposals, so that the issue could be considered in isolation rather than as part of a large, consolidated document
  - develop an alternative process which involved the public to a greater level at an early stage in the process.

The LTCCP/AP consultation process follows the requirements of the LGA. These consultation exercises cover all of the Council's business and all budgets. These have to be consulted on together. Significant changes to levels of service or new proposals are highlighted in the document to enable people to locate them.

Comments noted. No changes to the Policy required.

## **5.9 Document presentation**

A few submitters made suggestions for improving the document presentation to help better engage different sectors/communities:

- The Youth Council suggested that the Policy needed more of a youth focus and needed to be made more friendly/accessible for youth through a more relevant, interesting format.
- The Compassion Centre indicated that the executive summary could be expanded to provide a better summary of the Policy. This would be beneficial for community organisations that may not have the time and resources to read the full document. The Centre also indicated that the Policy in its current form is difficult to follow.
- The Deaf Association NZ indicated that paper and electronic documents need to contain visual information, and stated that NZ Sign Language is the best way to communicate with the Deaf community.



Changes made to the Policy:

- Executive summary expanded (including an expanded definition of “involving” and the inclusion of the consultation principles)
- Inclusion of youth as a community the Council is interested in enabling to participate more (section 1.2)
- Section 5.4, principle 5: Included reference to “visual information” for Deaf and providing different documents targeted at youth (which could also be relevant for other communities).

### 5.10 Special Consultative Procedure

A few submitters were confused by the relationship of the Special Consultative Procedure (SCP) to the definition of “involving” and the consultation principles (particularly the principle of early involvement).

Changes made to the Policy:

- Section 5.2: Paragraph on the SCP clarified to refer to the SCP being a formal, end process within an overall consultation process where identified stakeholders have been able to provide their views from an early stage.

### 5.11 Other issues raised

The following issues were raised by just one or two of the submitters:

Issue raised	Response
<p><b>1. Other forms of consultation</b>            Suggestions were made that the Council should look into the following resources to improve its consultation process:</p> <ul style="list-style-type: none"> <li>• <i>Environmental Conflict Resolution</i></li> <li>• <i>Aspiring to inclusion toolkit</i></li> </ul>	<p>Comments noted. Both suggestions will be looked into further by officers.</p>
<p><b>2. Re-consulting</b>            Concerns raised that the Council should take care around deciding not to consult on a decision on the basis that it has already been consulted on. Need to account for communities to change their minds and the length of time since the original consultation.</p>	<p>Comments noted. Such issues will be taken into account (the Consultation Guidelines for officers will include them), and balanced against the expressed desire of communities not to be repeatedly asked the same questions.</p>
<p><b>3. Market surveys</b>            Concern with the Council’s use of market surveys to obtain public opinion on upcoming decisions. The main concerns were:</p> <ul style="list-style-type: none"> <li>• the quantitative rather than qualitative nature of the surveys</li> <li>• the possibility of questions being biased and leading to a desired result.</li> </ul>	<p>Comments noted. The Council uses an independent organisation to ensure the questions asked in its Residents Satisfaction Surveys and other surveys are free from bias. Surveys are seen as a way of obtaining the views of people who do not usually participate. Careful consideration is usually given to whether or not a survey is an appropriate mechanism for obtaining the information</p>

	and how the surveys can best be run (for example, the survey used around the DLTCCP/DAP process has two steps, where people who agree to be questioned are first sent information on the issues to ensure they are responding from an informed basis).
<p><b>4. Maori community</b> Acknowledge that there is already capability in the Maori community.</p>	New wording in the document reflects that the Council will work with Maori to help continue enhancing the capability in the Maori community (section 1.3).
<p><b>5. Options provided</b> Concerns raised that not enough options are provided in the consultation documents.</p>	Section 5.3, principle 5 states that all options considered will be provided in consultation documentation.
<p><b>6. Requested text changes</b></p> <ul style="list-style-type: none"> <li>• Removal of the wording “managing community expectations” from section 1.3</li> <li>• Recognise that people belong to “different <b>and multiple</b> communities” in section 4</li> <li>• Include “disillusionment” as a reason why people may not participate.</li> <li>• Include “inclusion” and “disability” in Section 1.2 – specifically recognising the need to reach these groups</li> <li>• Replacement of the term “customer” in section 3 with “residents and visitors”.</li> </ul>	<p>Agree with the comments. Wording removed from section 1.3.</p> <p>Wording changed.</p> <p>Comments noted. Policy unchanged as the issues facing this group cannot easily be targeted, nor can the group be easily identified.</p> <p>Change made.</p> <p>Change made.</p>
<p><b>7. Section 5.3: Groups claiming to be representative</b> Request that this paragraph be removed as it can detract from the content/quality of the submission made.</p> <p>Request that the community boards be removed from the requirement to prove their representative mandate.</p>	<p>The paragraph has not been removed as it is of ongoing concern to elected members that groups claiming to represent a number of others have a robust mechanism for obtaining the views of those they are representing.</p> <p>Footnote added to state community boards are exempt from this suggestion.</p>
<p><b>8. Petitions</b> Requested that procedures for dealing with petitions be established.</p>	An initiative to provide an online e-Petition function has been agreed to by the Council as part of the 2006/07 budget. This initiative will provide for increased transparency in how petitions

	are treated by the Council as it tracks the progress of petitions through to the Council's response to it.
<p><b>9. Conflict</b> The Policy does not provide any mechanisms for dealing with divergent/differing views. (Environmental Conflict Resolution model suggested).</p>	The process of "involving" those affected and interested at an early stage in the process should help towards enabling divergent views to be fully aired and considered.
<p><b>10. Public notices (RMA)</b> Request that public notices be reinstated to the public notice page.</p>	The Our Wellington page is proving to be very successful, with a high awareness by Wellingtonians. Officers consider that information on this page has a higher level of public exposure, and is more likely to elicit response than information provided on the public notices page.
<p><b>11. "Enterprising"/"innovative"</b> Concern around the use of the terms "enterprising" and "innovative".</p>	Comments noted. No change to the Policy required.
<p><b>12. When to consult</b> Request that there be greater community involvement in deciding when a consultation should occur.</p>	Comment noted.
<p><b>13. Role of ratepayers</b> One submission stated that only ratepayers should have the right to express their views in consultation processes.</p>	The Council considers that non-ratepaying residents also contribute significantly to the social, cultural, economic and environmental well-being of the city, and should have a say in how the environment they live in is managed.

### 5.12 Engagement Principles

The report to the Strategy and Policy Committee on 21 September 2006 stated that, should the Policy be adopted by the Council, the Council may wish to publish and make available a copy of the Council's "engagement principles" (see Section 2 of the draft Policy) in all Council facilities. This would raise awareness in the community around the Council's commitment to engaging with community members, and what those members can expect from the Council.

## 6 Conclusion

The Draft Engagement Policy has been amended to reflect feedback provided on the Policy. An updated version of the Policy is attached at Appendix 2 for the Committee's consideration and it is recommended that it is forwarded to the Council for adoption.

Contact Officer: *Adele Gibson, Policy Adviser*

## Supporting Information

### **1) Strategic Fit / Strategic Outcome**

*The Engagement Policy supports the Council's Governance and Social & Recreation Strategies – particularly in looking at how to improve participation in the Council's decision-making process and help build strong communities within the city.*

*As explained in the Policy, it will contribute to the Council meeting the following outcomes:*

- *More inclusive*
- *More actively engaged.*

### **2) LTCCP/Annual Plan reference and long term financial impact**

*A number of projects that support the Engagement Policy were included in the 2006-16 LTCCP. These are:*

- *C667 – Civic networks*
- *C668 – e-Democracy Initiatives*

### **3) Treaty of Waitangi considerations**

*Maori, both mana whenua and the wider Maori community, are specified in the Engagement Policy as a group the Council is committed to working with – both to foster involvement in democratic decision-making and build the capability of this community.*

### **4) Decision-Making**

*This is not a significant decision – though it will impact on the way the Council operates when it consults, and on the expectations members of the public will have around their engagement with the Council.*

### **5) Consultation**

#### **a) General Consultation**

*This report provides an analysis of the feedback obtained through a formal public consultation exercise. The officer's previous report of 21 September 2006 outlines the full research process undertaken for the Communication and Participation Project, which underlies this Policy.*

#### **b) Consultation with Maori**

*Officers met with Ngati Toa and the Tenth's Trust to discuss the contents of the Policy. Changes have been made to the document to reflect the content of these meetings.*

### **6) Legal Implications**

*Council's lawyers have been consulted during the development of this Policy, to ensure the LGA 2002 has been correctly reflected in the Policy.*

### **7) Consistency with existing Policy**

*The Engagement Policy will replace the current Consultation Policy.*

## **Appendix 1**

### **Submissions**