

**REPORT 2**  
(1215/11/IM)**Report of the Strategy and Policy Committee**  
**Meeting of Thursday 7 December 2007**

**Members:** Mayor Prendergast, Councillors Armstrong (Chair), Ahipene-Mercer, Cook, Foster, Gill, Goulden, McKinnon, Morrison, Pepperell, Ritchie, Ruben, Shaw, Wade-Brown and Wain.

**THE COMMITTEE RECOMMENDS:**

1. **ITEM 263/06P CONSULTATION FEEDBACK ON THE DRAFT BETTY CAMPBELL ACCOMMODATION ASSISTANCE FUND POLICY**  
(1215/52/IM) (REPORT 2)

*THAT Council:*

1. *Adopt the Policy, attached as Appendix 1, with implementation taking effect from July 2007.*

2. **ITEM 264/06P RESULTS OF DRAFT ENGAGEMENT POLICY CONSULTATION**  
(1215/52/IM) (REPORT 3)

*THAT Council:*

1. *Adopt the Engagement Policy attached as Appendix 2.*
2. *Make available a copy of the Council's engagement principles (Section 2 of the Policy) at all Council facilities.*

3. **ITEM 268/06P TRAFFIC RESOLUTIONS**  
(1215/52/IM) (REPORT 7)

*THAT Council:*

1. *Approve the following amendments pursuant to the provisions of the Wellington City Council Consolidated Bylaw 1991 Part 18 (Traffic):*

a) ***NO STOPPING AT ALL TIMES AND P10 LOADING ZONE – HOSPITAL ROAD - NEWTOWN – (41-06)***

*Delete from Schedule D (No Stopping Restrictions), of the Traffic Restrictions Schedule.*

<b><i>Column One</i></b>	<b><i>Column Two</i></b>	<b><i>Column Three</i></b>
<b><i>Hospital Road</i></b>	<b><i>No Stopping At All Times.</i></b>	<b><i>North side, commencing from its intersection with Hugh Street and extending in a westerly direction following the northern kerbline for 7 metres.</i></b>
<b><i>Hospital Road</i></b>	<b><i>No Stopping At All Times.</i></b>	<b><i>North side, commencing 40.5 metres west of its intersection with Hugh Street and extending in a westerly direction following the northern kerbline for 6.5 metres.</i></b>
<b><i>Hospital Road</i></b>	<b><i>No Stopping At All Times.</i></b>	<b><i>South side, commencing from its intersection with Adelaide Road and extending in an easterly direction following the southern kerbline for 30 metres.</i></b>

*Add to Schedule B (Restricted Parking), of the Traffic Restrictions Schedule.*

<b><i>Column One</i></b>	<b><i>Column Two</i></b>	<b><i>Column Three</i></b>
<b><i>Hospital Road</i></b>	<b><i>P10 Loading Zone, Monday – Friday, 8:00am – 5:00 pm.</i></b>	<b><i>North side, commencing 20 metres east of its intersection with Adelaide Road and extending in an easterly direction following the northern kerbline for 21 metres.</i></b>

*Add to Schedule D (No Stopping Restrictions), of the Traffic Restrictions Schedule.*

<b>Column One</b>	<b>Column Two</b>	<b>Column Three</b>
<b>Hospital Road</b>	<i>No Stopping At All Times.</i>	<i>North side, commencing at its intersection with Adelaide Road and extending in an easterly direction following the northern kerbline for 20 metres.</i>
<b>Hospital Road</b>	<i>No Stopping At All Times.</i>	<i>North side, commencing 41 metres east of its intersection with Adelaide Road and extending in an easterly direction following the northern kerbline for 6 metres to its intersection with Hugh Street.</i>
<b>Hospital Road</b>	<i>No Stopping At All Times.</i>	<i>North side, commencing at its intersection with Hugh Street and extending in an easterly direction following the northern kerbline for 6 metres.</i>
<b>Hospital Road</b>	<i>No Stopping At All Times.</i>	<i>North side, commencing 26 metres east of its intersection with Hugh Street and extending in an easterly direction following the northern kerbline for 9 metres.</i>
<b>Hospital Road</b>	<i>No Stopping At All Times.</i>	<i>South side, commencing at its intersection with Adelaide Road and extending in an easterly direction following the southern kerbline for 25 metres.</i>

4. **ITEM 271/06P CARTER OBSERVATORY REDEVELOPMENT**  
(1215/52/IM) (REPORT 10)

*THAT Council:*

1. *Include funding to Carter of \$300,000 per annum in the Annual Plan for 10 years from 2007/08 subject to the following conditions being met:*
  - *The Crown provides \$1,500,000 of capital funding to Carter*

- *The Crown provides as agreed \$750,000 of operating funding to Carter in the 2007/08 year*
- *The new governance structure is acceptable to the Council*
- *Carter is included in the quarterly monitoring regime by the Council's Council Controlled Organisations Performance Subcommittee.*

**Robert Armstrong**  
**Chair**

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## BETTY CAMPBELL ACCOMMODATION ASSISTANCE FUND POLICY

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### 1. Introduction and Purpose

The Council seeks to focus its community investment where public good benefits are maximised. This is particularly achieved through projects aiming to build community capability and capacity.

This policy, formerly known as the Community Group Accommodation Assistance Fund Policy, guides the Council's approach to the provision of accommodation assistance grants for not-for-profit community groups seeking to promote social wellbeing for Wellington residents. It:

- targets the Social and Recreation outcomes of making Wellington more liveable, more inclusive, more actively engaged, better connected, healthier and safer
- supports the achievement of the Council's strategic priority of *building capability and capacity within the Wellington community to promote social cohesion and sound social infrastructure* by helping the Council to strengthen the infrastructural capability of Wellington's community services and to assist social service agencies to remain viable as part of this.

The policy provides for contestable cash grants for community group rental subsidy. It recognises the:

- role of community groups in achieving the Council's strategic outcomes
- Council as funder to support community groups in promoting social cohesion and strengthening social infrastructure, providing cash grants for rental subsidy where needed to complement funding available from other sources
- Council as a partnership broker, advocate and facilitator for, and advisor to, community groups.

### 2. Council's role

The Council's preferred role in the provision of community group accommodation assistance is through facilitation of partnerships, with provision of funding assistance where needed. The Council seeks a balance between funding agreements and facilitation support, as this has proven effective in providing the flexibility needed to ensure the Council's objectives can be met.

### 3. Partnership and facilitation

The Council's commitment to the sector in Wellington City is long term, in line with its goal of growing sustainable communities. Developing ongoing relationships with

community groups will facilitate improved understanding of needs and opportunities, and help groups to:

- develop effective governance structures and processes for self-sustainability
- plan for increasing independence from the Council's support.

The Council seeks to work with community groups that:

- provide direct services to promote social wellbeing for Wellington residents (*Social wellbeing* means living in a supportive, ongoing community and having access to shelter, education, food and income.)
- contribute to building community capability and/or capacity for promoting social wellbeing for Wellington residents by providing coordination and support for other groups. *Groups supporting groups* might provide:
  - training opportunities or support services for other groups
  - support and guidance for emerging groups
  - coordination of a range of services.

#### 4. Implementation

The following principles guide management of the Betty Campbell Accommodation Assistance Fund:

- Policy implementation should demonstrate accountability, transparency and alignment with the Long Term Council Community Plan.
- Allocations should only be given where help is needed. Groups should be not-for-profit and demonstrate that accommodation costs present a barrier to operational effectiveness.
- Allocations should be
  - for community groups that are located within Wellington City, as will be the target users
  - cost-effective
  - made cognisant of other policies, including universal building access.
- Allocations should promote:
  - capability and capacity development
  - community group sustainability, self-reliance and collaboration
  - efficient use of accommodation.

Eligibility is open to groups at any location in Wellington City as one type and location of property is unlikely to meet all needs and therefore the Council assistance needs to be flexible. The Council recognises that some community groups receive particular benefit from location in the central city, and some from clustered accommodation.

Affordability of accommodation remains the central issue being considered by this policy.

The funding is to be administered by officers through a contestable process as cash grants for rental subsidy and assessed against the criteria set out in the relevant

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operational guidelines for this policy. Agreements are intended to help community groups to secure suitable accommodation and may be made for periods of up to three years at a time. The following criteria will also be considered in evaluating an application:

- partnership with Mana Whenua and Taura Here
- partnership with community networks. This may include clustering and other sharing of resources
- collaboration with the wider sector, including Government and philanthropic providers
- development of people's potential
- promotion of a diversity of cultures
- contribution to access for all residents to community resources.

### **5. Review**

Council officers will continue to gather relevant information to inform any future policy decisions.



**ENGAGEMENT POLICY**  
(Including the Council's policy on consultation)

**Wellington City Council**

**December 2006**

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### Executive Summary

This policy articulates what Wellington residents can expect from the Council when they engage with the Council, be it through:

- the contact members of the public have with the Council through the everyday services and facilities they use
- the ongoing relationships the Council develops and maintains with its different communities and sector groups
- the consultation processes undertaken when a decision is to be made.

Throughout these different types of engagement, the Council will:

- act with integrity and respect
- be committed and competent in their roles
- take pride in and responsibility for what they do
- be enterprising and deliver on what they say they will do
- work with the community to deliver on community needs and aspirations.

For the engagement that occurs within the consultation/decision-making process, the policy outlines the factors that are taken into account when the Council determines when it will consult, and the extent to which it will do so. Key to determining this is considering how aware the Council currently is of the views of its communities on the decision.

Once a decision is made to consult, a consultation process can occur at a number of different levels, each of which give the public a varying degree of impact on the decision. Consultation can be about<sup>1</sup>:



In general, when the Council undertakes a consultation process, it will operate at the level of **involving**. To the Council this means it will:

- identify those who are “affected and interested” in the decision early in the process
- as far as it is possible, raise awareness around upcoming decisions so affected and interested people have the opportunity to identify themselves at an early stage
- enable those identified to be involved in an ongoing process where they can make their views known and have them taken into consideration.

The Council is clear that involving is not always about:

- reaching agreement or consensus
- negotiating the outcome
- treating the views received as a “vote”, where the majority view must be recommended and adopted.

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<sup>1</sup> Continuum adapted from the International Association of Public Participation.

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When a decision is made not to consult, then the Council will **inform** residents and communities about why that decision was made and the other options considered alongside the decision.

When a decision is made to undertake a consultation process, the Policy outlines the Council's commitment to the following principles:

1. Encouraging early involvement in a decision
2. Ensuring the process is clear and open
3. Encouraging input and information from a diversity of views
4. Giving people enough time to provide comments
5. Providing all relevant information
6. Ensuring all information is accessible
7. Acknowledging all responses and providing feedback on the final decision made.

### SECTION 1: Overview

#### 1.1 Policy Purpose

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This policy articulates what Wellington residents can expect from the Council when they engage with the Council, be it through:

- the contact members of the public have with the Council through the everyday Council services, activities and facilities they use
- the ongoing relationships the Council develops and maintains with its different communities<sup>2</sup> and sector groups
- the consultation processes undertaken when a decision is to be made.

The policy provides principles Council staff will adhere to across the different types of engagement that occur.

The consultation obligations of the Local Government Act 2002 (LGA) are specifically discussed in Section 5 of the policy. This section outlines the Council's commitment to providing opportunities for individuals and communities to participate in democratic life and influence the decisions that affect them and the city.

#### 1.2 Policy Context

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The LGA outlines an expectation that the Council will be oriented towards its communities – open to understanding the different needs and aspirations of those communities, while responsibly exercising its role as the guardian of local resources by taking the diversity of views and interests into account.

The LGA has tasked the Council with:

- enabling democratic decision-making and action by, and on behalf of, communities
- promoting the social, economic, environmental and cultural well-being of communities, in the present and for the future.

The LGA extends the Council's concern beyond the services it provides to the overall welfare of the community. The Council not only needs to keep itself informed of what communities want, but help build the conditions where communities are strong and active in the city, and able to communicate their needs and aspirations in ways that suit them.

The Council is committed to its communities and over the next ten years seeks to build a city that is *more inclusive* and *more actively engaged*.<sup>3</sup>

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<sup>2</sup> Communities in this policy refers to geographically defined communities, ethnic communities, and communities of shared experience.

<sup>3</sup> Council outcomes described in the 2006-16 Long Term Council Community Plan.

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The Council is always looking to build the public's trust and confidence in the Council and its decision-making. To the Council this means:

- it works closely with communities. The Council is interested in facilitating greater involvement and participation with the community and voluntary sector in such areas as sports clubs, ethnic, and cultural and community groups (including those focused on youth, disability and increasing inclusion). It works with communities and organisations both to understand more about the issues that confront them and to assist them to address those issues.
- transparency and quality processes for involving the public in decision-making. Through operating an open and honest decision-making process, Wellington residents and communities will be given the opportunity to be more actively involved in the future direction of their communities and city.

### 1.3 Policy objectives

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This policy aims to:

- Build public trust and confidence in the Council and its decision-making
- Encourage increased engagement from different communities and sector groups – involving them in the things that affect them, enabling them to influence city direction and to better provide for their own wellbeing
- Strengthen and improve the way the Council interacts with and involves communities in civic decision-making
- Ensure the Council is informed of the views, needs and aspirations of its communities and sector groups and considers this information in the decisions it makes (including in the services and facilities it provides)
- Ensure high quality decision-making, that is informed by complete, relevant and necessary information
- Establish and maintain opportunities for Maori to participate in and contribute to local government decision-making processes, including considering ways the Council may work with Maori to continue enhancing Maori capacity to make this contribution.

### 1.4 What is engagement?

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Engagement is the broad term which covers the different interactions that occur between the Council and its residents and communities, as well as between different communities.

Engagement between the Council and its residents occurs in a number of ways, including through:

- the contact members of the public have with the Council through the everyday Council services, activities and facilities they use
- the ongoing relationships the Council develops and maintains with its different communities and sector groups

- the consultation processes undertaken when a decision is to be made.

These types of engagement all contribute to different outcomes, such as facilitating the development of strong, connected communities and supporting the perception of the Council as a highly effective organisation, able to provide high quality service and facilities.

Engagement outside of the decision-making process is also essential for contributing to the conditions that create a willingness to engage at the civic level. The experiences communities, individuals, organisations and different sector groups have of Council services and their relationship with the Council will impact on the trust and confidence they have in the way the Council operates. High quality services and real ongoing relationships help contribute to a positive environment where engagement in civic decision-making can flourish.

### 1.5 Why does the Council engage?

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- *To strengthen its decision-making*

The Council believes engagement overall will result in improved decision-making and better outcomes or results. The people most involved or affected by an issue are usually in the best position to advise on it and provide information the Council may otherwise not have access to. Better decisions tend to result from the consideration of a wide range of perspectives and viewpoints, and means the Council has a better chance of making the right decision the first time. It also creates opportunities for the community to own and support the Council's decisions, which makes decisions easier to put in place.

- *To understand the needs and aspirations of the community and different sector interests*

Engagement enables the Council to help communities achieve the outcomes and services they want. The Council wants to know what different communities and sector groups in Wellington want and expect for their city and what issues concern them most. By better understanding needs, the Council is also able to advocate to other agencies on behalf of communities.

- *To foster strong communities*

Strong communities have a high level of social capital, where people are connected to one another and involved in community life. Engagement can foster a sense of belonging in and ownership of the city, creating citizens who identify strongly with the city.

- *To recognise and enhance the Council's relationship with Maori – mana whenua and the wider Maori community*

The Council has entered into a partnership with mana whenua. They are not just another interest group, but must be engaged with in a way that reflects a partnership. The Council is also committed to ensuring appropriate opportunities are given to the wider Maori community to encourage increased participation in civic life and

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decision-making. The Council's 2006-16 Long Term Council Community Plan (p314) outlines how the Council provides opportunities for and fosters the development of techniques and strategies to engage with Maori.

### SECTION 2: Overall Engagement Principles

The following principles summarise what Wellington residents can expect when they engage with the Council. These principles are underpinned by the Council's organisational values.

#### **The Council will...**

##### **...act with integrity and respect**

The Council values and respects the contributions that local people and communities make. It will listen to community views, taking them into account in what it does. The Council will be willing to change in response to established community needs and aspirations.

The Council will be open and truthful – taking a “no surprises” approach when working with communities. The information and advice the Council provides will be accessible and understandable.

##### **...be committed and competent in what it does**

The Council organisation aims to foster staff who are highly motivated and committed to the communities they serve. The Council will ensure its officers have the skills and knowledge to respond to communities in a responsible and timely way.

The Council will proactively provide opportunities for people and communities to provide their views, and will give the views fair and careful consideration. The Council will recognise the impact of past engagement before proceeding further.

##### **...take pride in and responsibility for what it does**

The Council takes pride in what it does and pursues excellence in its activities. It will take responsibility for the services and facilities it provides and the decisions it makes.

##### **...be enterprising and deliver on what it says it will do**

The Council is committed to trying new and innovative techniques of engagement, particularly to try to break through to audiences not usually reached. The Council will deliver on what it promises.

##### **...work with the community to deliver on community needs and aspirations**

The Council will work with local people to understand their needs and to identify the most effective means for engaging with different communities.

The Council will encourage inclusiveness, enabling diverse communities to participate in community life, the Council's services and facilities and decision-making.

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The Council will actively encourage the participation of Maori, both mana whenua and the wider Maori community, and help continue to build the capability of this community.

The Council will also work with its community boards to enable them to meet their statutory purpose and agreed Terms of Reference, so they are able to provide the Council with an understanding of the views of the communities they represent.

### **SECTION 3: Service-focused Engagement**

Wellington residents engage with the Council through the everyday Council services and facilities they use. This form of engagement is often at the forefront of what a resident will remember about the Council. For this reason, the Council seeks service-focused engagement that:

- results in a positive experience, where excellent service is provided to the resident or visitor
- is timely, responsive and accessible to the resident or visitor, ensuring the service meets their needs and expectations
- promotes an overall positive image of the Council
- actively looks for improvement, and is measured against best practice.

### SECTION 4: Relationship-focused Engagement

Wellington residents are all part of:

- different and multiple communities, be they geographically defined communities or communities of shared experience or ethnicity
- agencies, clubs, societies, organisations, churches, sports groups, etc.

Different communities and organisations all contribute to greater social connectedness and cohesion, helping build social and civic capital. Engagement with communities is as much about building new relationships (including accessing new networks) as encouraging linkages between established communities, groups and organisations.

The Council, including its elected members, will:

- actively build and develop relationships with different communities, organisations and groups
- endeavour to engage communities on their terms – which may mean participating in established networks and processes
- ensure relationships are developed as ongoing activities, rather than events
- seek to facilitate outcomes **in, for** and **with** communities, while building community ownership of issues and outcomes and also community action
- recognise the contribution of different organisations (public, private and voluntary) – and enable that contribution to be fruitful
- help build capacity and capability in communities – giving local actors the capacity and tools to participate, mobilising and activating community leadership
- support community boards, advisory groups (e.g. the Disability Reference Group), community forums (e.g. the Pacific Forum), and other groups and mechanisms for tapping into the knowledge and views of different communities.

### SECTION 5: Decision-making focused Engagement

#### 5.1 Introduction

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This section outlines how the Council will engage with residents and communities specifically in the context of the Council’s decision-making process.

The term used to describe the engagement the Council will undertake within decision-making is “consultation”. The consultation obligations the Council is required to follow in its decision-making are outlined in the LGA 2002. This section discusses those obligations, including the discretion that the Council can apply to them (see Appendix 1 for a summary of the obligations).

The Council is responsible for making many decisions on behalf of the community and sees itself as a “facilitator and guardian of civic decision-making”. Within this context the Council will consult with communities to ensure they have the ability to make their views known and have them considered knowing they have a genuine ability to influence the decision.

#### ***Requirement to know the views of the community***

Section 78 of the LGA requires the Council to give consideration to the views and preferences of “persons likely to be affected by, or to have an interest in” all of the decisions it makes.

According to Section 77, this includes being aware of these views at the following points in the decision-making process:

- when the problems and objectives related to the matter are defined
- when options for addressing the issue are identified
- when options are assessed and proposals developed
- when proposals are adopted.

#### 5.2 When Council will consult

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For all decisions, the Council needs to determine whether or not a consultation process is required to make the Council aware of the views and preferences of persons likely to be affected by, or interested in, the decision. The Council can use its discretion in deciding whether it needs to consult, but should consider the following factors while making this decision (noting references to the LGA 2002 are also included):

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- ***Significance***

***Section 79(1)(a)***

Significance is the primary test for determining the appropriate nature, extent and degree of the Council's compliance with the decision-making and consultation provisions of the Act. The Council's approach to "significance" – the criteria and thresholds used to determine whether or not an issue falls in this category – is outlined in the Significance Policy.

- ***Prior knowledge of community views***

***Section 79(2)(a)***

If the Council already knows and understands the views and preferences of affected and interested parties (e.g. from a previous consultation exercise such as the community outcomes, annual plan and LTCCP processes, or an earlier consultation on the same issue), consultation will either not be initiated or limited to a targeted, smaller scale exercise to verify the decision.

- ***Possible influence on the decision***

***Section 79(2)(c)***

If the influence a person or group is able to have on a decision is limited, and it is considered that a genuine two-way process cannot be undertaken, consultation will either not be initiated or be limited to a targeted, smaller scale exercise.

This may occur where:

- the Council already has an established position or made a prior decision on the issue
- budgetary or legal constraints mean that only one option is feasible or a decision is structured so that there are limited options.

- ***Resources required***

***Section 79(2)(b)***

If the cost of undertaking consultation outweighs the impact of the decision, the Council may choose to limit its consultation. For example, if a decision has minimal financial impact, wide consultation may not be necessary or appropriate.

### ***Special Consultative Procedure***

For certain decisions the Council is required by the LGA to use the Special Consultative Procedure (SCP). Information on which decisions this includes and the requirements of the SCP are provided in Appendix 2.

The Council will treat the SCP as a minimum standard for its overall consultation on decisions that fall into this category. The expectation is that the views of "affected and interested" persons would have been obtained at an earlier stage of the decision-making process, recognising that the SCP is a formalised process for requesting submissions usually not required until a late stage of the overall consultation.

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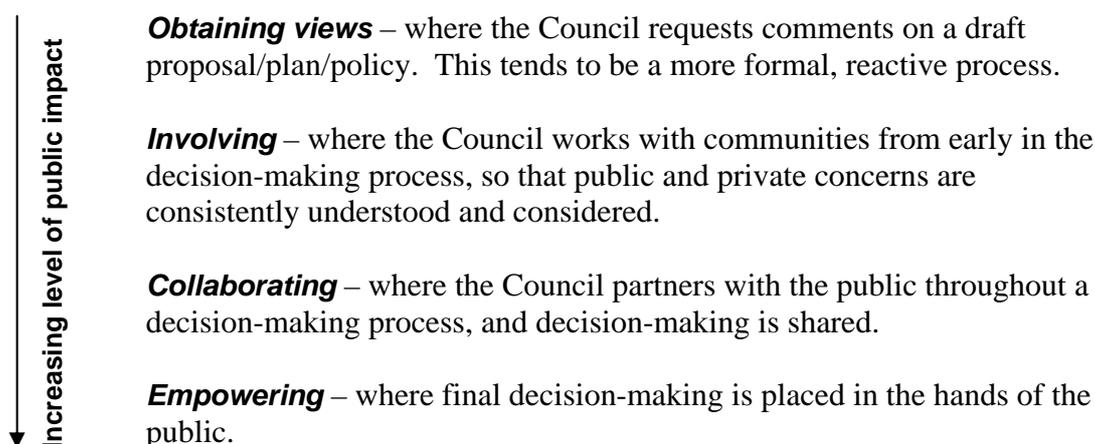
### *Summary of considerations for undertaking consultation*

The following table provides a summary of the considerations the Council must take into account when deciding when to consult, and the resulting consultation expectations on the Council.

Factors to be considered	Consultation expectations	
	Yes	No
<b>Does the decision require the Special Consultative Procedure?</b>	<ul style="list-style-type: none"> <li>• Special Consultative Procedure</li> <li>• Consider other factors to determine the extent of early involvement</li> </ul>	<ul style="list-style-type: none"> <li>• Consider other factors to determine whether or not to consult</li> </ul>
<b>Is the decision significant?</b>	<ul style="list-style-type: none"> <li>• Early involvement</li> <li>• Variety of engagement/consultation mechanisms used</li> </ul>	<ul style="list-style-type: none"> <li>• Consider other factors to determine whether or not to consult</li> </ul>
<b>Does the Council have prior knowledge of communities' views?</b>	<ul style="list-style-type: none"> <li>• No or limited consultation i.e. verification of views through a targeted consultation process</li> </ul>	<ul style="list-style-type: none"> <li>• Early involvement</li> <li>• Consider other factors to determine the extent of consultation</li> </ul>
<b>Can communities have a reasonable influence on the decision?</b>	<ul style="list-style-type: none"> <li>• Early involvement</li> <li>• Consider other factors to determine the extent of consultation</li> </ul>	<ul style="list-style-type: none"> <li>• Consider not consulting, or limited consultation to a targeted group</li> </ul>
<b>Do the resources required to consult outweigh the impact of the decision?</b>	<ul style="list-style-type: none"> <li>• Consider not consulting or limited consultation</li> </ul>	<ul style="list-style-type: none"> <li>• Consider other factors to determine the extent of consultation</li> </ul>

### *When a decision is made on consultation*

Once a decision is made to consult, a consultation process can occur at a number of different levels, each of which give the public a varying degree of impact on the decision. Consultation can be about<sup>4</sup>:



When a decision is made to consult, the Council will generally operate at the level of **involving**. To the Council this means it will:

- identify those who are affected and interested in the decision early in the process

<sup>4</sup> Continuum adapted from the International Association of Public Participation.

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- as far as it is possible, raise awareness around upcoming decisions so affected and interested people have the opportunity to identify themselves at an early stage
- enable those identified to be involved in an ongoing process where they can make their views known and have them taken into consideration.

The Council is clear that involving is not always about:

- reaching agreement or consensus
- negotiating the outcome
- treating the views received as a “vote”, where the majority view must be recommended and adopted.

When a decision is made not to consult, then the Council will **inform** residents and communities about why that decision was made and the other options considered alongside the decision. The implications of not consulting need to be carefully considered in all of these situations. These implications include:

- the Council potentially being subject to legal challenge
- community dissatisfaction/loss of trust
- lack of public commitment to the project.

### 5.3 Who the Council will consult with

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If the Council has made a decision that it needs to consult, it must identify those individuals and groups that are “likely to be affected by, or to have interest in, the matter” (noting, that it can use its discretion to determine who this will be).<sup>5</sup>

In determining who to consult with, the Council will:

- ensure, as is appropriate and relevant, representation is obtained from across the community and sector groups. Engagement will not be dominated by single organisations or sectors of the community
- involve individuals and groups who are able to provide information and expertise the Council may not otherwise have access to.

Groups claiming to represent a community or sector will be encouraged to provide:<sup>6</sup>

- evidence of their authority to represent the community or sector, including a summary of the people and organisations they represent
- information on how they gained the views of their members on the issue.

In cases where the Council may want a specific group to be involved, but finds it is limited in doing so as it does not have the capacity or skills it needs to engage to an appropriate level in the process, the Council will consider providing opportunities or support that will enable the group to enhance its ability to be involved.

The Council may approach its advisory and reference groups and community networks to ensure all those “affected by and interested in” the decision are identified.

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<sup>5</sup> Section 82 of the LGA 2002.

<sup>6</sup> This does not relate to community boards, which obtain their representative mandate through the election process.

### 5.4 Consultation Principles

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Section 82 of the LGA outlines “consultation principles” that must be followed if the Council decides to consult (noting that section 82(3) also gives discretion on how these principles are followed). These principles are included in the commitment the Council makes to do the following:

#### 1. Encourage early involvement in a decision

Early involvement in a decision is both:

- an extension of the ongoing relationships the Council has with its communities and sector groups
- a commitment to consulting as early as is practicable and appropriate with those identified as being “affected by and interested in” the issue.

Such engagement will usually occur when the details of a proposal are still at a higher level and there is flexibility to make changes to address the issues raised. This principle promotes a “no surprises” approach to consultation – for both communities and the Council.

The Council will take particular care to ensure its mana whenua partners and the community boards are enabled to contribute in the decision-making process at an early stage (as appropriate).

As far as it is possible, the Council will try and raise awareness around upcoming decisions that are going to be made, so affected and interested people have the opportunity to identify themselves and be involved from an early stage in the decision-making/consultation process.

#### 2. Ensure the process is clear and open

The Council will be clear and open about the scope of the consultation outlining from the beginning:

- what it wants to achieve
- the influence those involved are able to have on the issue being discussed.

Information provided will clearly state:

- the scope of the potential influence/impact a participant can have
- the other information that will be used to help the Council make its decision (i.e. technical advice, research, already established Council and regional policy and relevant legislation).

#### 3. Encourage input and information from a diversity of views

The Council will encourage participation from those who may be able to provide:

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- information the Council may not otherwise have access to – i.e. through different sectors groups and their networks (such as business, education, sports and recreation, etc)
- views that the Council might not otherwise hear. For example, groups that do not traditionally engage in the Council’s decision-making, be it due to:
  - disability
  - language and culture
  - lack of childcare facilities
  - lack of awareness of the decision-making process
  - the issues being identified as having little relevance
  - lack of time.

#### 4. Give people enough time to provide comments

The public will usually be given a **minimum of 20 working days** to respond to a formal request for submissions.

The Council will, however, consider a longer timeframe if required to:

- meet the needs of the identified major stakeholders
- cover a holiday period (noting that the Council will generally avoid undertaking a consultation over the Christmas/New Year period)
- ensure the complexity of an issue can be adequately covered.

If a longer timeframe cannot be given, the Council will make extra effort to ensure the consultation is still effective – particularly by using a variety of consultation mechanisms to obtain feedback.

A shorter consultation timeframe may be appropriate in certain situations, for example:

- where consultation is based on amendments made in the light of an earlier consultation
- where consultation is verifying an earlier decision made by the Council
- where the Council needs to be able to respond quickly to a situation such as a public health and/or safety issue or an urgent new measure introduced through legislation
- where the Council needs to be able to respond urgently to an opportunity.

If timeframes are shortened, the documentation provided will explain the reason why.

The Council will take into account the number of formal requests for submissions being made at any one time before determining consultation start and end dates, to ensure specific communities and/or community groups are not being overloaded.

#### 5. Provide all relevant information

The Council will provide robust information, ensuring people have the information they need to participate in a meaningful way.

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As different individuals and groups have different needs around the information they want, varying levels of information will be available:

- a simple summary – providing only key bits of information such as the pros and cons of the options available
- a detailed document(s).

This may also mean creating documents that are targeted at specific audiences, such as:

- youth, who may be attracted to responding to documents formatted differently
- Deaf people, who may require more visual information in documents.

All documentation will also:

- provide the options that have been considered (even if a preferred proposal is being put forward)
- be in plain language. Where jargon and technical terms cannot be avoided, simple explanations will be provided.

### **6. Ensure all information is accessible**

Information will be easily and readily accessible in both:

- paper and electronic formats (accessible from the website from the day the consultation is launched)
- produced in different languages as appropriate – particularly if certain groups are being targeted for their views.

The Local Government Official Information and Meetings Act 1987 (LGOIMA) outlines the reasons where local authorities are able to withhold information from the public. These may also provide the basis for limiting consultation, that is, because the Council may need to:

- protect the privacy and safety of individuals
- ensure confidentiality and/or commercial sensitivity to carry out commercial activity or negotiation without prejudice.

Avenues will also be made available to enable people to provide their views in an appropriate, accessible and convenient way, this includes via:

- paper based submissions (either letters or pre-printed forms)
- web-based forms
- email
- oral presentation.

The Council will ensure that any information needing to be distributed to all or a group of households (i.e. a street, suburb or multiple suburbs) is clearly identifiable and done through reliable sources.

### **7. Acknowledge all responses and providing feedback**

All responses/input received through a formal submissions process will be acknowledged, informing people:

- of opportunities for providing their views orally
- when the final decision will be made.

Regardless of the decision made, feedback will be provided at the end of a formal consultation process which addresses:

- the final decision made and the reasons why
- the influence the submitter's views had on that final decision.

### **5.5 Review**

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The effectiveness of this policy will be reviewed twelve months after its adoption, and annually thereafter.

#### **Obligations under the Local Government Act 2002**

Part 6 of the Local Government Act 2002 (LGA) lays out the obligations of local authorities in relation to their planning, accountability and decision-making. The fundamental premise of Part 6 is that through consultation there will be:

- enhanced community participation in decision-making (and therefore “better decision-making”)
- a check on a local authority’s power – in particular the inappropriate exercise of the general empowerment provision.

The context for understanding Part 6 comes from sections 10 and 14 of the Act. Section 10 outlines the purpose of the LGA as enabling democratic local decision-making and action “by, and on behalf of” communities. Section 14 outlines mandatory principles for local authorities – including the following consultation related principles that local authorities must:

- make themselves aware of and give consideration to community views
- take into account the diversity of the community and its interests.

While section 10(a) does envisage communities making decisions, the greater focus is on enabling communities to participate in the context of a representative democracy – where elected representatives are responsible for the final decision-making. The participatory requirements of the Act are mostly envisaged as being implemented through consultation.

#### ***What does the Local Government Act require?***

Part 6 states that when making a decision, a local authority is obliged to:

- apply the principles outlined in the Act to consult with interested and affected persons
- establish and maintain opportunities for Maori to participate in and contribute to local government decision-making processes, while also considering ways of fostering the development of Maori capacity to contribute to those processes
- undertake the special consultative procedure (SCP) for specific decisions
- identify and report on community outcomes
- follow a process for determining its Long Term Council Community Plan (LTCCP), annual plan and annual report.

A key point to note is that while the provisions relating to decision-making are mandatory for all decisions, local authorities have also been given discretion and judgement around the application of the provisions (sections 78 and 82).

Section 77 states that in all decisions the Council must identify all practicable options for the achievement of the objective of the decision. Section 78 states that “affected” and “interested” people must be identified and involved at all stages of the decision-making process (i.e. from when problems and objectives are defined through to the identification of practicable options and adoption of a chosen option).

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Section 79, however, modifies the mandatory requirements of these sections<sup>7</sup>, making compliance subject to the discretion and judgement of the local authority. The local authority (and the local authority alone) is able to determine how it will comply with the requirements, taking into account:

- the significance of the matters affected by the decision
- the principles of section 14 (the extent the local authority is aware, and able to give regard to, the views of its communities and has a diversity of views)
- the extent of the local authorities' resources
- the extent to which the nature of a decision, or the circumstances of the decision, allow the local authority scope and opportunity to consider a range of options or the views and preferences of other persons.

If through this assessment it is determined that consultation is required then the following "consultation principles" outlined in section 82 must be followed:

- affected or interested persons should be provided with reasonable access to relevant information and should be given clear information concerning the purpose of the consultation and the scope of decisions to be taken
- persons should be given the opportunity to express their views in a way that suits them
- views should be received with an open mind and given due consideration
- information concerning the final decision and the reasons for it should be provided by the local authority.

Again, it is up to the local authority to determine how it will observe these principles (Section 82 (3)-(5)). Local authorities can have regard to:

- the extent to which the current views and preferences of affected and interested people may already be known (e.g. the community outcomes process may be sufficient to determine that consultation is not required as the views of persons has been determined)
- the nature and significance of the matter
- the provisions outlined in the Local Government Official Information and Meetings Act 1987 (LGOIMA)
- the costs and benefits of the consultation process.

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<sup>7</sup> Section 78 also makes it clear that the requirement on a local authority to consult does not come from this provision alone, but is subject to the discretion given to a local authority through section 79.

#### **Special consultative procedure**

The Council is required to use the special consultative procedure (SCP) when it is making the following decisions.

- transferring responsibilities under the Resource Management Act 1991 between regional councils and territorial authorities (section 12)
- establishing a council controlled organisation (section 56)
- proposing a change in Council's role in a significant activity (section 88)
- adopting the Significance Policy (section 90)
- adopting or amending the long-term council community plan (section 93)
- adopting an Annual Plan (section 95)
- making a decision that can only be authorised if provided for in the Council's LTCCP (section 97)
- adopting funding and financial policies (section 102)
- making an assessment of water and sanitary services outside of the LTCCP (section 125)
- setting fees that have not been set under a bylaw (section 150)
- making, amending or reviewing a bylaw (sections 156 and 159)
- adopting a waste management plan (section 286).

#### ***What is the process for undertaking the special consultative procedure?***

- i Prepare a statement of proposal
- ii Prepare a summary of the information on the statement of proposal
- iii Have them signed off by the appropriate committee or the Council
- iv Prepare and place a public notice
- v Ensure that at least one month (from the date of notice) is given for people to make submissions
- vi Make the statement and summary publicly available at: the main reception; the Council's libraries and services centres; and on the Council website.
- vii Ensure that any one who makes a submission on the proposal within the submission period:
  - is sent an acknowledgement that the submission has been received
  - is given a reasonable opportunity to be heard / to present their submission to the committee
- viii Ensure that all submissions are made available to the public
- ix Ensure that the meeting to hear the submissions is open to the public
- x Respond to the submitters with the final decision and reasons for that decision being made.

### ***What information needs to be provided?***

#### **Statement of Proposal**

A statement of proposal forms the basis of consultation under the SCP. It should outline the purpose of the consultation and the scope of decisions to be made after the views have been considered. The statement will take a different form depending on the reason why the SCP is being used.

#### **Summary of Information**

A summary of the statement of proposal must also be prepared. Often this will take the form of a brochure or pamphlet. This is an effective and efficient way of presenting the information to a large audience. The summary of information must:

- be a fair representation of the key matters in the proposal
- state where the full statement of proposal may be inspected and how a copy may be obtained
- state the period within which submissions may be made
- be distributed as widely as reasonably practical.

The summary should provide sufficient information to enable submitters to make informed comment.

#### **Public Notice**

The public notice must include:

- a statement about how people can:
  - obtain a summary of information about the proposal
  - inspect the full proposal
- a statement of the period within which submissions can be made.

#### **Acknowledging submissions**

Anyone making a submission under the SCP must be sent an acknowledgement that the submission has been received. This acknowledgment should include advice of:

- the fact the person has the opportunity to be heard
- how the person can exercise that opportunity.