

DRAFT ENGAGEMENT POLICY

Wellington City Council

September 2006

SECTION 1: Overview

1.1 Policy Purpose

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 communities¹ 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 obligations 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

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 Act 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*.²

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:

¹ Communities in this policy refers to geographically defined communities, ethnic communities, and communities of shared experience.

² Council outcomes described in the 2006-16 Long Term Council Community Plan.

- 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, cultural and community groups. 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

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 (including managing community expectations)
- 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.

1.4 What is engagement?

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?

- ***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 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 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 comments and feedback, and will give the feedback fair and careful consideration. The Council will recognise the impact of relevant 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.

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

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 customer experience, where excellent service is provided
- is timely, responsive and accessible to the customer, ensuring the service meets customer 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 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 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.

SECTION 5: Decision-making focused Engagement

5.1 Introduction

This section outlines how the Council will engage with residents and communities in the context of the Council’s decision-making process. It also looks at the obligations the Local Government Act 2002 (LGA) places on the Council in its decision-making and consultation, and the discretion that accompanies those obligations (see Appendix 1 for a summary of the LGA 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 ensure communities 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” for 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

The Council needs to determine whether or not it is aware of the views and preferences of persons likely to be affected by, or interested in, the decision. The Council can use discretion to determine whether it needs to consult to make itself aware of these views. In making this decision, the following factors should be considered (noting references to the LGA 2002 are also included):

- ***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 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. As the SCP is usually not required until late in the development of a proposal, the expectation is that “affected and interested” persons would have also been consulted at earlier stages of the decision-making process.

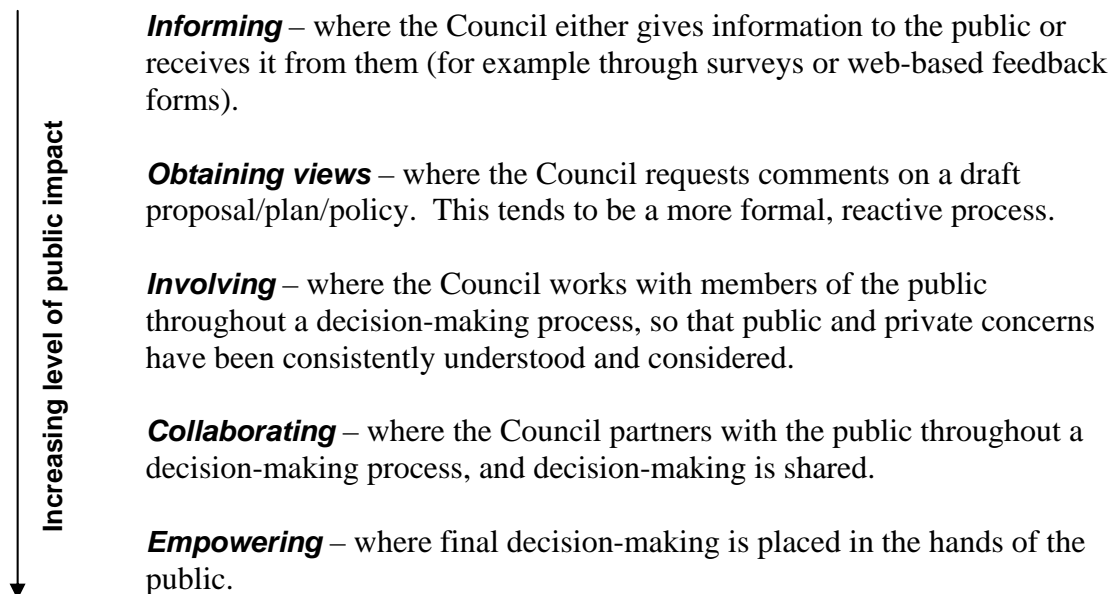
Summary of considerations for undertaking consultation

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

When a decision is made on consultation

Engagement, in the context of the consultation/decision-making process, occurs at different levels, where the public has a varying degree of impact on the decision. Engagement can be about³:



When a decision is made to consult, the Council will generally operate at the level of **involving**. The Council is clear that involving is about being informed of people's views and taking them into consideration rather than being about:

- reaching agreement or consensus
- negotiating the outcome

³ Continuum adapted from the International Association of Public Participation.

- treating the feedback/comments 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 generally only engage to the level of **informing** – which in this case would probably mean telling residents and communities of the decision that has been or will be made. The risks of not consulting need to be carefully considered in all of these situations. These risks 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

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).⁴

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:

- 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.

5.4 Consultation Principles

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

⁴ Section 82 of the LGA 2002.

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.

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 feedback and information from a diversity of views

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

- 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 comments/feedback.

In specific circumstances the Council will consider a longer timeframe:

- if the dominant stakeholders are largely voluntary based groups that only meet once a month
- if the period covers a holiday period – particularly December and January
- if the issue is a complex or “significant” one – and a diversity of feedback is sought.

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.

5. Provide all relevant information

The Council will provide people with the information they need to participate in a meaningful way.

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).

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 feedback.

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 feedback in an appropriate, accessible and convenient way, this includes via:

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

7. Acknowledge all responses and providing feedback

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

- of opportunities for providing oral feedback
- 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 feedback has had on that final decision.

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
- provide for Maori to be involved
- 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).

Section 79, however, modifies the mandatory requirements of these sections⁵, making compliance subject to the discretion and judgement of the local authority. The local

⁵ Section 78 also makes it clear that the requirement on a local authority to consult does not come from

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.

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.