

Hauraki District Council Consultation Policy 2012

1. PURPOSE:

The purpose of this policy is to ensure a consistent approach to consultation across the Hauraki District Council and compliance with the consultation requirements of the Local Government Act, 2002 and other relevant Acts.

This policy provides a framework for consultation which will assist in guiding Council decision-making. While this policy outlines best practice and key principles to be considered when consulting, the Council will at times, wish to engage with the community in ways that do not require the formal process outlined in this policy.

Note: This policy does not cover the specific consultation and submission processes that are required under the Resource Management Act, 1991.

2. POLICY:

2.1 The Council will encourage people who may be affected by, or have an interest in, a matter to present their views to the Council.

2.2 The Council will provide people who may be affected by, or have an interest in, a matter with relevant information about that matter including the purpose of the consultation and the scope of the decisions to be taken following consideration of the views presented to the decision-maker.

2.3 The Council will always consider submissions and the consultation process as a whole with an open mind.

The Council will also consider other factors including expert advice, the cost and benefits of each available option, potential effects on social, economic, environmental and cultural wellbeing and the extent to which the Community Outcomes can be achieved in an integrated and efficient manner.

2.4 When making a decision, the Council must give consideration to the views and preferences of people who have presented their views on the matter.

2.5 When the Council makes a decision on a matter it will inform the people involved in the consultation process and provide them with the reasoning that lead to the decision being made.

2.6 The Council will make relevant information available to Maori and provide opportunity for Maori to contribute to decision-making. The Council will also consider, and where appropriate implement, ways to

foster the development of Maori capacity to contribute to its decision-making processes.

- 2.7 The Council will work with other organisations during consultation as necessary. It will share information in a free and open manner unless there is a valid reason for the Council to withhold information, for example due to commercial sensitivity or privacy reasons.
- 2.8 The Council will undertake the Special Consultative Procedure when making decisions regarding a matter, as outlined in section 83 of the Local Government Act, 2002, when required.

If the Special Consultative Procedure is not necessary then the Council will decide the most appropriate form/s of consultation to undertake to ensure it understands the views and preferences of potentially affected or interested people.

- 2.9 When project consultants are involved in the consultation process of a matter it should be clear to all participants that the consultation is being conducted on behalf of the Council.

When consultants do undertake consultation on behalf of the Council then the Council's best practice should be followed.

- 2.10 The Council will comply with consultation requirements outlined in legislation, other than the Local Government Act, 2002, when that legislation requires a different consultation or it is making a decision on a matter that is relevant to that legislation.

For example when the Council adopts and/or reviews its Dog Control Policy it must comply with the consultation process set out by the Dog Control Act, 1996.

3. DEFINITIONS:

Consultation

Consultation is the genuine exchange of information, points of view and options for decisions between affected and interested people and decision-makers before a decision has been made. It does not mean that the decision will be delegated to those involved in the consultation process, but rather that the decision, when made, is likely to be improved by the community's involvement. For the purpose of this Policy Hauraki District Council has adopted the following definition of consultation; "*Consultation is the dialogue that precedes decision-making*".

Decision-maker

For the purposes of this Policy the Council is the decision-maker and the word *Council* refers to any decision-maker within Council including the Council, a committee, a sub-committee or an officer with delegated authority.

Special Consultative Procedure

This is a procedure that the Council is required to undertake in certain decision-making circumstances (as defined by the Local Government Act, 2002 section 83).

Statement of Proposal

This is a document produced by the Council that provides the basis for consultation with the community under the Special Consultative Procedure and sets out the Council's proposal with respect to the matter that is being consulted on.

A Statement of Proposal should contain a summary of the major matters of the decision that is being consulted on and should be distributed as well as widely across the community as practicable.

4. RELEVANT LEGISLATION:

- 4.1 Local Government Act, 2002.
- 4.2 Local Government Official Information and Meetings Act, 1987.

5. STATUTORY REQUIREMENTS:

- 5.1 In accordance with section 40(1)(h) of the Local Government Act, 2002, the Hauraki District Council must make its Consultation Policy publicly available after the three-yearly general elections.
- 5.2 In accordance with section 82(1)(a-f) of the Local Government Act, 2002 the Council must follow the principles identified when undertaking any decision or other matter.

These principles include:

- encouraging people to present their views according to their preferences and needs,
 - ensuring that people have reasonable access to relevant information about a matter and that the purpose of the consultation and scope of the decisions to be taken are clear,
 - considering people's views and comments with an open mind,
 - deciding if and how the proposal should be changed or developed further,
 - respond to people involved in the process and reporting the final decision and the reasons for it.
- 5.3 In accordance with sections 81 and 82(2) of the Local Government Act, 2002 the Council must establish and maintain processes to provide opportunities for Maori to contribute to decision-making processes. The Council must also ensure that Maori are provided with all the relevant information on the matter being consulted on and the Council must develop Maori capacity to contribute to decision-making processes.
 - 5.4 Section 83 of the Local Government Act, 2002 outlines what the Council must do when a decision must be made using the Special Consultative Procedure. As part of the Special Consultative Procedure the Council must develop a Statement of Proposal for the matter that is being consulted on and make the Statement of Proposal available for public submission for no less than 1 month.

6. INCONSISTENT DECISIONS

- 6.1** If a decision made by Council is significantly inconsistent with a policy or plan already adopted by the Council, it will explain the inconsistency, the reasons for it and how the policy or plan might be modified to accommodate the decision in accordance with section 80 (1)(a)-(c) of the Local Government Act, 2002.
- 6.2** The Council will consider the views and preferences of people likely to be affected by or have an interest in a decision.

Where the bulk of public submissions are contrary to the Council's decision, the Council will pay special attention to explaining to interested and affected parties the reasons for its decision.

7. COUNCIL DISCRETION:

- 7.1** The Council has discretion over the following matters regarding the consultation process;

7.1.1 The Council has discretion over whether or not to undertake consultation if the issue is not of a nature or significance that requires consultation in accordance with section 82 (4)(c) of the Local Government Act, 2002.

7.1.2 The Council has some discretion based on the likely costs and benefits of the consultation process under section 82 (4)(e) of the Local Government Act, 2002.

For example if the cost of consultation outweighs the likely benefits (such as social, economic, environmental and cultural benefits) the Council may make a decision without undertaking public consultation.

7.1.3 If the Council is called upon to make a significant decision quickly (perhaps in an emergency situation) and the likely cost of delay outweighs the benefits of consultation, it may make a decision without undertaking the usual public consultation in accordance with section 82 (4)(e) of the Local Government Act, 2002.

7.1.4 If the views and preferences of the affected or interested parties are already known to a reasonable degree, a new consultation process is not required under section 82 (4)(b) of the Local Government Act, 2002.

7.1.5 In accordance with Part 1 of the Local Government Official Information and Meetings Act, 1987 the Council may withhold certain information from the public such as, if the information is considered to be commercially sensitive.


8. RELATED HDC POLICIES/STRATEGIES OR GUIDELINES:

Hauraki District Council Significance Policy 2009.
Hauraki District Council Decision-making matrix

9. AUDIENCE:

The Consultation Policy is designed to ensure that the Council, staff, contractors working on behalf of Council and the public have the necessary consultation framework in place that defines the best practice approaches and procedures that are to be used in assessing the extent to which consultation should be undertaken.

10. DOCUMENT MANAGEMENT AND CONTROL:

 <p>H A U R A K I D I S T R I C T C O U N C I L</p>	Title:	<i>Hauraki District Council Consultation Policy</i>		
	Sponsor:	<i>Policy Analyst</i>		Approved By:
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