

POLICY:

Significance & Engagement Policy

Adopted 26 November 2014

Purpose and Scope

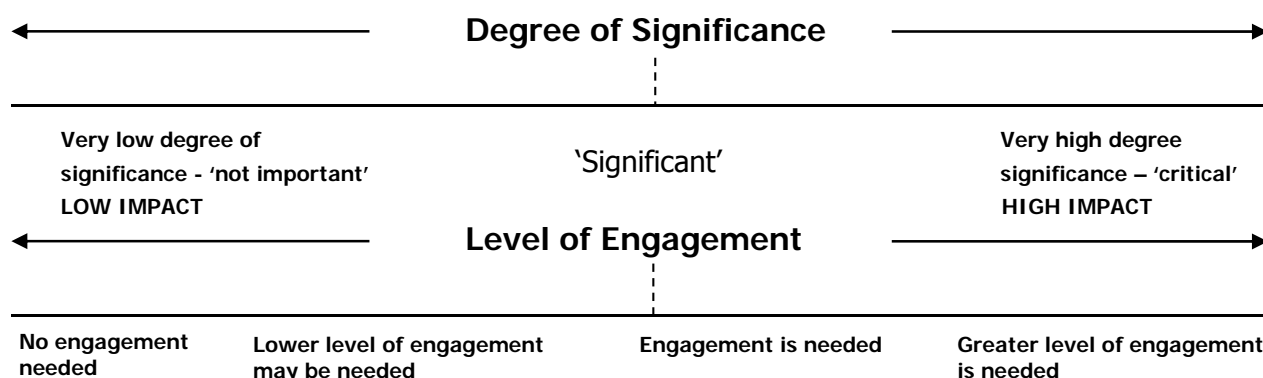
1. To enable Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities. This will determine the level of research and assessment and information to be provided, the nature and extent of public input and the extent to which the decision-making requirements will be met.
2. To provide clarity about how and when communities can expect to be engaged in decisions made by Council.
3. To inform Council from the beginning of a decision-making process about the extent, form and type of engagement required.

Definitions

Community	A group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders
Decisions	Refers to all the decisions made by or on behalf of Council including those made by officers under delegation. Management decisions made by officers under delegation during the implementation of Council decisions will not be deemed to be significant.
Engagement	Is a term used to describe the process of seeking information from the community to inform and assist decision making. There is a continuum of community involvement.
Significance	As defined in Section 5 of the Local Government Act (LGA) 2002 "in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,— (a) the district or region; (b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter; (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so
Strategic asset	As defined in Section 5 of the LGA 2002 "in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community; and includes— (a) any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and (b) any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and (c) any equity securities held by the local authority in— (i) a port company within the meaning of the Port Companies Act 1988; (ii) an airport company within the meaning of the Airport Authorities Act 1966"

Policy

1. Engaging with the community is needed to understand the views and preferences of people likely to be affected by or interested in a proposal or decision.
2. An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will therefore be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as a proposal develops.
3. The Council will take into account the following matters when assessing the degree of significance of proposals and decisions and the appropriate level of engagement:
 - There is a legal requirement to engage with the community.
 - The level of financial consequences of the proposal or decision.
 - Whether the proposal or decision will affect a large portion of the community.
 - The likely impact on present and future interests of the community, recognising Māori culture values and their relationship to land and water.
 - Whether the proposal affects the level of service of a significant activity.
 - Whether community interest is high.
 - Whether the likely consequences are controversial.
 - Whether community views are already known, including the community's preferences about the form of engagement.
 - The form of engagement used in the past for similar proposals and decisions.
4. If a proposal or decision is affected by a number of the above considerations, it is more likely to have a higher degree of significance.
5. In general, the more significant an issue, the greater the need for community engagement.



6. The Council will apply a consistent and transparent approach to engagement.
7. Council is required to undertake a special consultative procedure as set out in Section 83 of the Local Government Act 2002 or to carry out consultation in accordance with or giving effect to Section 82 of the LGA 2002 on certain matters (regardless of whether they are considered significant as part of this policy). Please refer to *Appendix 2*.
8. For all other issues requiring a decision, Council will determine the appropriate level of engagement on a case by case basis.
9. The Community Engagement Guide (refer to *Schedule 2*) identifies the form of engagement Council may use to respond to some specific issues. It also provides examples of types of issues and how and when communities could expect to be engaged in the decision making process.

10. When engaging with Māori, Council acknowledges that face to face meetings are preferred. Other tools such as Heads of Agreements, Memorandums of Understanding or any other similar high level agreements may also be considered.
11. When Council makes a decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the Local Government Act 2002 will be undertaken.
12. This Policy will be reviewed every three years as part of the Long Term Plan Special Consultative Procedure.

SCHEDULE 1– STRATEGIC ASSETS

Section 5 of the LGA 2002 requires the following to be listed in this Policy:

- a. any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
- b. any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and
- c. any equity securities held by the local authority in—
 - (i) a port company within the meaning of the Port Companies Act 1988
 - (ii) an airport company within the meaning of the Airport Authorities Act 1966

Grey District Council Strategic Assets

The following is a list of assets or group of assets that the Council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community:

- Roading and traffic network, footpaths, streetlights and parking
- Council's housing portfolio
- Council's leasehold portfolio
- Water, treatment, storage and reticulation network
- Wastewater reticulation and treatment facilities
- Stormwater network
- Reserves
- Public toilets
- Cemeteries
- Solid Waste
- Port
- Floodwalls

SCHEDULE 2 – COMMUNITY ENGAGEMENT GUIDE

Community engagement is a process which involves all or some of the public and is focussed on decision-making or problem-solving. Engagement provides an opportunity for the public to express a view on the decision or proposal being considered by the Council. The community views expressed through an engagement process will be considered and taken into account, along with other information such as costs and benefits, legislative requirements and technical advice.

The International Association for Public Participation (IAP2) has developed a Public Participation Spectrum to demonstrate the possible types of engagement with the community. This model also shows the increasing level of public impact as you progress through the spectrum from left to right - 'inform' through to 'empower'. In simply 'informing' stakeholders, there is no expectation of receiving feedback and consequently there is a low level of public impact. At the other end of the spectrum, 'empowering' stakeholders to make decisions implies an increase in expectations and therefore an increased level of public impact. Differing levels of engagement may be required during the varying phases of decision-making on an issue, and for different stakeholders.

It will not always be appropriate or practicable to conduct processes at the 'collaborate' or 'empower' end of the spectrum. Many minor issues will not warrant such an involved approach. Time and money may also limit what is possible on some occasions.

In general, the more significant an issue, the greater the need for community engagement.



When the Council will engage

The Council will use the Special Consultative Procedure (as set out in section 83 of the LGA 2002) where required to do so by law, including for the following issues requiring decisions:

- The adoption or amendment of a Long Term Plan (in accordance with section 93 A of the LGA 2002)
- The adoption, amendment, or revocation of bylaws if required under section 156(1)(a) of the LGA 2002
- The adoption, amendment or revocation of a Local Alcohol Policy
- The adoption or review of a Local Approved Products (Psychoactive Substances) Policy
- The adoption or review of a class 4 venue policy under the Gambling Act 2003
- The preparation, amendment or revocation of a waste management and minimisation plan

Unless already explicitly provided for in the Long Term Plan, the Council will seek to amend its Long Term Plan, and therefore use the Special Consultative Procedure, when it proposes to:

- Alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of Council, including commencing or ceasing such an activity; or
- Transfer the ownership or control of strategic assets as listed in Schedule 1.

The Council will consult in accordance with, or using a process or a manner that gives effect to the requirements of, section 82 of the LGA 2002 where required to do so by law, including for the following specific issues requiring decisions:

- Adopting or amending the Annual Plan if required under section 95 of the LGA 2002
- Transferring responsibilities to another local authority under section 17 of the LGA 2002
- Establishing or becoming a shareholder in a Council-controlled organisation (CCO)
- Adopting or amending a revenue and financing policy, development contributions policy, financial contributions policy, rates remission policy, rates postponement policy, or a policy on the remission or postponement of rate on Māori freehold land

For such consultation, Council will develop information fulfilling the requirements of Section 82A of the LGA 2002 and will make this available to the public, allow written submissions for a period of up to four (4) weeks and will consider all submissions prior to making decisions.

When the Council may not engage

Information is always necessary for the decision-making process. However, there are times when it is not necessary, appropriate or possible to engage the community on a matter or decision. The Council may also choose not to consult on a matter and, if so, will make this determination in accordance with the criteria below and not withstanding any legislative requirements.

The Council will not engage when:

- The matter is not of a nature or significance that requires consultation (LGA 2002, s82(4)(c); or
- The Council already has a sound understanding of the views and preferences of the persons likely to be affected by or interested in the matter (s82(4)(b) LGA 2002); or
- There is a need for confidentiality or commercial sensitivity (s82(4)(d) LGA 2002); or
- The costs of consultation outweigh the benefits of it (s82(4)(e) LGA 2002); or
- The matter has already been addressed by the Council's policies or plans, which have previously been consulted on; or
- An immediate or quick response or decision is needed or it is not reasonably practicable to engage; or

- Works are required unexpectedly or following further investigations on projects, already approved by the Council; or
- Business as usual - the works required are related to the operation and maintenance of a Council asset and responsible management requires the works to take place; or
- When Council has consulted on the issue in the last 24 months.

Where the above listed circumstances apply and consultation is not to be undertaken, the Council is still required to give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter (LGA 2002 section 78 (1)). The LGA 2002 requires that this consideration be in proportion to the significance of the matters affected by the decision (section 79 (1)).

Principles of engagement

- We will be genuine in our consultation and engagement
- We will have an open mind to community feedback before making decisions
- We will give our community a timely opportunity to have a say
- We will provide good information for feedback and, wherever possible, enable the community to consider options relating to the decision
- We will not treat consultation or engagement as a poll or a referendum; feedback will be weighted accordingly with other considerations
- We will always provide feedback to those who took the trouble to give us their opinions and we will explain our decisions

When seeking your feedback or input we will let you know:

- What is being proposed
- Why it is being proposed
- What options we have
- What the impacts are (if any)
- How you can have a say
- The timeframes
- How we will communicate the outcome to you

In addition we may add – if we know:

- What our preferred option is
- Any costs and rating impact if we know

For all other issues, the following table provides **an example** of the differing levels of engagement that might be considered appropriate, the types of tools associated with each level and the timing generally associated with these types of decisions/levels of engagement.

Level	Inform	Consult	Involve	Collaborate	Empower
What does it involve	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final decision making is in the hands of the public. Under the LGA 2002, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
Types of issues that we might use this for	Water restrictions	Rates review	District Plan	Community Economic Development Strategy	Election voting systems (MMP, STV or first past the post)
Tools Council might use	Websites Social media Information flyer Public notices	Formal submissions and hearings, focus groups, phone surveys, on-line surveys	Workshops Focus groups	External working groups (involving community experts)	Binding referendum Local body elections
When the community can expect to be involved	Council would generally advise the community once a decision is made.	Council would advise the community once a draft decision is made Council and would generally provide the community with up to four (4) weeks to participate and respond.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process.	Council would generally involve the community at the start to scope the issue, again after information has been collected and again when options are being considered.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process, eg typically a month or more.

Engagement tools and techniques

Over the time of decision making, Council may use a variety of engagement techniques on any issue or proposal based on a range of other factors, including history and public awareness of the issue, stakeholder involvement, and timing related to other events and budgets.

Should an identifiable resident or group of residents be affected by any action proposed to be taken, such resident or group of residents will be consulted specifically in addition to the formal consultation undertaken with the general public, either by means of a letter or a personal meeting.

Council will also take into consideration that the community can feel 'over consulted'. Each situation will be assessed on a case-by-case basis.

Appendix 1: Significance and Engagement Policy Legislation

From the “Local Government Act 2002 Amendment Bill (No 3)”:

“76AA Significance and engagement policy

- (1) Every local authority must adopt a policy setting out—
 - (a) that local authority's general approach to determining the significance of proposals and decisions in relation to issues, assets, and other matters; and
 - (b) any criteria, or procedures that are to be used by the local authority in assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences; and
 - (c) how the local authority will respond to community preferences about engagement on decisions relating to specific issues, assets, or other matters, including the form of consultation that may be desirable; and
 - (d) how the local authority will engage with communities on other matters.
- (2) The purpose of the policy is—
 - (a) to enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities; and
 - (b) to provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets, or other matters; and
 - (c) to inform the local authority from the beginning of a decision-making process about—
 - (i) the extent of any public engagement that is expected before a particular decision is made; and
 - (ii) the form or type of engagement required.
- (3) The policy adopted under subsection (1) must list the assets considered by the local authority to be strategic assets.”

Appendix 2: Special Consultative Procedure Legislation

From the “Local Government Act 2002 Amendment Bill (No 3)”:

“83 Special consultative procedure

- (1) Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must—
 - (a) prepare and adopt—
 - (i) a statement of proposal; and
 - (ii) if the local authority considers on reasonable grounds that it is necessary to enable public understanding of the proposal, a summary of the information contained in the statement of proposal (which summary must comply with section 83AA); and
 - (b) ensure that the following is publicly available:
 - (i) the statement of proposal; and
 - (ii) a description of how the local authority will provide persons interested in the proposal with an opportunity to present their views to the local authority in accordance with section 82(1)(d); and
 - (iii) a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and
 - (c) make the summary of the information contained in the statement of proposal prepared in accordance with paragraph (a)(ii) (or the statement of proposal, if a summary is not prepared) as widely available as is reasonably practicable as a basis for consultation; and
 - (d) provide an opportunity for persons to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local authority, or any representatives to whom an appropriate delegation has been made in accordance with Schedule 7; and
 - (e) ensure that any person who wishes to present his or her views to the local authority or its representatives as described in paragraph (d)—
 - (i) is given a reasonable opportunity to do so; and
 - (ii) is informed about how and when he or she may take up that opportunity.
- (2) For the purpose of, but without limiting, subsection (1)(d), a local authority may allow any person to present his or her views to the local authority by way of audio link or audio-visual link.
- (3) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any views on the proposal, or both.”