Clutha District Council

Significance & Engagement Policy

Significance and Engagement Policy

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 delegations during the implementation of Council decisions will not be deemed to be significant.
Engagement	A term used to describe the process of seeking information from the community as a whole or specific communities of interest to inform and assist decision making. It provides an opportunity for the public to express a view on decisions or proposals being considered by Council. Engagement may not necessarily result in a win-win situation, complete agreement or consensus. However, engagement should allow all relevant views and options to be identified and then considered before a decision is made.
Consultation	Consultation is a subset of engagement, at the more formal end of the level of engagement spectrum – see table 1 on page 7.
Significance	As defined in Section 5 of the LGA2002 "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 LGA2002 "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."

Purpose

1. Clutha District Council is committed to making the best decisions possible on behalf of our communities.

2. To help towards this goal, Council has developed this Significance and Engagement Policy. It contains our "house rules" to help explain when and how people are able to take part in and contribute to Council's decisions.

3. The purpose of the policy is to:
   - Set out how we work out how important something is i.e. its level of significance.
   - Provide some clarity around how and when our communities and stakeholders can expect to be engaged in Council decisions.
   - Inform and guide elected members and staff on the extent of engagement required before a decision is made, and give an indication of ways we can go about it.

4. By putting this policy into practice, the aim is it will help us work towards:
   - Taking a clear and consistent approach to how we engage with residents, ratepayers and stakeholders.
   - Ensuring people have access to timely and accurate information – so that they can understand and participate if they choose to.
   - Anticipating conflict and encouraging early engagement among affected parties.
   - Making better use of feedback from residents, ratepayers and stakeholders.
   - Strengthening relationships with key stakeholders, community groups and organisations in the district.

5. Engaging with the community helps Council understand the views and preferences of people likely to be affected by a proposal or decision.

Determining Significance

6. Our general approach to determining the significance of proposals or decisions is to have regard to a range of criteria prior to decisions being made. Whilst not an exclusive list Council will be guided by the following:

   - The potential level of financial consequence, in particular rates impact.
   - The degree of impact on or change to levels of service, positive or negative.
   - How many residents and ratepayers might be affected by the proposal or decision.
   - The likely degree of community interest in the proposal or decision.
   - The extent to which the consequences of the decision might be controversial.
   - The degree to which the decision or proposal deviates from community outcomes or Long Term Plan, Annual Plan or policy.
   - The potential impact on current and future interests of the community.
   - Whether there is a legal requirement to engage with the community.
   - The degree of impact on a strategic asset, particularly if it involves transferring ownership or control.

   A matter will be considered significant when one or more of the above criteria are considered high, or are met.

Strategic Assets

7. In respect to "strategic assets", a key consideration is whether the assets are essential to the continued delivery of an "outcome" that Council has identified in the Long Term Plan as important to the well-being of the community. Decisions to transfer ownership or control of a strategic asset away from Council, or to construct, replace or abandon a strategic asset cannot be made unless they are first included in the Long Term Plan.

8. Council considers the following groups of assets as "strategic assets":

   - The roading network
   - Urban and rural water supply networks
   - Sewerage networks
   - Stormwater networks
   - Solid Waste Management, specifically the urban wheelie bin service and Mt Cooee landfill
   - Community Services, specifically Cemeteries, Libraries, Balclutha Swimming Pool, Balclutha Memorial Hall, Community Housing, Reserves and Sportsgrounds – specifically Naish Park, Coronation Park, Riverside Reserve and Greater Taylor Park.

Engagement

9. In terms of engagement, the method and the amount of effort made to engage is often related to the degree of significance of an issue, proposal, decision or other matter.

10. The elected members of Council will approve the method of engagement where an issue, proposal, decision or other matter has a high degree of significance. In most other cases the method of engagement will be determined as a matter of operational procedure under delegated authority. In any cases where formal submission processes are contemplated, Council approval is required.

11. Council will consider community preferences about engagement by looking for consistent trends and preferences in community responses. Council will respond to and consider these preferences against the community outcomes identified in the Long Term Plan. Council will consider all preferences in an open minded manner and where practicable will incorporate them into its decisions.

12. Council recognises its obligations under section 81 of the Local Government Act 2002 to establish and maintain processes to provide opportunities for Maori to contribute to decision-making processes. Council's response is provided in the Long Term Plan and Annual Report. Council will continue to seek to develop relationships and consult in appropriate ways with Maori, taking into account the nature and significance of the decision to Maori.

13. Council staff will decide if and how Council will engage with the community on a case-by-case basis on other non-significant matters (not discussed above).

14. Council is unlikely to engage when:

    - The proposal or decision is not of a nature or significance that requires it, e.g. there would be little public interest, or
    - The matter has already been addressed by Council's policies or plans, which have previously been consulted on, or
    - There is a need for commercial sensitivity, or
    - There is a threat to public health or safety or a risk to the environment, and a decision needs to be made quickly.

    When the above circumstances apply and engagement is not to be undertaken, Council will still give consideration to the views and preferences of persons likely to be affected by, or have an interest in the matter. This will be in proportion to the significance of the matter.

Special Consultative Procedure

15. A special consultative procedure (SCP) is one specific part of engagement, used often where an issue, proposal, decision or other matter has a high degree of significance. In some circumstances Council is required by legislation to undertake an SCP. Where an SCP is undertaken Council will publish a proposal which is open for the Community to provide views and will be open for not less than one month. Examples where an SCP will be required include, but are not limited to:

    - The adoption or amendment of a Long Term Plan
    - The adoption, amendment or revocation of bylaws
    - The adoption, amendment or revocation of a Local Alcohol Policy

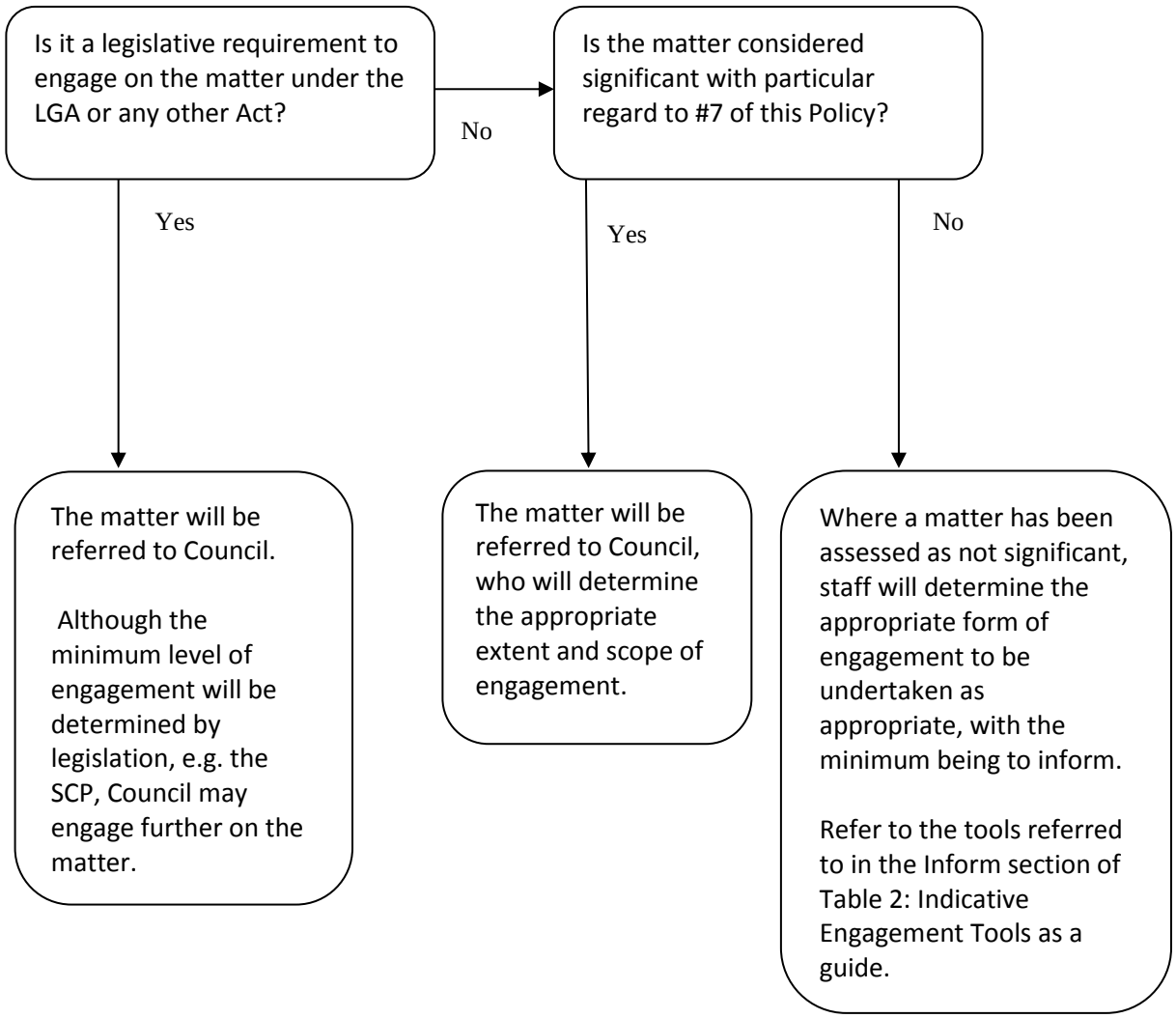
- The preparation, amendment or revocation of a waste management and minimisation plan
- Adoption of a Civil Defence Plan
- The adoption or amendment of a policy for the early payment of rates.

16. In addition to legislative requirements, Council will include an SCP as a mandatory element of a specific engagement plan where there is a high level of significance attached to a proposal to:
    - Alter the level of service for any activity undertaken by or on behalf of Council; or
    - Transfer the ownership or control of strategic assets.

17. When Council consults it will do so in a manner that gives effect to the principles of consultation specified in section 82 of the Local Government Act.

Procedures

Significance and Engagement Flowchart



18. In the first instance Council staff will be responsible for assessing what level of engagement is required. They will be guided firstly by legislation and secondly by the significance of the matter.

19. If the issue, proposal, decision or other matter is considered to be significant Council is required to approve the method of engagement. Council approval is still required even if legislation requires an SCP because an SCP is only one part of possible engagement. Reports will include a statement explaining why there is a high level of significance and provide alternatives for engagement methods.

20. Each year the known significant matters requiring Council approval of engagement methods will be presented to Council for a decision. Where matters arise through the year decisions as to significance and engagement methods will be made on a case by case basis, guided by this Policy.

21. Where an issue, proposal, decision or other matter comes before Council the report will identify previous decisions relating to significance and the engagement method decided upon. This is the same requirement whether Council or staff made the decision on significance and engagement. Any decision report will include an assessment in regard to sections 77, 78, 80, 81 and 82 of the Local Government Act 2002 as applicable.

22. Council's approach to engagement will be informed by the International Association of Public Participation spectrum and decision-orientation approach as the foundation for its engagement. The spectrum will help Council to decide what type of engagement is required to enable decisions to be made. Refer to Table 1 for more information about the spectrum and its proposed application.

23. 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. Council will also take into consideration that the community can feel 'over consulted'. Each situation will be assessed on a case-by-case basis. Table 2: Indicative Engagement Tools outlines some of the methods of engagement.

Table 1: Level of Engagement Spectrum

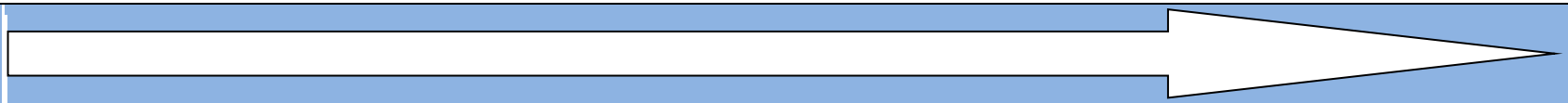
Level of Significance	 **Low** **High**				
Level of engagement	**Inform**	**Consult**	**Involve**	**Collaborate**	**Empower**
What it involves	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communications 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 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 community. Under the LGA 2002, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
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 would generally provide the community with up to 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. e.g. typically a month or more.
Council's Commitment to the Community	If it affects you, we will aim to keep you informed	We will aim to keep you informed, listen to and acknowledge your concerns and provide feedback on how public input influenced the decision.	We will aim to ensure your concerns and aspirations are directly reflected in the alternatives developed, and provide feedback on how public input influenced the decision.	We will aim to look to the community for direct advice and involvement in formulating solutions.	We implement what you decide.
Types of issues that we might use this for	• Operational issues, e.g. Summer water restrictions, conserve water notices • Advisories or warnings e.g. weather warnings	• Liquor bans • Freedom Camping areas	• Reserve Management Plans • Local Alcohol Policy • Significant service level changes	• Community Plans	• Election voting systems (MMP, STV or first past the post) • Triennial elections

Table 2: Indicative Engagement Tools

Level of Engagement	Indicative Tools
Inform	• Council newsletter • Weekly/daily newspaper • Community newsletter • Electronic message (e.g. email, social media posts, website) • Radio advertising or talkback • Letter/email • Media release
Consult	• Submissions • Hearings • Surveys, e.g. phone, postal or online • Focus groups • Stakeholder meetings and feedback
Involve	• Workshops • Community presentations/meetings e.g. service clubs and existing community organisations • Social media • Focus groups • Resident Panel
Collaborate	• Stakeholder/community meetings • Joint working parties or steering committees • Key partnerships with existing committees e.g. community boards, hall committees, rural water scheme committees, community committees
Empower	• Binding referendum • Local body elections