

2. CONSULTATION POLICY

Presentation: 'What the Council's Future Policy on Consultation will look like in terms of the Local Government Act 2002'.

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The purpose of this report is to suggest that the Council's consultation policies are revised to ensure consistency with the new Local Government Act.

INTRODUCTION

The Local Government Act has created a new environment for local authorities. This legislation requires councils to develop new forms of governance and leadership in the social, economic, cultural and environmental wellbeing of local communities.

The philosophy underlying the Act is that councils should be able to do whatever they consider is most appropriate to meet the needs and aspirations of their community. While being generally empowered to do this, the Act requires that councils consider alternatives; wider implications; and *community views*.

A fundamental principle of the Local Government Act is the importance of community consultation over local services and decision making (section 14(1)(c)). Community consultation is seen as a key ingredient in quality decision-making and policy development. Consultation must take place with the right people, for the right purpose and in the right way (section 78). Legal action may result if consultation is not undertaken when required or is undertaken incorrectly.

Another principle is that councils should collaborate and co-operate with other agencies at least in its wider planning processes if not in more routine decision-making (section 14(1)(e)). Collaboration is the process of building and maintaining good relationships with all significant groups capable of influencing community outcomes and with an interest in local government activities to ensure that community issues and concerns are accurately recorded and fed into planning. Consultation is a vital tool in the ongoing process of collaboration and cooperation.

A further principle is that councils should acknowledge the special relationship between Māori and local government. Section 81(1) states that local authorities must "(a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b)."

It is appropriate that the Council reviews its policies in light of this new legislation.

COUNCIL POLICY

The Council's current policies are consistent with the new legislation but are inadequate. There are also some discrepancies between policies and the level of detail within each policy varies.

The Council has a one page Seeking Community Views Policy which states that:

The Christchurch City Council sees it as important to engage in processes which give it an understanding of the views within the community.

Such processes are one of a number of methods of gathering information which may be used to assist the Christchurch City Council with making a decision.

The Christchurch City Council respects all views in conjunction with other sources of information.

The processes will vary with the circumstances and stage of the proposal.

The responsibility for making decisions rests with the Christchurch City Council.

The Seeking Community Views policy also identifies a number of consultation principles.

The Council's Strategic Statement 2002 outlines democratic governance as a key strategic objective which will be facilitated by a series of processes including:

Creating and maintaining mechanisms for citizens' participation in decision-making and policy development (D1, p. 15, CCC Strategic Statement 2002 Edition).

Protection of the rights of tangata whenua and consultation with tangata whenua are also incorporated in the strategic objective relating to the Council's recognition of the Treaty of Waitangi and cultural diversity:

Maintaining mutually acceptable consultation procedures with tangata whenua (G1, G2, p. 15, CCC Strategic Statement 2002 Edition).

A number of other policies identify the Council's intentions and obligations to consult with population groups or sectors, for example Children's Policy, Youth Policy, Equity and Access (Disability) Policy, Older Persons Policy, Resident Groups Policy, Community Policy Statement of Intent (regarding the relationship with the voluntary sector) and the Healthy Christchurch Charter. During 2002, the Consultation Committee worked on a consultation framework outlining when, with whom and how consultation should take place.

A paper comparing the statement, principles and concepts in Seeking Community Views and other policies¹, Board objectives and the draft consultation framework with the new Local Government Act will be presented at the meeting.

POLICY REVIEW

It is appropriate that a new policy is developed which clearly elucidates the Council's intentions and strategies regarding consultation in the context of the new legislation.

A draft policy will be tabled for consideration. However, it is suggested that the policy development process involve elected members (Council and Boards), staff and other stakeholders.

Staff

Recommendation: That the Council's consultation policies are revised to ensure consistency with the new legislation.

Chairman's

Recommendation: For discussion.

¹ Policies reviewed include Strategic Statements, Youth Policy, Children's Policy, Older Persons Policy, Equity and Access Policy, Residents' Association Formation and Recognition Policy, Healthy Christchurch Charter, Statement on Intent - Council's Relationship with the Voluntary and Community sector, Community Policy and Community Governance Statements.