

9. CONSULTATION STANDARDS AND PRACTICE

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PURPOSE OF REPORT

1. The Hagley/Ferrymead Community Board, at its meeting of 23 March 2005, requested a report on a set of basic minimum standards of consultation as required under the principles of the Local Government Act.
2. The purpose of this report is to outline the standards and principles of consultation currently in place and implemented by the Council under its Consultation Policy, the Local Governance Statement and Consultation Guidelines.

EXECUTIVE SUMMARY

3. The requirement for local authorities to undertake consultation with communities is set out in legislation, primarily the Local Government Act 2002, but also other legislation such as the Resource Management Act 1991.
4. Christchurch City Council's approach to consultation is formally stated in Section 15 of the Local Governance Statement, a requirement of the Local Government Act 2002, adopted by Council on 5 May 2005 (Appendix 1), and the Consultation Policy, adopted in 2003 (Appendix 2). The key objectives of the policy include promoting a sense of ownership of Council and Community Board decisions by the people of Christchurch, informing people about issues that may affect them, ensuring people have the opportunity for meaningful input in the Council's decision making, and ensuring the Council has enough quality information, including information on the views of the community, to make decisions.
5. Consistent with a principles-based approach to consultation, establishing specific uniform standards or processes for consultation practice is problematic. Appropriate standards of method, timeliness, and participation or scope of consultation will vary widely according to the nature of the consultation exercise. The policy does, however, include a set of principles and commitments which clearly establish criteria for effective consultation practice. These principles include:
 - Access to information
 - Encouragement to present views
 - Transparency
 - Opportunity to present views
 - Feedback
 - Openness
 - Responding to diversity
 - Consulting with Maori
 - Timeliness
 - Co-ordination.
6. To support good standards of practice by officers in implementing consultation activities, the organisation has developed a set of Consultation Guidelines. The guidelines provide staff with direction on when and how to consult, and are designed to link to Council's decision-making processes. Within the framework outlined in the Guidelines, practitioners have the flexibility to design a consultation process which meets the Council's requirements for effective information-gathering, the community's needs for genuine input and consideration, and the statutory requirements of legislation.
7. Consultation at the local community level is also supported by the Community Engagement teams, which support community networks and groups, and encourage and facilitate opportunities for public involvement in decision-making and the development of Council business.

FINANCIAL AND LEGAL CONSIDERATIONS

8. The Council has obligations under the Local Government Act 2002, the Resource Management Act 1991, and other legislation, to carry out consultation as an integral part of its decision-making functions. The Local Government Act 2002 includes a requirement for the Council to set out its approach to consultation in a Local Governance Statement; the Council adopted the Local Governance Statement on 5 May 2005. Budget provision for consultation activity is included within respective project budgets.

STAFF RECOMMENDATION

That the Board receive the information, noting that the Council's commitments to good standards of practice for effective consultation as established in the Council's Consultation Policy and Consultation Guidelines.

CHAIRPERSON'S RECOMMENDATION

For discussion.

BACKGROUND ON CONSULTATION STANDARDS AND PRACTICE

Legislative obligations

9. The requirement for local authorities to undertake consultation with their constituent communities and stakeholders is prescribed in various legislation, notably the Local Government Act 2002 (LGA), and the Resource Management Act 1991, as well as other statutes.
10. The LGA addresses consultation as a primary input into Council decision making, and includes principles and processes to be followed by local authorities in conducting consultation. The key sections include:
 - (a) Special Consultative Procedure (Section 83)

A formal, prescribed consultative process to be followed in specific prescribed situations.
 - (b) Policy on Significance (Section 90)

In certain circumstances the Council's Policy on Significance may determine the level and type of consultation required.
 - (c) Principles of Consultation (Section 82)
11. Other than the circumstances noted above, the LGA does not prescribe specific formulae or processes for consultation. Instead it sets out a series of principles to which local authorities should adhere when undertaking community consultation (Appendix 3). These principles have been incorporated into the Christchurch City Council's Consultation Policy and practice.

Consultation Policy

12. The Christchurch City Council's approach to consultation is formally stated in the Consultation Policy, adopted in July 2003 (Appendix 1), and in Section 15 of the Local Governance Statement, a requirement of the Local Government Act 2002, adopted by Council on 5 May 2005 (Appendix 2).
13. The Policy notes that consultation is primarily directed towards informed decision making:

Councillors and Community Board members are elected to make decisions on behalf of their communities. Consultation with the community is one of a number of elements which help the Council make informed decisions.
14. It also notes that consultation provides a forum for ongoing discussion and dialogue with citizens, along with other processes:

Consultation is one of the ways in which the Council interacts and engages with the people of Christchurch. Other processes include community development, capacity building, community partnerships and collaboration, communication, and devolution. There is often a relationship or overlap between these processes.
15. The key objectives of the policy include promoting a sense of ownership of Council and Community Board decisions by the people of Christchurch, informing people about issues that may affect them, ensuring people have the opportunity for meaningful input in the Council's decision making, and ensuring the Council has enough quality information, including information on the views of the community, to make decisions.
16. The core requirements for consultation practice are set out in the Consultation Principles within the policy; these have been adapted and expanded from the principles in the LGA. Each principle is supported by a statement of commitment, noting the Council's responsibility to act in accordance with the principle.
17. These include:

Access to Information - we will provide reasonable access to relevant information in a manner and format that is appropriate to the needs of people.

Encouragement to Present Views - we will encourage all those affected by or who have an interest in an issue or project to present their views.

Transparency - we will provide information about the purpose of the consultation and the scope of the decisions, for example why the Council is consulting, what issues are and are not up for decision making, how the decisions will be made and who will be making them. The Council will be clear on how decisions will be made and who will be making them so that the participants know and understand the impact of their involvement.

Opportunity to Present your Views - we will be flexible in allowing a variety of means of delivery. Anyone who wishes to have their views considered will be provided with a reasonable opportunity to present those views in any way that is appropriate to their needs, eg written submission, oral submissions.

Feedback - we will provide information regarding the outcome of the decision-making process and the reasons for the decisions.

Openness - we will receive presented views with an open mind and will give those views due consideration when making a decision. The Council welcomes indications of support for or opposition to proposed projects or issues.

Responding to Diversity - we will seek the views of a wide cross-section of the community using the most appropriate ways of consulting with the community.

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21. The guidelines note that key success factors in effective consultation include:
- **Genuine commitment:** do it because it is worthwhile not for compliance.
 - **Understanding of our community:** use our knowledge of the community to drive consultation.
 - **Clarity of purpose:** be absolutely clear with everyone involved, internally and externally, what the issue is you are consulting about and what it is you want to achieve out of it, and what roles people are playing in the public participation process.
 - **Good communications:** simple, clear, and timely messages through our citizens' preferred channels are crucial to a good outcome.
 - **Delivering:** all of it counts for little unless we are seen to deliver when there is a valid community idea or concern. Consultation can't be a 'box-ticking' exercise.
22. The document also sets out practical steps to be taken by consultation practitioners within Council to ensure consistent standards of practice. These include:
- **Defining the issue:** be clear about the issue you want to consult on, where that issue is in the decision-making cycle, who will be making the decision and what exactly you want to consult the community about.
 - **Assessing the impact of the issue on stakeholders:** is the issue of high or low impact; does it affect individuals only, a local community, or the whole city?
 - **Determining the level of consultation required:** should the consultation be based on **informing** citizens about what we are doing; **asking** citizens to express their views on a range of options; or **involving** citizens actively in the planning and decision-making process.
 - **Developing a plan:** This will include selecting personal, group or mass tactics as appropriate to the consultation involved. The specific methods to be used can only be determined on a case-by-case basis.
23. The intention of the guidelines is not to prescribe a specific, one-size-fits-all approach to consultation. Within the framework outlined in the Guidelines, practitioners, such as Communication Advisers or Community Engagement Advisers with knowledge of local issues and networks, have the flexibility to design a consultation process which fulfils the undertakings of the Council's consultation principles, meets the requirements for effective information-gathering, the community's needs for genuine input and consideration, and the statutory requirements of legislation.

Community Engagement

24. The Community Engagement Team has recently been established to help support public consultation processes by working with individuals and community groups at the local level. The team provides opportunities for people to participate in Council decision making and projects through a range of activities including:
- Liaising with community groups to implement local improvements
 - Supporting the formation and management of residents groups and other community networks
 - Encouraging opportunities for public involvement in the development of Council business such as the Long Term Council Community Plan
25. The team also has an important role to play internally by providing advice to elected members on local issues, and advising other Council units on the implementation of local consultation programmes.
26. By liaising with elected members and other Council units, the Community Engagement Team is striving to improve the consistency and quality of consultation processes across the Council.