Draft Significance and Engagement Policy

Purpose

Upper Hutt City Council is committed to meaningful engagement with the community on local decision making. The purpose of this Significance and Engagement Policy is to enable Council to determine the degree of significance attached to particular matters, proposals, assets, decisions and activities, and to provide clarity about when and how the community can expect to be engaged in Council's decision making processes.

The policy also enables Council to give appropriate consideration, in accordance with the Local Government Act 2002, to the views and preferences of interested and affected persons when making a decision.

Policy scope and exclusions

Many decisions made by Council are governed by specific Acts outside the Local Government Act 2002. These Acts prescribe the decision making and consultation procedure required. Consequently, there are some decision making processes that that are not within the scope of this Significance and Engagement Policy. Examples of such legislation include (but are not limited to) the following:

- Resource Management Act 1991

- Civil Defence Emergency management Act 2002

- Land Transport Act 1998

- Local Electoral Act 2001

In addition, this policy will not apply and engagement will not be required where:

- in the opinion of the Council, failure to make a decision urgently would result in unreasonable or significant damage to property, or risk to people's health and safety.

- there are any physical alterations to strategic assets that are required to prevent an immediate hazardous situation arising;

- Council must repair an asset to ensure public health and safety due to damage from an emergency or unforeseen situation.

In addition, Council is required to undertake a special consultative procedure on certain matters, as set out in Section 83 of the Local Government Act 2002 (LGA 2002) regardless of whether they are considered significant as part of this policy.

Definitions

Significance[1]	The degree of importance of an issue, proposal, decision, or matter, as assessed by the Council, in terms of its likely impact on, and likely consequences for: 1. the district or region; 2. any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter; 3. the capacity of the local authority to perform its role, and the financial and other costs of doing so (as described by the LGA).
Having significance	Significance is a continuum and as an issue moves along the spectrum (from low to high) Council assigns it an incremental level of significance. If a matter is determined to 'have significance' then it will require a formal resolution from Council before action can be taken.
Significant	In relation to any issue, proposal, decision, or other matter, means that the issue, proposal, decision, or matter has a high degree of significance.
Not significant	The issue/decision does not trigger the policy criteria or thresholds.
Operational matters	The matter concerns the day-to-day operations of Council, is carried out under delegated authority and is in accordance with the Long Term Plan, Annual Plan or relevant legislation.
Decisions	Refers to the decisions of Council by formal resolution at Council and Council Committee meetings. It also refers to decisions made by officers or others under delegated authority.
Community	A community, for the purposes of this policy, is a group of people with a shared or common interest, identity, experience or values. For example, cultural, social, environmental, business, financial, neighbourhood, political or spatial groups. 'The community' refers to all of the people that are a part of the diverse communities in Upper Hutt.
Engagement	Is a term used to describe the process of establishing relationships, sharing information and seeking feedback from the community to inform and assist decision making. Engagement is an important part of participatory democracy within which there is a continuum of community involvement.
Activity	Refers to the list of Council Activities identified in the Long Term Plan, which is a service or function provided by, or on behalf of, the Council.
Strategic asset	An asset or group of assets as defined in LGA Section 5 (See section below.)
Strategic aspirations	Refers to any high level, direction setting goal or document that the Council aims to deliver, including the city vision priority areas, which represent the community outcomes for the city.

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[1] As defined by the Local Government Act 2002.

Significance as a continuum

Significance can be thought of as a continuum. At one end are matters that are of low or no significance e.g. a minor, technical amendment to a council policy. At the other end of the continuum are matters deemed to be 'significant' e.g. a new project that requires substantial, discretionary funding.
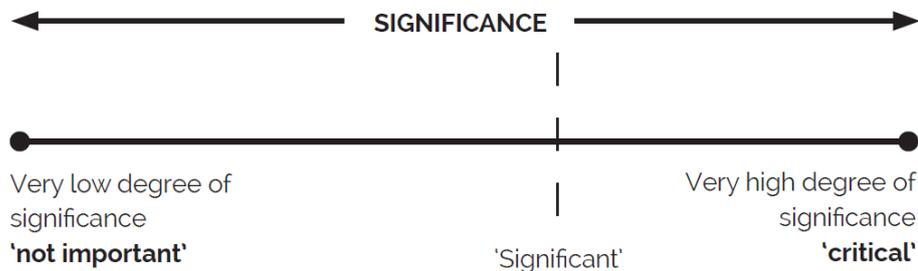
Source: Society of Local Government Managers (SOLGM) Significance and Engagement Policies guide 2014.

Determining significance

At the earliest stage in the decision-making process, Council will give consideration to the significance of an issue, proposal or other matter. If necessary, significance will be reassessed as a matter develops.

Council will investigate the proposal, issue, or other matter to assess the level of significance using the following two steps:

1. Assess the matter against the considerations outlined in the 'General policy considerations'

2. Apply the 'Criteria to assess the degree of significance'.

GENERAL POLICY CONSIDERATIONS

Council will first assess the matter against the following considerations:

- the likely impact of the decision on present and future interests of the community;

- level of impact on Māori, Māori culture, traditions and values, and their relationship to land and water;

- possible environmental, social and cultural impacts

- how the decision aligns with historical Council decisions;

- the potential effect on delivering Council's strategic aspirations;

- the level of community interest in the decision, whether community views on the issue are already known; or the potential to generate community interest;

- the impacts on Council's capacity to meet its statutory responsibilities now and in the future;

- if the matter has already been clearly described in the Long Term Plan (LTP), including the nature and extent of the proposed action;

- if it is an operational matter.

CRITERIA TO ASSESS THE DEGREE OF SIGNIFICANCE

Council will use the agreed criteria in the table below when determining the degree of significance of a proposal, issue or matter.

Where a decision is determined to be 'significant' it will automatically trigger a requirement to consult with the community.

	Criteria	Influencing aspects
a.	The degree to which the issue has a financial impact on Council or the rating levels of the local community.*	The higher the financial impact the greater the degree of significance.
b.	The degree to which the issue affects the community or the city of Upper Hutt.*	The higher the degree of community interest in a decision, the greater the likely degree of significance.
c.	The impact of a decision to significantly alter the intended level of service provision for a group of Council activities, including a decision to commence or cease any such group of activity.	Commencing or ceasing a significant activity. Changing Council's total annual rates funding requirement by 10 percent, or 50 percent of the total annual rates funding for the significant activity, whichever is the lesser amount.
d.	The degree to which a decision will directly, or indirectly, significantly affect the capacity of Council, or the cost to Council, in relation to any activity identified in the Long Term Plan.	Changing Council's total annual rates funding requirement by 10 percent, or 50 percent of the total annual rates funding for any activity, whichever is the lesser amount.

*The existence of these criteria alone is not necessarily determinative of significance.

Procedure for engagement and decision making

Once the significance of an issue has been determined using the steps in section 5, the procedure for subsequent engagement and decision making by Council will follow as summarised in the table below.

When Council makes a decision that is inconsistent with this policy, the steps identified in Section 80 of the Local Government Act 2002 will be undertaken.

1	For matters of low or no significance	When a matter is assessed as having low or no significance, Council will inform the community once a decision is made and is being implemented.
2	For matters that have a medium to moderate degree of significance, but are not identified as 'significant'	When a matter is considered to 'have significance,' but not regarded as 'significant,' Council is required to make a formal resolution before action may be taken. This requirement excludes matters already covered by the Long Term Plan. A formal resolution is to be obtained by presenting a report to Council, which addresses the requirements identified in the LGA s77 – s81. The report to Council will include an assessment of the degree of significance of the issue, and whether engagement and consultation is recommended. If engagement and/or consultation are recommended, then an engagement plan will be included in the report.
3	For all matters identified as being 'significant'	If an issue is determined as having a high degree of significance, then it is significant and the issue will be considered by Council. This decision requires a report to Council outlining the assessment of the degree of significance of the issue, the degree of engagement proposed, the engagement plan proposed, and a recommendation. Council will apply the principles of consultation (LGA s82) and be guided by the *Community Engagement - Operational Guidelines (Schedule 1)* and prepare an engagement plan in accordance with LGA s82.
4	Consider if the Special Consultative Procedure is appropriate	Review the issue, proposal or other matter to determine if any of these factors exist: • development of, review, or amendments to the Long Term Plan • preparation of the Annual Plan • it is considered that the Special Consultative

		Procedure is relevant or required. If yes, then follow the Special Consultation Procedure in line with s83 – s87.
5	Consultation and/or engagement	Council will apply the principles of consultation (section 82 of the Local Government Act 2002) and use the *Community Engagement - Operational Guidelines* (Schedule 1) for engagement.
6	Following the conclusion of the consultation and/or engagement process	Make a decision.
7	Following the Council decision	Inform the community of the decision made using a method appropriate to the nature of the consultation (for example this may range from public notices to direct communication to submitters).

Approach to engagement

The significance of a matter will influence the time and resource Council will invest in evaluating options and obtaining the views of affected and interested parties. Engagement may be required at various stages of the decision-making process and may take different forms depending on the stage. Both significance and the form of engagement will be assessed on a case-by-case basis.

Council will consider the extent of engagement that is necessary to understand the community's view before a particular decision is made and the form of engagement that might be required. In linking the level of significance to the level of engagement, a balance must be struck between the costs of engagement and the value it will add to the decision-making process.

Council acknowledges the unique status of Māori and aims to engage with the wider Māori community to ensure their views are appropriately represented in the decision-making process. Council is committed to providing relevant information to inform Māori contribution and improve their access to Council's engagement and decision-making processes. Council is building relationships with local organisations representing Maori, iwi and mana whenua.

Feedback provided by the community to date has identified that the majority of the Upper Hutt community prefers online engagement/communication, and that due to time constraints people must feel strongly about a matter before they will engage with Council.

With this in mind, Council has moved toward a more effective process of engagement which includes a higher level of digital communication across platforms such as our website and Facebook, in an effort to reach a wider cross-section of the community.

The attached *Community engagement – operational guidelines*[2] provides an example of the differing levels of engagement relative to levels of significance, and the types of methods that might be associated.

Strategic assets

The following are considered to be strategic assets for Upper Hutt City Council in terms of the Act:

- Upper Hutt City primary (regional) and secondary (district) arterial roading routes

- Upper Hutt Civic Administration Building

- Expressions Arts and Entertainment Centre

- H^{2}O Xtream

- The City Library and Pinehaven Library

- Harcourt Park, Trentham Memorial Park, and Maidstone Park

- Upper Hutt City water supply network

- Upper Hutt City stormwater network

- Upper Hutt City wastewater network, including the Upper Hutt City Council share of the Hutt Valley Wastewater network

- Akatarawa Cemetery

For the removal of doubt, each strategic asset is listed as a whole entity, and the term 'strategic asset' does not apply to the individual elements of that asset.

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[2] The *Community engagement – operational guidelines,* attached at Schedule One, supplement this policy, but they do not form part of the policy.

Schedule One

Community engagement – operational guidelines

Once the level of significance of an issue, proposal or decision has been determined, Council will consider the level and form of community engagement. Depending on the matter being considered and the stakeholders involved, the preferred method(s) or combination of engagement tools will be identified and applied to meet the goals of the specific engagement.

In the course of reaching decisions on a particular issue or proposal at different times and stages, Council may use a variety of engagement techniques and the engagement methods may be adapted based on a range of other factors, not least history and public awareness of the issue, stakeholder involvement, and timing related to other events or engagement, budgets and many other factors.

Council will build on existing relationships and networks with individuals and communities, and look to extend the range of parties involved in the community engagement as appropriate.

The table below shows the level of significance and examples of the associated approach to engagement.

SIGNIFICANCE	DESCRIPTION	EXAMPLE OF APPROACH
Low	The audience is relatively small in number or very targeted. The issue or decision is relatively straight forward and is not of high general public interest. For example, temporary road closures on minor roads, placement of a memorial, and water restriction notices.	May include targeted engagement with an affected audience where appropriate.
Medium	The audience is fairly broad, diverse or targeted. The issue is not necessarily straightforward and there may be mixed views from the community. For example, Arts, Culture and Heritage Strategy, Gambling Policy, Liquor Control Bylaw review.	May include targeted engagement with an affected audience where appropriate. Likely to include a range of engagement methods including seeking submissions and holding hearing meetings, focus group workshops, and phone/online surveys.
High or complex	The audience affected is large and diverse and the issue is of importance to the entire community. It either involves significant financial investment and it has wide relevance, or it is of a complex nature. For example, items could include the Long Term Plan, Land Use Strategy and Open Space Strategy.	Involves community-wide promotion, could include informal pre-engagement or a discussion phase, plus a formal phase of consultation. Likely to include a range of engagement methods: online activities, submissions, holding hearing meetings, focus group workshops (may involve subject matter or community experts), and surveys.

Council refers to the International Association of Public Participation engagement spectrum (below) as a basis for methods of engagement before making a decision.

IAP2'S PUBLIC PARTICIPATION SPECTRUM

The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.

INCREASING IMPACT ON THE DECISION

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.

Credit: Reproduced with permission from the International Association for Public Participation (IAP2) Federation – www.iap2.org

Council will consider engagement methods and tools relative to the level of significance. These will support communities' participation through an engagement spectrum approach, as set out in the table below (next page).

Differing levels and methods of engagement may be required during the varying phases of consideration and decision-making on an issue or proposal. Council will review the suitability and effectiveness of the engagement strategy and methods as the process proceeds.

Examples of engagement activities – adapted from the IAP2 spectrum of engagement

ENGAGEMENT LEVEL	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
What is involved?	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making is in the hands of the public.
Examples of tools the Council might use Note: these tools may be applicable across many levels of engagement	• Email newsletter to local communities and networks • Information flyers • Public notices/info in local newspaper and on the Council website • Use of social media	• Formal submissions and hearings or the Special Consultative Procedure • Focus groups • Community meetings • Online opportunities to submit ideas/feedback • Rates inserts • Display boards	• Workshops • Focus/ stakeholder group meetings • Public meetings, drop-in sessions • Online surveys/forums • Displays at public venues	• Pre-consultation • Working groups (involving community experts) • Community Advisory Groups (involving community representatives) • Forums	• Binding referendum • Local body elections • Delegation of some decision- making to a community
When the community is likely to be involved	Once a decision is made and is being implemented.	Once Council has determined an initial preferred position it would endeavour to provide the community with sufficient time to participate and respond.	The community or specific communities could be engaged throughout the process, or at specific stages of the process as appropriate.	The community or specific communities will be engaged from the outset, including the development of alternatives to the identification of the preferred solution.	The community or communities will be engaged throughout the process to ensure ownership of the development of alternatives, identification of the preferred solution(s) and delegated decision-making on the preferred solution.