



Consultation with Communities Policy (1999)

Minute Number: CL/SEP/1450/99

MINUTE NO. CB/NOV/1789/03 – COMMITTEE DECISION

That officers prepare a Governance Statement for publication by 31 December 2003, to be approved by the City Manager in consultation with the Chairperson of the Corporate Business Committee.

(the governance statement incorporates the Consultation Policy 1999).

GOVERNANCE STATEMENT (2007) pg 18:

Manukau City Council is currently guided in its understanding of the nature and scope of consultation by its “Consultation with Communities Policy” which was adopted in 1999 (Minute no. 1450/99).

COUNCIL MINUTES - 30 SEPTEMBER 1999

MINUTE NO. 1450/99 Cr Neit Morrison/Cr Fred Anderson

That... the undermentioned recommendations made at the meeting of the Corporate Business Committee held on 15 September 1999 be adopted.

Minute No. 1368/99 Consultation with Communities (POLICY)



Te Kaunihera o
MANUKAU
City Council

CONSULTATION

WITH

COMMUNITIES

POLICY

SEPTEMBER 1999

CONTENTS

What is consultation?	1
Why will Council consult?	1
Principles of Effective Consultation Practice	2
<ul style="list-style-type: none"> ▪ recognise the Treaty of Waitangi relationship between Council and Manawhenua ▪ recognise those most affected by the issue ▪ recognise special interest groups ▪ communicate facts and options clearly ▪ give adequate notice and period for responses ▪ provide opportunity for oral submissions or discussion ▪ consider responses with an open mind ▪ advise interested parties of the outcome of the consultation ▪ adhere to legal requirements 	
Implementation of Principles	2
Resources	6
 <u>Appendix</u>	
1	1A Special Consultative Procedure 1B Special Order Procedure
2	Council Policies Referring to Consultation
3	Participation Techniques
4	Wellington International Airport vs Air New Zealand (1992)
5	Bibliography

CONSULTATION WITH COMMUNITIES POLICY

WHAT IS CONSULTATION?

Consultation in its widest sense refers to the Council's relationship with its citizens and to genuine dialogue with them over matters of interest to them. Consultation typically occurs prior to decision-making and may include various stages of consultation prior to a final decision and in the process of implementation.

The principles of Council's consultation with communities also apply internally, for example in developing a partnership relationship between the Public Service Association, management and staff.

WHY WILL COUNCIL CONSULT?

Council will consult:

- to achieve more effective decisions by increasing its knowledge and understanding of issues;
- to promote public participation as a key governance process:
 - public debate on key issues will increase community knowledge and understanding, and encourage community ownership of solutions;
 - information on community needs and expectations will be gathered in a dynamic, appropriate and ongoing way;
 - accountability to the electorate will be reinforced;
- where a decision will impact significantly on the interests and rights of individuals and groups;
- to improve customer satisfaction with Council's services;
- in order to fulfil its statutory and other legal obligations, for example those set out in Acts of Parliament and Regulations (such as the Special Order and Special Consultative procedures - refer Appendix 1);
- to meet common law obligations to consult, including the obligation to observe Principles of Natural Justice and procedural fairness;
- in order to acknowledge, respond to and mediate between differing interests and viewpoints thus achieving a balanced view.

Notwithstanding the above, there are areas of Council activity where consultation is not appropriate. Unless otherwise legally required, Council will not consult where consultation is unlikely to add value or where Council needs to be discreet or where there is a genuine need for urgency.

Examples include:

- commercially sensitive decisions;
- matters likely to be of no consequence to citizens; and
- where the financial and non-financial costs of consultation clearly outweigh the benefits.

PRINCIPLES OF EFFECTIVE CONSULTATION PRACTICE

- recognise the Treaty of Waitangi relationship between Council and Manawhenua
- recognise those most affected by the issue
- recognise special interest groups
- communicate facts and options clearly
- give adequate notice and period for responses
- provide opportunity for oral submissions or discussion
- consider responses with an open mind
- advise interested parties of the outcome of the consultation
- adhere to legal requirements

IMPLEMENTATION OF PRINCIPLES

Recognise the Treaty of Waitangi relationship between Council and manawhenua

Council's Treaty relationships with manawhenua will be supported and the opportunity for dialogue provided on matters of interest to both parties. (Refer also to the document "Relationships Guide to Tangata Whenua in Manukau" and to the Manukau City Council District Plan, Chapter 3A, "Tangata whenua")

Recognise those most affected

Include consultation in Council policies

Consultation processes with those affected will be built into Council policies dealing with specific issues (examples of existing policies with consultation provisions are: Youth Policy, Tree Policy, etc).

Personal notification

In addition to placement of public notices in newspapers, the most affected persons will be sent personal notification of the opportunity to make comment when this is appropriate or required.

Ward issues

Consultation over an issue of significance to a specific Ward will include consultation with the Community Board.

Community boards will be encouraged to consult their communities over issues they decide or about which they provide input to Council.

Users of Council facilities

Council will consult with the users of its facilities over decisions that will have significant impacts on such users.

Recognise special interest groups

Tangata whenua

Council's partnership aspirations with tangata whenua will be observed and the opportunity for participation in the affairs of Council will be encouraged via consultation, particularly in areas where it is known the tangata whenua have an interest. (Refer also to the document "Relationships Guide to Tangata Whenua in Manukau" and to the Manukau City Council District Plan, Chapter 3A, "Tangata whenua")

General

Communities, groups and individuals having a special interest in a matter to be decided will be consulted as appropriate. Examples of such groups are:

- Government agencies
- Other local authorities
- Ratepayer associations
- Environmental interest groups
- Rural groups
- Business associations
- Sports groups
- Cultural groups
- Educational institutions
- Churches

In any consultation exercise Council will endeavour to consult all known organisations that have an interest.

List of contact details to be kept

A list of contact details for interest groups will be kept and maintained on Council's internal network.

Communicate facts and options clearly

Protocols

Council will use protocols that are appropriate to groups with which Council is consulting.

Language and style

Matters for consultation will be communicated in such a manner that those affected can clearly understand the issues and the alternative options available. Concise, clear English will be used. There will be communication in languages other than English where it is known that people with an interest in a particular matter may have difficulty with the English language.

Media and other channels of communication

Council recognises that those affected by, or who have an interest in, an issue should be made aware of it and the opportunity for consultation. In addition to public notices in local newspapers the following methods of communication should be considered:

- letter (letterbox drop and/or mailing list)
- radio (including local radio stations appropriate for specific audiences)
- display advertisements
- press releases
- posters in shop windows and on noticeboards
- public meetings

While these methods are suitable for simple consultation on specific proposals other forms of public participation may be more suitable in certain situations (refer 'Resources - Public Participation Techniques').

In some communities communication is best facilitated by working through key community individuals and groups.

Other considerations

Council will endeavour to ensure presentations of proposals and hearings of submissions will be held at a time of day when those who are affected can attend.

Give adequate notice and period for responses

Adequate periods for responses will vary according to circumstances (in the instance of a site meeting this may be on the same day). Where formal public notice is given inviting submissions, Council will endeavour to provide a minimum of six weeks for responses unless legally required to do otherwise or unless such a timeframe would disadvantage parties to the proposals.

Provide opportunity for oral submissions or discussion

Where appropriate, and subject to Standing Orders, an opportunity for oral submissions or discussion will be given. This will occur in cases where an individual's rights are likely to be affected and the individual wishes to exercise the right to be heard. It will also occur where Council is consulting on wider strategic issues and discussion would add value over purely written submissions.

Council will endeavour to hold hearings at times when those involved are able to participate.

Consider responses with an open mind

The objective of effective consultation is to make better decisions by exposure to more information and by engaging the communities in the process. Often consultation involves Council making a proposal for public comment – however this does not mean Council's mind is closed to alternatives. A final decision is made only after community input has been considered.

Advise interested parties of the outcome of the consultation

Council will endeavour to advise all interested parties, in particular those who have made submissions, of the outcome of the consultation.

Adhere to legal requirements**Statutory requirements**

There are many statutory requirements placed on local government to consult in the course of making a decision. Appendix 1 contains lists of instances where local government can exercise powers it has been delegated but where the Special Order or Special Consultative procedures are required. There are instances in addition to these where statute requires local government to consult (usually by way of inviting submissions or objections).

Common law requirements

Common law requirements of natural justice, fairness, procedural propriety and legitimate expectation apply in a great number of instances where Council makes decisions that have impacts on others. It is recognised that the right to be heard, right to representation, right to reasons being given must be observed in these instances in line with common law.

RESOURCES

Appendix

- 1 1A Special Consultative Procedure
 1B Special Order Procedure
- 2 Council Policies Referring to Consultation
- 3 Participation Techniques
- 4 Wellington International Airport vs Air New Zealand (1992)
- 5 Bibliography

Available on internal network

(Initially p:\corpdev)

- List of Special Interest Groups (including tangata whenua)
- Media contacts

SPECIAL CONSULTATIVE PROCEDURE

LOCAL GOVERNMENT ACT 1974

716A. Special consultative procedure-

- (1) Where this Act or any other Act requires a local authority to adopt the special consultative procedure in relation to any proposal (being an intention to act or a draft plan or policy), that local authority -
 - (a) Shall place notice of that proposal before a meeting of the local authority; and
 - (b) Shall give public notice, and such specific notice as the local authority considers appropriate, of the proposal; and
 - (c) Shall, in every notice given under paragraph (b) of this subsection, specify a period within which persons interested in the proposal may make submissions on the proposal to -
 - (i) The local authority; or
 - (ii) A community board; or
 - (iii) A committee of the local authority or community board; and
 - (d) Shall ensure that any person who makes written submissions on the proposal within the period specified in the notice given under paragraph (b) of this subsection is given a reasonable opportunity to be heard by the body to which the submissions are made; and
 - (e) Shall ensure that, except as otherwise provided by Part VII of the Local Government Official Information and Meetings Act 1987, every meeting at which the submissions are heard or at which the local authority, community board, or committee deliberates on the proposal is open to the public; and
 - (f) Shall make all written submissions on the proposal available to the public unless there is in law some good reason why it should not do so; and
 - (g) Shall ensure that the final decision in relation to the proposal is made at a meeting of the local authority.
- (2) The period specified pursuant to subsection (1) (c) of this section -
 - (a) Shall be not less than one month; and
 - (b) Unless the local authority otherwise directs, shall not be more than 3 months.

WHEN THE SPECIAL CONSULTATIVE PROCEDURE IS REQUIRED

Accountability Process -

**Local Government Act
1974**

Section 122K

Long term financial strategy

APPENDIX 1A

Section 122N	Funding policy
Section 223D	Annual Plan

APPENDIX 1A

Specific Proposals and Divestments -

Biosecurity Act 1993	Section 15	Transfer of powers, etc, by local authorities
Building Act 1991	Section 25	Transfer of powers
Energy Companies Act 1992	Section 24	Public consultation on establishment plan
	Section 88	Relinquishment by local authority of controlling interest in energy company
Food Act 1981	Section 8ZA	Transfer of functions
Local Government Act 1974	Section 37SC	Transfer of functions, duties, etc
	Section 37SD	Revocation of transfer of functions, duties, etc
	Section 594D	Transfer of existing under-taking to local authority trading enterprise or other entity in which local authority will not have majority interest
	Section 594F	Reduction of interest in local authority trading enterprise
	Section 594G	Listing on Stock Exchange
	Section 594O	Power of local authority in relation to divestment of undertakings
	Section 594P	Effect of establishment unit determinations and recommendations
Resource Management Act 1991	Section 33	Transfer of powers
 <i>Legislative Process -</i>		
Dog Control Act 1996	Section 10	Duty of territorial authorities to adopt policy on dogs
Local Government Act 1974	Section 539	Waste management plan
Rating Powers Act 1988	Section 150E	Making of replacement rates
	Section 180B	Policy to remit or postpone rates on development
	Section 180G	Policy to remit or postpone rates on land voluntarily protected for natural or historic or cultural conservation purposes
Resource Management Act 1991	Section 36	Administrative charges

SPECIAL ORDERS

LOCAL GOVERNMENT ACT 1974

716B. Special orders-

- (1) The power given by this Act or any other Act to do anything by special order shall be exercised by a local authority only in accordance with subsections (2) to (7) of this section.
- (2) The resolution to do anything by special order shall be passed -
 - (a) At a special meeting; or
 - (b) At any ordinary meeting, if -
 - (i) Notice of intention to consider the subject-matter of the resolution has been given to all the members of the local authority before the meeting in accordance with this Act and the standing orders of the local authority; or
 - (ii) All the members of the local authority are present at the meeting and unanimously agree to discuss the subject-matter of the resolution.
- (3) The resolution shall be confirmed at a subsequent meeting (either ordinary or special) held not later than the 70th day after the day of the meeting at which the resolution was passed.
- (4) A copy of the resolution to be confirmed shall be deposited at the offices and libraries of the local authority and shall be open for inspection by the public during office hours at those offices and libraries.
- (5) Public notice of -
 - (a) The place, date, and time fixed for the subsequent meeting; and
 - (b) The purport of the resolution and of the times when and the places where a copy of the resolution may be inspected, -
 shall be given twice before the date of the subsequent meeting, the first such notice being given not less than 21 days before that date and the second being given not more than 14 nor less than 7 days before that date.
- (6) The notice to the members of the subsequent meeting or the agenda for that meeting shall specify the resolution to be confirmed, and that resolution shall be confirmed by way of separate resolution and not as part of the approval of the minutes of the meeting at which the resolution was first passed.
- (7) The notice directed to be given by subsection (6) of this section or, as the case may be, the inclusion in the agenda of the resolution to be confirmed or a statement containing its purport, shall be sufficient even though the subsequent meeting may be a special meeting.
- (8) Notwithstanding anything in subsections (1) to (7) of this section, a confirming resolution may modify the resolution to make the special order to such extent as the local authority considers necessary by reason of any representations made to it before the date of the meeting at which the resolution to make that order is confirmed.

WHEN THE SPECIAL ORDER PROCESS IS REQUIRED

APPENDIX 1B

Land Drainage
Amendment Act 1920

Section 2

Representation of subdivisions

Litter Act 1979

Section 13

**Territorial authorities may adopt
infringement notice provisions**

APPENDIX 1B

Local Government Act 1974	Section 228	Council may purchase land by instalments
	Section 316	Property in roads
	Section 320	Certain powers as to roads to be exercised by special order
	Section 329	Road gradients
	Section 336	Pedestrian malls
	Section 338	Council may grant right to lay petroleum conduit pipes along or under road
	Section 345	Disposal of land not required for road
	Section 346A	Declaration and revocation of limited access roads
	Section 361	Establishment or abolition of toll gates at bridges, tunnels and ferries
	Section 377	Constitution of water supply areas
	Section 423	Constitution, alteration and union of water-race areas
	Section 424	Subdivision of water-race areas
	Section 427	Discontinuance of water-race
	Section 429	Water channel may be declared water race
	Section 432	Apportionment of managing ratepayers
	Section 443	Constitution of urban drainage areas
	Section 446	Council may cover in water course so as to make it a public drain
	Section 494	Restrictions on rights of local authority to charge in respect of treatment or reception of trade wastes
	Section 504	Council may constitute areas for land drainage
	Section 505	Union of drainage areas
	Section 506	Subdivision of drainage areas
	Section 606	Community centre areas
	Section 610	Electors may petition for and participate in poll relating to uniform fee for community centre
	Section 681	Procedure for making bylaws

APPENDIX 1B

Meat Act 1981	Section 30	Establishment and maintenance of abattoirs and export slaughterhouses by local authorities
Public Bodies Leases Act 1969	Section 23B	Power to lease reserves exercisable only by special order, unless otherwise provided
	Section 23C	Leasing of adjoining land when leased land taken or acquired for public work
Rating Powers Act 1988	Section 13	Territorial authority general rate where ward accounts kept
	Section 14	Territorial authority may cease to make and levy general rates separately in each ward
	Section 15	Community general rate
	Section 26	Charges for water by quantity consumed
	Section 61	Application of surplus certain rates
	Section 80	Differential rates
	Section 84	Introduction of differential rating
	Section 85	Alteration to system of differential rating
	Section 96	Rating system in district of regional council or special purpose authority
	Section 100	Changes of rating system in district of local authority
	Section 151	Payment of rates by instalment
Section 156	Variation of instalments intervals	
Section 157	Abandonment of instalment system	
Resource Management Act 1991	Section 36	Administrative charges

COUNCIL POLICIES REFERRING TO CONSULTATION

(In date order)

COUNCIL GOALS, OBJECTIVES AND POLICIES

MINUTE NO - 2394/88

(Excerpts)

- "2. An annual review of Council and Standing Committee timetables will be undertaken to ensure maximum opportunity for public participation.*
- 3. Order Papers and Committee Agendas of formal meetings will be made available at all Public Libraries in the City.*
- 4. Council will hold meetings at appropriate venues throughout the City which relate to a particular community of interest."*

- "6. Council will make full use of modern information technology to provide effective communication with its community."*

- "12. Council will produce guidelines in respect of working relationships with community groups.*
- 13. Council will identify community needs and provide the services which enable communities to communicate with the Council."*

- "21. Council will conduct regular forums with Maori, Pacific Island and other ethnic groups to identify issues of special concern.*
- 22. Council will implement a staff training programme to develop cultural sensitivity in the provision of its services."*

- "27. Council will establish appropriate consultative mechanisms with the tangata whenua."*

- "30. Council recognises English and Maori as official languages."*

- "70. Council will investigate the means by which effective public consultation may be incorporated into the preparation and adoption of Bylaws."*

YOUTH POLICY

MINUTE NO - 2729/90

(Excerpts)

"MISSION STATEMENT

In Partnership with the communities of Manukau to provide support, services, resources and facilities for the positive development of youth and youth initiatives.

- 1. To establish on-going consultation with the youth of Manukau City."*

- "5. To be mindful of the Treaty of Waitangi and to liaise with Tangata Whenua where applicable when dealing with youth issues.*
- 6. To be sensitive of the aspirations of youth with special needs."*

TREES - REMOVAL POLICY

MINUTE NO - 1754/92

(Excerpts)

"PUBLIC NOTIFICATION

1. *A notice of intention or request to remove a tree shall be circulated to:*
 - (a) *All immediate adjacent residents to the land upon which the tree is located and all residents likely to be affected by the tree removal. This will be actioned by a notice placed in letterboxes.*
 - (b) *The local Residents and Ratepayers Association where such Association or recognised groups exist.*
 - (c) *The Tree Council - Auckland Region.*
2. *A notice in the Public Notices Column of a newspaper covering the locality. The notice shall advise that should any interested parties wish to have the decision reviewed or to make submissions in support of or objection to the removal of the tree, they may do so within 15 days of receipt or appearance of the Public Notice. Furthermore, that they may appear in person to present their submission or objection before a Tree removal Hearings Committee. The closing date for submissions shall be clearly indicated within the notice.*
3. *A sign shall be erected in close proximity to the tree(s) concerned. The wording of this notice shall be based on the format of Appendix U2."*

"TREE HEARINGS

3. *All interested persons who have made written requests, submissions or objections in respect of the tree(s) shall be advised of the date, time and location of the meeting."*

LICENSING OF COUNCIL OWNED SITES FOR MARKETS

MINUTE NO. - 128/98

(Excerpts)

1. *The opportunity to hold markets is publicly advertised wherever appropriate to allow community input."*
4. *The Economic Development Committee consider public submissions and determine the successful applicant."*

MARAE POLICY

MINUTE NO. - 294/98

(Excerpts)

"To identify Marae and Maori affiliated to Marae as key stakeholders in future consultation forums."

ROAD NAMING POLICY

MINUTE NO. - 952/98

(Excerpts)

New roads

“...the subdivider/developer shall be given the opportunity of suggesting their preferred options to Council”

“In order to complement the process of road naming, each Community Board in consultation with Council staff may submit a list of preferred road names to be used in the ward when the opportunity arises.”

Changing existing road names

“Where Council seeks to change the name of a road or part of a road, Council will consult with affected property owners prior to the change. The local Community Board will be consulted...”

MANUKAU PARKS SPORTS FACILITIES CHARGES

MINUTE NO. - 1494/98

(Excerpts)

- “1.1 Sports grounds will be allocated on a seasonal basis prior to commencement of each season, after consultation with all sporting parent bodies regarding their seasonal requirements.”

TRAFFIC CONSTRAINTS

MINUTE NO. - 1904/98

(Excerpts)

- “(ii) Council will not initiate a site assessment until requested by the local Community Board, which is satisfied that there is substantial support from affected property owners on the street and that there will be a clear benefit to the community from such works. Unless special circumstances apply, traffic constraints will be installed only after at least 75% of affected property owners agree, having been informed of potential adverse effects, the use of warnings signs, pavement markings and restricted parking.”

ROADSIDE CROSSES AND MEMORIALS

MINUTE NO. - 1905/98

(Excerpts)

- “(iv) Criteria for Location of Roadside Memorial Plaques

Roadside memorials in the form of a plaque shall be permitted on urban roads at a fatal accident site, subject to the following conditions:

- a) *That written consent is obtained from any adjacent property owners;”*
- “e) **Written consent** in the urban area requires the completion of a form showing that the current property owner has no objection to the placement of the roadside memorial plaque in the

location specified. This consent cannot be withdrawn for five years, but any new owner may request that the memorial be removed during this period. "

POLICY FOR YOUTH DEVELOPMENT

MINUTE NO. - 2365/98

(Excerpts)

5. Implementation

"Young people should be consulted about what issues are important for them. They should have a chance to define their own needs as citizens and community members.

Young people should be consulted regarding options for service delivery models, service planning, management and operational policies which will affect them.

Participation in consultation processes, Council services and facilities should be accessible to all youth, regardless of financial status."

"Research and consultation with young people should involve a range of ages, gender, ethnicity's, abilities (eg disabilities, special needs, able-bodied), occupations (eg secondary school, full-time work, unemployed, young parents etc), interests (eg skateboarders, musicians, environmentalists etc), and demographic characteristics (eg Maori, Pacific Islands heritage, Asian heritage).

Consultation with young people should employ a variety of techniques including youth forums, surveys, interviews, focus groups etc."

6. Rationale

"Participation

A process to enable young people to effectively participate in the operations, decision-making and planning of appropriate services, programmes and facilities should be developed and implemented.

Consultation

Young people should be consulted regularly to enable appropriate Council businesses to consistently meet the changing needs of young people."

PARTICIPATION TECHNIQUES

The following is an excerpt from the publication *“Guidance on Enhancing Public Participation in Local Government”* by the Department of the Environment, Transport and the Regions, United Kingdom (<http://www.local-regions.detr.gov.uk/>)

1.1 Participation: An everyday element of local government practice

Our survey of local authorities reveals that public participation schemes are part of the everyday life of local government. (See Box 1 for a glossary explaining a number of the terms used below). In terms of traditional forms of consultation, for example, we found 85 per cent of local authorities had undertaken public meetings or issued consultative documents in 1997. Schemes aimed at obtaining information and insights from consumers of services were also extensively, virtually universally, in use. During 1997, 88 per cent of authorities had undertaken service satisfaction surveys .

What is also clear is that many local authorities have taken up some of the more innovative proposals for stimulating public participation during the 1990s. In 1997, 47 per cent of local authorities had focus groups, 26 per cent visioning exercises, 23 per cent some form of user management of services, 18 per cent citizens' panels and 5 per cent citizens' juries. Various types of standing forum were also commonplace: 65 per cent of authorities had service user forums, 61 per cent area forums, 50 per cent issue forums and 40 per cent 'shared interest' forums.

Local authorities have also been relatively quick to take up the opportunities afforded by new communication technologies. By 1997 about a quarter of all authorities had interactive websites and a third of all authorities planned to offer their residents that facility by the end of 1998.

Public participation schemes are an established part of the infrastructure of most local authorities. There is an increasing volume and growing diversity in participation initiatives. In all of our eleven case studies - even in those authorities where it was informally admitted that public participation was not a major priority - there were examples of imaginative attempts to involve the public or particular schemes that were seen to have made a valuable contribution. In short, there is substantial evidence of 'on-the-surface ownership' of the public participation agenda across local government.

Box 1: Glossary of Participation Techniques	
Complaints/suggestions schemes:	These may be temporary or ongoing service-specific or authority-wide. They may take different forms, e.g. fill-in cards or a telephone line.
Service satisfaction surveys:	These may be one-off regular initiatives, focusing either on specific services or on the local authority's general performance. Surveys may be carried out in a variety of ways (e.g. postal or door-to-door) and may cover the entire local authority population or a particular group of service users or citizens.
Other opinion polls:	These may be used to find out citizens views on on-service specific issues (e.g. community safety or the town in 2000). Opinion polls are generally used to obtain citizens immediate reactions. 'Deliberative' opinion polls are used to compare a group of citizens reactions before and after they have had an opportunity to discuss the issue at hand.
Interactive web-site:	This may be used on the internet or on a local authority-specific internet, inviting e-mail messages from citizens on particular local issues or service matters. We are only interested in interactive initiatives and not in the use of computer technologies simply to provide information on services or facilities.
Referendum:	These allow citizens to vote on policy-specific options, as in the Strathclyde vote on the reorganisation of water services.

APPENDIX 3

Community plans/needs analysis:	The purpose of these is to set out priorities for local service provision and local authority policy, often on a community-by-community (or neighbourhood) basis. In general, councillors take primary decisions about the budget while citizens reviews (and may reorder) specific priorities.
Citizens panels:	These are ongoing panels which function as a 'sounding board' for the local authority. Panels focus on specific service or policy issues, or on wider strategy. The panel is made up of a statistically representative sample of citizens whose views are sought several times a year.
Co-option/committee:	These involve committees of the council which members of the public are invited to come and participate in.
Question and answer sessions:	These are held at the end of council or committee meetings providing citizens with an opportunity to direct questions at elected members.
Consultation documents:	These are a traditional method of seeking public views on particular issues or facilitating debate on broad options for a specific service, policy or neighbourhood. They may be initiated by the local authority (or a particular department) or be convened in response to citizen or community concerns. We are referring here to one-off public meetings, rather than ongoing forums (covered below).
Public meetings:	These are a traditional method of informing the public usually with a platform of councillors and/or officers and based on an open invitation to members of the public to attend.
Citizens juries:	A citizens jury is a group of citizens (chosen to be a fair representation of the local population) brought together to consider a particular issue set by the local authority. Citizens juries receive evidence from expert witnesses and cross-questioning can occur. The process may last up to four days, at the end of which a report is drawn up setting out the views of the jury, including any differences in opinion. Juries views are intended to inform councillors decision-making.
Focus groups:	One-off focus groups are similar to citizens juries in that they bring together citizens to discuss a specific issue. Focus groups need not be representative of the general population, perhaps involving a particular citizen group only. Discussions may focus on the specific needs of that group, on the quality of a particular service, or on ideas for broader policy or strategy. Focus groups do not generally call expert witnesses and typically last between one and two hours only, usually involving around 12 people.
Visioning exercises:	A range of methods (including focus groups) may be used within a visioning exercise, the purpose of which is to establish the 'vision' participants have of the future and the kind of future they would like to create. Visioning may be used to inform broad strategy for a locality, or may have a more specific focus (as in environmental consultations for Local Agenda 21).
Service user forums:	These are ongoing bodies which meet on a regular basis to discuss issues relating to the management and development of a particular service (e.g. an older peoples day centre, or a leisure centre or park). Forums may have a set membership or operate on an 'open basis'. Such groups may have the power to make recommendations to specific council committees or even to share in decision-making processes.
Issue forums:	These are also ongoing bodies with regular meetings, but focusing on a particular issue (e.g. community safety or health promotion). Again, they may have a set membership or operate on an open basis, and are often able to make recommendations to relevant council committees or to share in decision-making processes.

APPENDIX 3

Shared interest forums:	These are similar to issue forums but concentrate upon the needs of a particular citizen group (e.g. young people or minority ethnic groups). Again, they may have a set membership or operate on an open basis, and are often able to make recommendations to relevant council committees or to share in decision-making
Area/neighbourhood forums:	Such forums are concerned with the needs of a particular geographically-defined area or neighbourhood. Meeting regularly, they may deal with a specific service area (e.g. planning or housing) or with a full range of local services and concerns. Area forums may or may not have dedicated officers attached to them. They may have a close link with relevant ward councillors or with councillors responsible for the service areas under discussion. We are interested here in area forums in which citizens play a key role, rather than in councillor-only area committees. Membership may be set or open. Where there is a formally-established membership (e.g. of representatives for tenants or community association in the area), members of the public may be free to participate in an open discussion session at meetings.
User management of services:	These initiatives represent the most radical form of public participation in that citizens are given direct control over the management of local services and resources. Examples of user management include community-based housing organisations (or tenant management co-operatives) and community-run nurseries, youth clubs and community centres. Such initiatives usually operate through an executive committee, elected by the wider group of users.

Wellington International Airport Limited v Air New Zealand (1992)

CA23/92

In delivering the judgment of the Court of Appeal Justice McKay made the following remarks about consultation:

"Consultation must be allowed sufficient time, and genuine effort must be made. It is to be a reality, not a charade. The concept is grasped most clearly by an approach in principle. To 'consult' is not merely to tell or present. Nor, at the other extreme, is it to agree. Consultation does not necessarily involve negotiation toward an agreement, although the latter not uncommonly can follow, as the tendency in consultation is to seek at least consensus. Consultation is an intermediate situation involving meaningful discussion. Despite its somewhat impromptu nature, I cannot improve on the attempt at description which I made in *West Coast United Council v Prebble*, supra, 405

"Consulting involves the statement of a proposal not yet finally decided upon, listening to what others have to say, considering their responses and then deciding what will be done".

Implicit in the concept is a requirement that the party consulted will be (or will be made) adequately informed so as to be able to make intelligent and useful responses. It is also implicit that the party obliged to consult, while quite entitled to have a working plan already in mind, must keep its mind open and be ready to change and even start afresh. Beyond that, there are no universal requirements as to form. Any manner of oral or written interchange which allows adequate expression and consideration of views will suffice. Nor is there any universal requirement as to duration. In some situations adequate consultation could take place in one telephone call. In other contexts it might require years of formal meetings. Generalities are not helpful."

BIBLIOGRAPHY

Controller and Auditor-General (1998). Public Consultation and Decision-making in Local Government. Audit Office, Wellington (Shorter version available on the Internet at <http://www.netlink.co.nz/~oag/Reports/OtherPublications.htm>)

Department of Internal Affairs (1995). Is Public Consultation Working? Department of Internal Affairs, Wellington

Department of the Environment, Transport and the Regions. (1998). Guidance on Enhancing Public Participation in Local Government. Department of the Environment, Transport and the Regions, London. (Available on the Internet at <http://www.local-regions.detr.gov.uk/epplg/>)

Forgie, V., Cheyne, C. and McDermott, P. (1999). Democracy in New Zealand Local Government: Purpose and Practice. Massey University, Palmerston North

Hucker, B. (1998). Governance, Consultation and Models of Democracy. Planning Quarterly, March 1998.

Ministry for the Environment. (1999). Case law on Tangata Whenua consultation: RMA working paper. Ministry for the Environment, Wellington (Also available on the Internet at <http://www.mfe.govt.nz/about/publications/rma/rma.htm>)

OECD. Public Consultation. (Available on the Internet at <http://www.oecd.org/puma/regref/consultn.htm>)

Wellington City Council. Consultation Policy. (Available on the Internet at <http://www.wcc.govt.nz/wcc/commissioning/consultation/intro.shtml>)