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Significance and Engagement Policy

Purpose and Scope

1. To clarify the degree of significance for proposals and decisions.
2. To clarify when and how communities can expect to be engaged.

Principles

3. The Council will be consistent and transparent in how it engages the public.
4. The Council will ensure Maaori views are considered when engaging.
5. The Council will consider language, accessibility and cultural needs in any engagement.
6. The Council will act honestly and openly when analysing and presenting any engagement results.
7. The Council will provide appropriate information to help people understand what is being proposed.
8. The Council will prominently outline a proposals or decisions cost in any engagement.

Definitions

Definition	Detail
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.
Consultation	A subset of engagement; a formal process where the community can present their views to the Council on a specific decision that is proposed and made public.
Decision	A decision made by or on behalf of the Council, including those made by the Chief Executive or officers under delegated authority. Decision implies that a proposal has been considered.
Engagement	The process of seeking information from the community to inform and assist decision making.
LGA 2002	Local Government Act 2002 .
Maaori	Includes Maaori who have tribal links to kirikiriroa, Hamilton (i.e. Mana Whenua also known as iwi and hapuu) and Maaori with tribal affiliations outside Hamilton City but reside in Hamilton City or who own property in Hamilton City (i.e. Mataawaka).
Proposal	A suggestion presented to the Council resulting in a decision made by or on behalf of the Council at a Council or Committee meeting.

SCP	<p>The Special Consultative Procedure, as outlined in s83 of the LGA 2002, which sets out minimum requirements for engagement including (but not limited to):</p> <ul style="list-style-type: none"> • Making available a Statement of Proposal. • Allowing a minimum of 1 month to receive written views. • Allowing persons to present views in a spoken manner.
Significance	<p>Defined in s5 of the LGA 2002, the degree of importance of the proposal or decision as assessed by the Council, in terms of its likely impact on, and likely consequences for,—</p> <ol style="list-style-type: none"> a) the city b) any persons who are likely to be particularly affected by, or interested in, the proposal or decision. c) the capacity of the Council to perform its role, and the financial and other costs of doing so.
Significant	<p>Defined in s5 of the LGA 2002, in relation to any proposal or decision means that the proposal has a high degree of significance.</p> <p>Decisions made by the Chief Executive or officers under delegated authority will not be deemed to be significant.</p>
Significant Activity	<p>An activity (or group of activities) meeting the definition of core service meeting the definition under s11A of the LGA 2002:</p> <ol style="list-style-type: none"> a) network infrastructure b) public transport services c) solid waste collection and disposal d) the avoidance or mitigation of natural hazards e) libraries, museums, reserves, recreational facilities, and other community infrastructure.
Strategic asset	<p>Defined in s5 of the LGA 2002, an asset or group of assets that the Council needs to retain if the Council is to maintain its capacity to achieve or promote any outcome that the Council determines to be important to the current or future well-being of the community; The following are the Council's strategic assets at the time of the adoption of this policy:</p> <ol style="list-style-type: none"> a) Hamilton City Libraries network. b) Waterworld and Gallagher Pool. c) Waikato Museum and Collection. d) Hamilton Transport Centre. e) Hamilton Zoo. f) Hamilton Gardens. g) Waikato Stadium, Seddon Park, Claudelands Events Centre and Porritt Stadium. h) Cemeteries. i) Wastewater reticulation and treatment network. j) Stormwater reticulation network. k) Transportation network. l) Reservoirs and water reticulation and treatment network. m) Waikato Regional Airport Ltd.
Statement of Proposal	<p>A document that provides the basis for consultation with the community under the SCP by setting out the Council's proposition with respect to a particular decision.</p>
The Council	<p>Hamilton City Council.</p>

Policy

Application of the Significance and Engagement Policy

9. This policy applies to any proposal presented to the Council for a decision.
10. This policy is applied in two steps:
 - a. Step 1 – Determining the significance of the proposal/decision.
 - b. Step 2 – Determining the requirement to engage or not (guided by the level of significance). If there is a requirement to engage, the level of engagement is set out.
11. This policy does not affect any statutory requirement to undertake any specific consultation and decision-making processes (e.g. under the [Resource Management Act 1991](#)).
12. Where Council makes a decision that is significantly inconsistent with this policy, the steps identified in [s80](#) of the LGA 2002 will be applied.

Step 1 - Determining the level of significance

13. [Schedule 1 - Determining significance](#) outlines key considerations relative to a decision or proposal's impact on the:
 - a. Service provided by the Council.
 - b. Transfer of ownership or control of [strategic assets](#).
 - c. Level(s) of financial consequence.
 - d. Ability to reverse a decision.
 - e. Consistency with a prior decision.
 - f. Levels of public interest known.
 - g. Community (as a whole or in part).
14. The Council will assess the degree of significance of a proposal or decision on a case-by-case basis using [Schedule 1 - Determining significance](#) and determine the level of significance of a proposal or decision to be high, medium or low.
15. If the proposal or decision triggers four or more [key considerations](#) which are under the high significance level column, the level of significance will be deemed to be **high** (i.e. the proposal or decision will be deemed significant).
16. If the proposal or decision triggers five or more [key considerations](#) which are under the low significance level column, the level of significance will be deemed to be **low**.
17. If the level of significance of a proposal or decision is not deemed to be high (under clause 15) or low (under clause 16), the level of significance will be deemed to be **medium**.

Step 2 - Determining engagement

18. The level of engagement the Council will use is relative to the level of significance determined (i.e. a higher level of significance will entail a higher level of engagement).
19. The engagement approach the Council will take will be determined on a case-by-case basis using [Schedule 2 – Determining engagement](#) for guidance.
20. Where an engagement is not subject to the SCP ([s83](#) of the LGA 2002), the Council will apply the Principles of Consultation ([s82](#) of the LGA 2002).
21. The proposed engagement approach will be supported by rationale (irrespective of the level of significance and/or a recommendation not to engage) outlined in the Council or Committee reports as follows:
 - a. The level of significance (high, medium or low).
 - b. The proposed level of engagement and the proposed engagement method(s).
22. The Council will not undertake engagement with the community under this policy where the Council is:
 - a. Protecting the privacy and safety of individuals (for example under the [Privacy Act 1993](#); [Health and Safety at Work Act 2015](#); [Building Act 2004](#)).
 - b. Maintaining confidentiality and/or commercial sensitivity to enable the Council to carry out commercial activity or negotiations without prejudice (as provided for in the [Local Government Official Information and Meetings Act 1987](#)).
 - c. Acting with urgency in a crisis (for example under the [Civil Defence Emergency Management Act 2002](#)).

Monitoring and Implementation

23. Implementation of this policy will be monitored by the General Manager Strategy and Communications.
24. This policy will be reviewed, at the request of the Council, in response to any relevant legislative amendment, or every three years (whichever comes first).

Schedule 1 – Determining significance

Key considerations	Significance Level		
	High	Medium	Low
Alteration of a service which comes under the Council's significant activities (<i>see significant activities listed in the definitions table</i>). <i>How different will the service be?</i>	Ceasing or commencing a service. (e.g. the closure of a museum).	A more than nominal alteration of a service. (e.g. the digitisation of most hard copy books at public libraries).	A nominal or no alteration of a service. (e.g. the undertaking of a tender with a different contractor).
Involves the transfer of ownership or control of strategic assets to or from the Council. <i>How much ownership or control will be given to others?</i>	Majority transfer (i.e. more than 51%) or transfer in its entirety. (e.g. a full transfer of a theatre facility).	Minority transfer. (e.g. a 30% share transfer of the museum).	Nominal or no transfer. (e.g. the transfer of a council owned statue).
Level of financial consequences in relation to unbudgeted operating cost or capital cost in the 10 year plan. <i>How substantial is the cost of the proposal/decision?</i>	Unbudgeted operating cost(s) greater than 10% of total expenses in the financial year of the proposal / decision. (e.g. a \$25m unbudgeted increase in lease costs). AND/OR Unbudgeted capital cost(s) greater than 1% of total assets in the financial year of the proposal / decision. (e.g. the construction of a \$40m unbudgeted building).	Unbudgeted operating cost(s) greater than 5% but less than 10% of total expenses in the financial year of the proposal / decision. (e.g. a \$15m unbudgeted increase in lease costs). AND/OR Unbudgeted capital cost(s) greater than .5% but less than 1% of total assets in the financial year of the proposal / decision. (e.g. the construction of a \$25m unbudgeted building).	Unbudgeted operating cost(s) less than 5% of total expenses in the financial year of the proposal / decision. (e.g. a \$1m unbudgeted increase in lease costs). AND/OR Unbudgeted capital cost(s) less than .5% of total assets in the financial year of the proposal / decision. (e.g. the construction of a \$1m unbudgeted building).
Ability to reverse the decision. <i>How hard is it to change things back to</i>	Highly difficult. (e.g. constructing a purpose built	Moderately difficult. (e.g. adoption of the Speed Limit	Low difficulty. (e.g. a minor amendment to a policy).

<i>how they were?</i>	building).	Bylaw).	
Consistency with a prior decision or decisions (i.e. proposal or decision which is consistent with current policies and strategies). <i>How consistent is this proposal with earlier decisions?</i>	Decision or proposal is significantly inconsistent. (e.g. a decision or proposal that retires a Council adopted strategy).	Decision or proposal is consistent but with some notable variations. (e.g. a decision or proposal contrary to the public places policy allowing restaurants to use entire width of public footpaths for outdoor entertainment).	Decision or proposal is consistent. (e.g. adopting the public places bylaw to enforce the public places policy).
Levels of public interest known. <i>How interested might the public be in this proposal/decision?</i>	High levels of public interest known. (e.g. the adoption of the psychoactive substances policy).	Moderate levels of public interest known. (e.g. the adoption of the Event Sponsorship policy).	Low levels of public interest known. (e.g. the adoption of the elected member support policy).
Impact on proportion of the community. <i>How many people are impacted (i.e. Breadth)?</i>	Impacts a large proportion of the community. (e.g. a change in the rubbish collection timeframes).	Impacts a subgroup or groups within the community. (e.g. the creation of a neighbourhood playground).	Impacts an individual person or household. (e.g. the removal of a street tree).
Degree of impact on affected people in the community. <i>How impacted are relevant people (i.e. Depth)?</i>	High degree. (e.g. the change of a road name).	Moderate degree. (e.g. the investment in a small suburb library).	Low degree. (e.g. the changing the style of bus stop waiting areas).

Schedule 2 – Determining engagement

Engagement method examples	Engagement Level		
	High (i.e. High significance)	Medium (i.e. Medium significance)	Low (i.e. Low significance)
<p>Note:</p> <ul style="list-style-type: none"> The following are examples only of which the Council will consider using on a case-by-case basis taking into consideration clauses 17-21. Where possible, the Council will consider community preferences about engagement in implementing Schedule 2. 	<p>If a matter is determined to be of high significance, the Council must engage with the community.</p> <p>This will likely involve large scale publicity and promotion. There could be an informal engagement / discussion phase, plus a formal phase of consultation. There is likely a need for consideration of different cultural styles. Likely to include a range of events and a focus on online activities.</p>	<p>If a matter is of medium significance the Council will determine if it is appropriate to engage.</p> <p>If the Council does engage, it may involve a combination of informing and targeted engagement with the affected audience.</p>	<p>If a matter is of low significance the Council will not need to engage (unless required by legislation) but may choose to inform.</p>
<p>Inform – <i>To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.</i></p> <p><u>Examples</u> Newspapers A webpage on Hamilton.govt.nz. Flyers Social Media (e.g. Facebook)</p>	✓	✓	✓
<p>Consult – <i>To obtain public feedback on analysis, alternatives and/or decisions.</i></p> <p><u>Examples</u> Have your say (formal online consultation).</p>	✓	✓	
<p>Involve – <i>To work directly with the</i></p>	✓	✓	

<p><i>public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.</i></p> <p><u>Examples</u> Focus groups. Point of service surveying.</p>			
<p>Collaborate – <i>To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.</i></p> <p><u>Examples</u> Co-design. External working groups (involving community experts).</p>	✓	✓	