

Mā tō tātou takiwā
For our District

Management Policy
Submissions
Management Procedures



**Western
Bay of Plenty**
District Council

Management Policy

Submissions Management Procedures

Purpose

1. This document outlines how submissions and feedback processes will be conducted, particularly where legislation allows flexibility in designing the submission process. It also clarifies expectations of, staff, elected members, submitters and other members of the public involved in consultation processes.

Background

2. Council encourages people to provide their opinions on proposals so it can contribute to good decision-making. This means feedback should be:
 - Relevant to the consultation topics
 - Credible and reasonably accurate in content
 - Received in time for the decision-making.
3. Decisions on when and how consultation will take place are guided by Council's Significance and Engagement Policy (2017) which says engagement should be:
 - Meaningful - based on an open mind and willingness to listen
 - Respectful - with the aim of building council-community relationships
 - Supported by the provision of information that is balanced, sufficient and in plain language
 - Inclusive and endeavour to reach all those affected
 - Flexible and tailored to the needs of those who are being engaged
 - Coordinated across Council departments to minimise duplication and engagement fatigue
 - Pragmatic, efficient and value for money.

Approach

4. These procedures aim to:
 - Promote participation in consultation and engagement processes from a wide range of people and viewpoints in an efficient and effective manner
 - Set expectations of behaviour (including language) that promotes respectful, evidence-based debate and decision-making

- Protect people's privacy and avoid potential for defamation in public meetings and public records
 - Demonstrate transparent decision-making
5. Applying the principles in (3) above means making judgements about balancing one principle against another. For example, accommodating individual preferences for how feedback is given can be balanced against the effect that would have on efficiency of the process. This is recognised as legitimate in the Local Government Act 2002 (s82).

Procedures

When these procedures apply

6. Schedule 3 of Council's Significance and Engagement Policy contains a spectrum of engagement types - *Inform, Consult, Involve, Collaborate, and Empower*. These submission management procedures apply when Council is engaging in order to *consult*.
7. In some instances legislation requires Council to follow particular consultation procedures, e.g. Resource Management Act 1991, Reserves Act 1977. These procedures apply only where they are not in conflict with such legislation.
8. Comments on Council's social media accounts may be treated as consultation feedback where Council has legislative discretion to do so and staff consider it relevant and appropriate. In such circumstances, these procedures would apply.

Feedback should be relevant

9. Sometimes people include information in their feedback that does not directly relate to the proposal or decision being considered, but is still valuable. Where practical, staff will refer the submission, or portions of it, to another consultation and decision-making process and let the submitter know. For example, referrals could be to:
- Council's service request process
 - Other bylaw or planning processes
 - Government agencies or other local authorities
 - Council contractors.
10. Consultation processes are public and transparent, so complaints about identifiable staff, contractors or elected members should be directed elsewhere so they can be dealt with appropriately. Submitters will be advised that complaints should be made to the Chief Executive who will investigate

and give the affected parties an opportunity to respond, out of the public arena.

11. If a submission includes a complaint against a person or organisation, staff will contact the submitter and give them the opportunity to withdraw their submission and replace it with an appropriate one. If that opportunity is not taken up, the submission may either be declined in total or parts of it will be redacted as appropriate.

Feedback should be constructive and respectful

12. When taking part in Council processes, there is an expectation that all participants (members of the public, elected members and staff) will be safe and treated with respect. This applies to all feedback channels, whether written, face to face, visual or online, formal or informal.
13. If feedback or comments are inappropriate, staff must take action to minimise potential harm.
14. Examples of inappropriate content include:
 - Language that is explicit or offensive
 - Statements that are inflammatory, attack or denigrate any group or individual on the basis of their colour, race, ethnic or national origins, religion, gender, sexual orientation, or threaten people's safety
 - Statements that are potentially defamatory or demonstrably false and designed to mislead
 - Material that infringes on copyrights or trademarks.
15. Where inappropriate comments are made on Council's social media channels, posts will be taken down or not published.
16. Where inappropriate content is submitted, staff will contact the submitter and give them the opportunity to withdraw their submission and replace it with an appropriate submission. If those opportunities are not taken, Council may either decline the submission in total or redact the inappropriate parts.
17. Inappropriate verbal submissions will be dealt with by the chair or facilitator of the meeting.

Feedback should be timely

18. Feedback received after the closing date can create practical administrative problems and affect the fairness and transparency of the decision-making process. However, late feedback is sometimes important and should be taken into account in decision-making.

19. Where Council has the legislative discretion to accept late submissions, staff will decide whether to accept each of them. In making the decision submission, consideration will be given to:
 - the content of the submission and whether it adds an important or otherwise overlooked perspective
 - whether accepting it would adversely impact on the administration of the consultation process
 - whether there are exceptional circumstances affecting the submitters ability to meet the deadline.
20. A late submission which would otherwise be declined will be accepted if prior arrangement has been agreed with the Chief Executive before the submissions period closes.
21. Where late submissions are accepted, they may not be processed in the same way as submissions received on time. The full late submission will be provided to elected members but it may not be practical to invite late submitters to speak to their submission; agenda reports may not include summaries of the points in the submission or analysis of the implications.

Dealing with petitions and form submissions

22. Consultation aims to discover a range of views on proposals the degree to which each view is supported. However, weight of numbers in support or against a proposal is not Council's only consideration.
23. For efficiency, where a set of submissions is substantially similar and linked, like a petition or template submission, they will be treated as one submission supported by a specific number of people. Any individual comments that are unique will be noted.
 - In the case of a petition, only the organiser of the petition will receive correspondence about the submission
 - For form letters, if address and contact details are provided on each form they will be treated as individual submitters for correspondence.

Identifying submitters

24. Submissions form part of the public record of Council's decision-making. In formal submissions processes on proposals, anonymous submissions will not be accepted.
25. It is usual that the submitter's name, address and contact details be included in the public record. Submitters can ask that their contact details be redacted from the public record and staff will do so where legislation permits and it is practical to do so.

26. Anonymous comments on issues are often provided through on-line discussion forums and public meetings. Where practical, these views will be summarised by staff so they can inform decision-making.

Advising people about decisions

27. After feedback on proposals is considered and decisions are made, Council will make decisions publicly available.
28. Submitters who have supplied their email or postal addresses will be personally notified of the decision-making and its outcomes.

Relevant Legislation

- Local Government Act 2002
- Local Government Official Information and Meetings Act 1987
- Harmful Digital Communications Act 2015

Associated Policies

- Significance and Engagement Policy (2017)
- Customer Charter

Associated Procedures

- Tangata Whenua Engagement Guidelines and Protocols
- Community Engagement Guidelines
- IAP2 Core values and Quality Assurance Standard

Management Policy – Submissions Management Procedures

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