

Submissions policy

For consultation under the Local Government Act 2002

Background and issues

The Northland Regional Council frequently consults with residents, organisations and other stakeholders prior to making decisions, particularly significant decisions.

The consultation process usually includes a period for interested parties to provide written feedback to the council on a draft proposal or on a consultation document (with supporting information).

A period for written submissions is a finite timeframe within a longer decision-making process. In the case of special consultative procedures conducted under the Local Government Act 2002 (e.g. prior to adoption of a long term plan, bylaws and some policies, etc.) a period for written feedback of no less than one month is a legal requirement.

Submissions received after the notified period can present challenges to the fairness and timeliness of decision-making and the practicality of administrative/management procedures. However, late submissions can also present information or opinions which can add value to decision-making.

The LGA amendments (2014) sought to focus the annual plan consultation only on any identified differences from the Long Term Plan, with the legislation preventing the annual plan consultation document from containing any detailed information that is not necessary for the purposes of identifying the differences from the LTP. Therefore, submissions on subjects that don't relate to the differences identified in the consultation document should not be considered during council deliberations and guidance is needed over how to identify and handle these.

This policy seeks to clarify how council will handle these situations.

Policy scope

This policy applies to:

- Late submissions in consultative procedures conducted under the Local Government Act 2002, including special consultative procedures.
- Submissions received on an annual plan consultation document (and supporting information) that are considered to be out of scope of the subject(s) of consultation.
- Any voluntary consultative procedure in relation to any matter initiated by the council that involves a period for written feedback.

It does not apply to processes regulated by overarching legislation that sets out specific consultation requirements (e.g. Resource Management Act 1991).

Goals

- To formalise the council's policy on the acceptance of late submissions received as part of a consultation process conducted in accordance with the Local Government Act 2002, or any voluntary consultative procedure in relation to any matter initiated by the council that involves a period for written feedback.
- To guide the council on 'out of scope' submissions, and when it is not appropriate to consider these.
- To uphold the principles of consultation set out in section 82 of the Local Government Act 2002.
- To ensure submitters are treated consistently and fairly.
- To provide greater certainty, clarity and common understanding for submitters, elected members and council staff in the treatment of late and out of scope submissions.

Policy statements – Late submissions

(See also the decision flowchart attached.)

- 1) Council's publicly notified consultation periods will specify the period and closing date for written submissions to be received.
- 2) If hearings of submissions are to be held, a late submission is a submission received after the closing date (and time, if stipulated) of the submissions period.
- 3) If hearings are not to be held, a submission will be considered late if it is received four working days after the close of the submissions period.
- 4) A late submission which would otherwise be refused under this policy may be accepted if prior arrangement has been agreed with the submissions manager before the closing date (and time, if stipulated) of the submissions period.
- 5) Where a consultation programme includes the opportunity for persons who have made a written submission to be heard:
 - a) Submissions received before the start of hearings will be treated the same as those received before the close-off date, except where:
 - i) The submission is not directly relevant to the issue being consulted.
 - ii) Doing so would unfairly disrupt the consultation process for other submitters;
 - iii) It would be impractical given any relevant circumstances of the consultation process;
 - b) Submissions received after the start of hearings will not be offered a hearing and will not be considered by the council in deliberations.
- 6) Where a late submission is refused, the submitter will be advised of this in writing. A letter outlining the decisions made will also be sent once deliberations are complete.

A “submissions manager” is a senior council officer who is primarily responsible for the receipt, acknowledgement, and hearing arrangements for any matter being consulted on by the council.

Procedures and delegation – late submissions

- The council, at its discretion and where not constrained by any legal requirement, may decide to extend the period for written submissions to be received on any matter being consulted in accordance with section 83 of the Local Government Act 2002 (for special consultative procedures);
- Decisions required by Policy Statement **3)** above may be decided by the submissions manager.
- Decisions required by Policy Statement **4)** above may be decided by the submissions manager if, in his/her view, reasonable grounds exist for the delay.
- Decisions required by Policy Statement **5)** above may be decided by the submissions manager, except 5)a)iii) which must be decided by the Chief Executive Officer.
- It is the responsibility of the submissions manager to ensure Policy Statement **6)** is implemented.

Policy statements – ‘out of scope’ submissions

- 1) In the instance that an annual plan is being consulted on, Council’s consultation document will clearly identify the subject(s) of consultation, these being only the significant or material differences from the relevant Long Term Plan.
- 2) If submissions are received that do not make reference to the subject/s outlined in the annual plan consultation document, or are not relevant in terms of these subjects, they shall be considered to be out of scope.
- 3) Matters raised in out of scope submissions will not be presented as part of the deliberation report and councillors will not make decisions on these submission points.
- 4) The subjects or issues raised in out of scope submissions will be recorded and made available for consideration, during the early planning stages of the next Long Term Plan.
- 5) Where a submission is considered to be out of scope, the submitter will be advised of this in writing, including:
 - a) why the submission is considered out of scope
 - b) that the subject matter raised will be recorded for the next round of long term planning, and
 - c) that they will be advised of council decisions relating to the issue or plan under consultation. .

Procedures and delegation – ‘out of scope’ submissions

- The council, at its discretion and where not constrained by any legal requirement, may decide to consider any submission that is received during the process of consultation on any plan.
- Decisions required by Policy Statement **3)** above will be decided by the submissions manager.
- It is the responsibility of the submissions manager to ensure Policy Statement **7)** is implemented.

Late Submissions – Decision Flowchart

