

Feedback (Submission) Policy: Consultation in accordance with the Local Government Act 2002

Purpose

This policy sets out guidance and provides clarity around the process for receiving feedback/submissions on consultations carried out in accordance with the Local Government Act 2002 (LGA).¹

Scope

This policy applies to the public, elected members, and Northland Regional Council (council) staff.

This policy only relates to feedback made on consultations carried out in accordance with the requirements of the LGA, including consultations that default to LGA processes, or voluntary processes where feedback is invited.

It does not apply to feedback received via council's residents' survey or submissions made under the Resource Management Act 1991 (RMA) on a regional plan or plan change, which falls under a legislatively prescribed process. (see [this guide](#) from the Ministry for the Environment).

Introduction

The Northland Regional Council frequently consults with the public prior to making decisions – particularly if those decisions are significant. We receive feedback as part of a process where legislation defers to the consultation processes set out in the LGA. For example, feedback on a long term or annual plan, selected policies, a bylaw, a representation review, or a regional transport plan; we also receive feedback in response to voluntary consultations that we've carried out, outside of any legislative requirements.

What will this policy achieve?

This policy seeks to:

- Provide minimum standards for receiving feedback and managing the privacy of submitter details;
- Identify 'out of scope' feedback and how this will be considered by decision makers;
- Formalise the process for acceptance of late feedback (if accepted at all);
- Uphold the principles of consultation set out in section 82 of the LGA;
- Provide assurance to submitters that they are treated consistently and fairly; and
- Provide greater certainty, clarity and common understanding for submitters, elected members, and staff in our process for receiving feedback.

¹ The reference to feedback throughout this policy includes submissions.



The details

Feedback standards

1. For feedback to be accepted it must, at a minimum, include the submitter's name and a form of contact information such as an email, address, or a phone number if the submitter wants further contact by council to be made, or wishes to speak at a hearing.
2. Anonymous feedback will not be accepted.
3. Feedback containing profanity and/or offensive language will not be accepted.
4. Feedback must be legible - staff are not responsible for misinterpreting semi-legible written feedback.
5. Pro-forma feedback forms, (e.g. multiple feedback forms with identical content and different signatories), will be presented to decision makers as a single form with all submitters' names and a tally of total numbers. This feedback may not all be made publicly available on our website, and instead a single version of the form with a tally and submitter names will be displayed. Feedback forms will still be counted individually, regardless of whether they have been incorporated with other feedback.
6. Feedback that includes lengthy and/or large attachments may not have the attachments included in the final feedback book produced for decision makers, however decision makers will be provided with alternative access to the attachment.
7. Decisions resulting from (1) – (6) above are at the discretion of the Project Owner*.
8. If feedback is not accepted by the Project Owner, the submitter will be advised of non-acceptance as soon as reasonably practicable, and provided it is possible to do so.

**The Project Owner is the person ultimately responsible for the project and will be specifically defined in the project plan for all consultation projects.*

Privacy considerations

1. When receiving feedback on a consultation process, council collects personal information such as names, emails, phone numbers and/or addresses. This information is required to validate a submitter and their feedback, and to contact the submitter where required for further consultation processes e.g. hearings.
2. Sometimes, feedback received by council also includes other personal information; this is not requested by council and is submitted voluntarily by the submitter to support their feedback.
3. Council will not accept feedback that includes personal information about a third party, where it is discovered.
4. All feedback received is public information and could be subject to a request under the Local Government Official information and Meetings Act 1987. This includes contact information provided by the submitter.
5. Submitter names and the name of any organisation they represent will be used to identify that feedback and is likely to be made available on the council's website and/or included in public documents.
6. Other contact information provided (email, phone number, and/or address) in feedback will be accessible to, and used by, council staff for administration purposes only.
7. The content of attachments provided in feedback, including any private and/or contact information, may not be redacted and therefore may become public information.
8. All information is held by council in accordance with the Privacy Act, 2020. Submitters have the right to access and correct personal information. Council maintains a privacy statement and nothing in this overrides or prevents council from meeting its obligations under the

Local Government Official Information and Meetings Act, 1987, or any other relevant legislation.

Council may use an external/independent system for efficient and effective management of a consultation process, which includes the storage of feedback. This may include the automatic registration of submitters and the issuing of automated emails as a result. Once registered, submitters can manage their own email preferences.

'Out of scope' feedback

1. Where an annual plan is being consulted on, a consultation document will be produced that clearly identifies the topic/s of consultation, being only significant or material differences from the relevant long term plan.
2. If feedback is received that does not make specific reference to the topic/s outlined in the consultation document in (1) above, or if it is not relevant to the topic/s being consulted on in any annual plan or other relevant consultation, it will be considered 'out of scope'. Decisions on 'out of scope' feedback is at the discretion of the Project Owner.
3. Matters raised in 'out of scope' feedback will be presented to decision makers in a separate staff report and may be weighed differently to 'in scope' matters. Weighting is at the discretion of decision makers.
4. Those matters not considered will be recorded and made available for consideration in the early planning stages of the following long term plan.
5. Council has the discretion to consider any feedback received during a consultation process, provided it isn't constrained by any legal requirement.

Late feedback

1. All publicly notified consultations will specify a period for receiving feedback with a clear closing date.
2. Any feedback, or modification to previously submitted feedback, received after the date specified in (1) above will be considered 'late feedback'.
3. Accepting or refusing 'late feedback' is at the discretion of the Project Owner, who will consider the impacts on the decision-making timeframes, including any unfair disruption in the process for other submitters or decision makers (including the production of feedback books), or administrative practicality given any relevant circumstances of that consultation process.
NB: Feedback received after the start of any related hearing will not be accepted.
4. Where 'late feedback' is refused the submitter will be advised as soon as reasonably practicable, and provided it is possible do so.
5. Council has the discretion to extend the period for receiving feedback on any matter being consulted on, provided it isn't constrained by any legal requirement.
6. While the Project Owner has the discretion to refuse 'late feedback' in (3) above, this decision must be signed off by the Group Manager for the Project Owner.

Document approval

The approval for distribution and use of this policy has been delegated as per the document information:

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