

## Briefing Paper: Unacceptable or Late Submissions Guidelines

**Reporting Officer:** Ruben Garcia, Group Manager – Community & Engagement

**Date:** 25 June 2024

### Ngā whāinga | Purpose

The purpose of this briefing paper is to inform Far North District Council (FNDC) Elected Members of the immediate implementation of the Unacceptable or Late Submissions Guidelines. This internal operational document outlines the processes for handling out-of-scope, offensive, or inappropriate submissions received through our consultation procedures. The new guidelines have been developed in response to concerns raised by elected members and are aligned with the Human Rights Act 1993. The implementation of these guidelines aims to improve our consultation process, ensuring it is respectful and efficient.

### Horopaki | Context

Following concerns raised by elected members during a Representation Review meeting in April (2024), regarding the handling of out-of-scope, offensive, or inappropriate submissions during our consultation procedures, immediate action has been taken to address these issues.

On 30 May 2024, an initial update and acknowledgement was provided to Mayor Moko Tapania, Cr Tamati Rakena, and CE Guy Holroyd, highlighting the need for more robust guidelines. In response, the Unacceptable or Late Submissions Guidelines were developed and authorised for immediate implementation on Friday, 14 June, 2024.

This document, created with contributions from the Comms & Engagement (C&E) team, Legal team, and Strategy & Policy team, outlines the background, purpose, and application of new processes. The guidelines are designed to ensure that our consultation procedures align with the Human Rights Act 1993, promoting a respectful and efficient approach to public engagement.

### E whai ake nei | Next Steps

In the long term, the C&E team will collaborate with the Strategy and Policy team to review and potentially update the Significance & Engagement statutory policy, which will be subject to Council consideration and adoption at a later date.

### Ngā tāpiritanga | Attachments

- Guidelines - Unacceptable or Late Submissions (PDF – 219KB)

# Unacceptable or Late Submissions

## Guidelines

14 June 2024

<b>Policy Sponsor</b>	Ruben Garcia, Community and Engagement
<b>Policy administrators</b>	Communications and Engagement
<b>Approved</b>	For use by Far North District Council
<b>Review date</b>	14 June 2027

## Background

Part 6 of the Local Government Act 2002 requires the council to determine how best to engage with the community when making decisions.

Where there is a higher degree of significance attached to a decision, or where there is an express statutory requirement, engagement may need to be undertaken by way of a formal process of consultation.

Formal consultation usually involves public notification of a statement of proposal or consultation document, inviting written submissions over a set consultation period and providing submitters with an opportunity to be heard by elected members (whether at a formal hearing or by some other means).

Engagement and consultation are intended to provide:

- the community with the information, context and options around the issue(s) for decision; and
- the opportunity for the community to express their views and opinions on any proposals.

## Purpose

During a formal consultation, the council often receives submissions that are unrelated to the matter(s) being consulted, offensive or otherwise inappropriate, or late i.e. received after the deadline for submissions.

The council is committed to excluding discriminatory, sexist, or threatening language in all submissions to create a safe and respectful environment for all participants. The aim is to foster inclusivity and diversity, promote a sense of belonging and ensure all voices are heard and considered in the decision-making process.

This guideline sets out how Far North District Council supports this commitment through the management of submissions received as part of its public consultations.

## Application of this guideline:

This guideline applies to the management of the following types of submissions:

- out of scope submissions
- offensive / inappropriate submissions
- late submissions

## Process

### Responsibility for reviewing

- During and following a consultation period, the engagement lead for the project should conduct the first review of submissions received and assess whether or not any submissions may need to be declined.

### Out of scope submissions

- If submissions do not relate to the decision or matter being consulted on, they may be classified as 'out of scope' and will not be considered as part of the formal decision-making process.
- Where relevant an out of scope submission may be rediverted for consideration as a request for service (RFS), as part of the development of a future plan or strategy or if appropriate to another council or government agency.
- The submitter will be advised that their submission is out of scope and of any action undertaken in writing.

### Offensive or Inappropriate Submissions

- Submissions that are offensive or inappropriate may be excluded from consideration. These may include submissions that contain:
  - Offensive language;
  - Offensive content i.e. defamatory or demonstrably false statements of fact designed to mislead;
  - Criticism of an individual;
  - Language that expresses hostility against, or brings into contempt or ridicule, any person(s) on the ground of the colour, race, or ethnic or national origins of that person(s);
  - Language which is threatening, abusive, or insulting, and is likely to excite hostility against or bring into contempt any group of persons on the ground of the colour, race, or ethnic or national origins of that group of persons.
- Any decision to classify a submission as offensive should be carefully balanced against any potential right to freedom of expression.
- The submitter will be advised in writing that their submission is inappropriate/ offensive.
- The submitter may, at the council's discretion, be invited to resubmit using appropriate language and content.

### Social Media Comments

- Council social media platforms will be monitored to remove any comments relating to consultations that are deemed offensive or inappropriate. These include:
  - Offensive language;
  - Offensive content i.e. defamatory or demonstrably false statements of fact designed to mislead;
  - Criticism of an individual;
  - Language that expresses hostility against, or brings into contempt or ridicule, any person(s) on the ground of the colour, race, or ethnic or national origins of that person(s);
  - Language which is threatening, abusive, or insulting, and is likely to excite hostility against or bring into contempt any group of persons on the ground of the colour, race, or ethnic or national origins of that group of persons.

- Note: The above guidelines aim to bolster page rules already applied to the council's social media channels (primarily Facebook). Those are:

*We welcome polite, respectful discussion and constructive feedback, but please no:*

- *offensive or threatening language*
- *personal attacks or aggressive behaviour*
- *hate speech*
- *defamatory, inflammatory or off-topic comments*

*Posts that don't comply with these rules will be deleted and users who repeatedly break the rules will be banned.*

## Late submissions

- A submission will be considered late if it is received after the submission deadline closes.
- Late submissions may still be accepted for inclusion in the Submissions Report in some circumstances.
- The Project Team will determine their requirements for late submissions in advance of the consultation period.
- If a strict 'no late submissions' rule is to be applied, amend the 'late submissions' email template below to suit.

## Decision on acceptance

- Any submissions the Engagement Lead identifies as potentially unacceptable will be escalated to the SME's manager and the Communications and Engagement manager for a final decision.

## Notification and invitation to re-submit

- If a submission is deemed unacceptable, the submitter must be notified. The reasons for the decision will be outlined, and except where a submission is declined as late, the submitter may be invited to re-submit.
- If the resubmission falls outside the original submission period, the submission will still be accepted (within reason).

## Disclaimer

- The following disclaimer is to be placed on every consultation page on the council's external website:  
*Any submissions that are out of scope, offensive, inappropriate, or late may not be accepted by the council. You will be notified if your decision is not accepted and, where appropriate, invited to resubmit.*

## Record keeping

- A record of decisions to decline submissions will be kept so that anyone tasked with reviewing submissions can be guided by past decisions.

## Response templates

### Email response for inappropriate submissions:

Kia ora,

Thank you for submitting your feedback on the [consultation name]. Unfortunately, we are unable to accept your submission as it does not meet the council's guidelines for the acceptance of submissions.

Your submission has been declined because: *[INSERT reason(s) for rejecting submission]*

You are welcome to amend your submission and re-submit before the consultation closure date of [INSERT DATE]. *[DELETE this sentence if submission is being declined for lateness]*

Thank you for your understanding.

Ngā mihi

(Submissions team).

### **Email response for late submissions (if Project Team wish to accept late submissions):**

Kia ora,

Thank you for submitting your feedback on the [consultation name]. Unfortunately, we are unable to accept your submission formally as it was submitted after the submission deadline of [INSERT DATE].

However, we will present your submission to elected members for consideration as a late submission.

That means your comments will be read by elected members but will not be included in the final formal record of responses.

Thank you for your understanding.

Ngā mihi

(Submissions team).