

Report No:	RCN11-07-02
File No:	
Date:	13 July 2011
Decision Required	

REPORT SUMMARY

Report to: Full Council
Meeting Date: 19 July 2011
Report Author: Paul Wylie, Chief Executive Officer
Subject: Letter to Local Government Commission on Report Errors

EXECUTIVE SUMMARY

This report outlines a large number of errors, omissions and unsubstantiated assertions contained in the Strateg.Ease report prepared for the Local Government Commission reports on the proposal for a union of Nelson City and Tasman District. The report seeks Council's agreement to a letter being sent to the Commission outlining those matters and seeking that the Commission takes action to rectify the situation to enable the public to submit on the proposal in the context of correct information contained in the report.

RECOMMENDATION/S

That the Council receives this report and adopts the draft resolutions contained in the report.

DRAFT RESOLUTION

THAT the Tasman District Council:

- 1. Receives the report Letter to Local Government Commission on report errors – Report RCN11-07-02.**
- 2. Approves the letter to be sent to the Local Government Commission as attached in Appendix 1.**
- 3. Notes that the letter asks the Local Government Commission to withdraw the Strateg.Ease report on the union of Nelson City and Tasman District which contains inaccuracies; correct the errors, omissions and unsubstantiated assertions contained in the report; then re-issue the report, undertake publicity that the corrected report is available and extend the submission deadline.**

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1. PURPOSE

1.1 The purposes of this report are to:

- (a) outline a large number of errors, omissions and unsubstantiated assertions contained in the Strateg.Ease report prepared for the Local Government Commission on the proposal for a union of Nelson City and Tasman District
- (b) seek Council's agreement to a letter being sent to the Commission outlining those matters and seeking that the Commission takes action to rectify the situation to enable the public to submit on the proposal in the context of correct information contained in the report.

2. BACKGROUND

2.1 On 16 June 2011 the Local Government Commission (the Commission) released four reports:

- Draft Reorganisation Scheme for the Union of Nelson City and Tasman District (white report).
- Decision on Proposal for the Union of Nelson City and Tasman District (pink report).
- Background Report on Communities of Interest and Planning in Relation to Proposal for Union of Nelson City and Tasman District (blue report).
- Report for the Local Government Commission on financial and service delivery matters relating to the proposal for a union of Nelson City and Tasman District prepared by Strateg.Ease (yellow report).

2.2 Submissions on the reports close on 19 August 2011.

3. PRESENT SITUATION/MATTERS TO BE CONSIDERED

- 3.1 Councillors and staff have gone through the reports and have identified a large number of factual errors, omissions and unsubstantiated assertions in them. Councillors have had two workshops to discuss the reports, the second of which included two community board representatives. The majority of and the more significant errors, omissions and unsubstantiated assertions are contained in the Strateg.Ease report. The focus of the remainder of this report is, therefore, on the Strateg.Ease report.
- 3.2 As noted above, several of the errors, omissions and unsubstantiated assertions are significant and may have been material to the Commission's decision. A large number of other errors have been identified, some of which are less likely to have had bearing on the Commission's decision.
- 3.3 Councillors have also identified a number of statements in the various reports which are opinions, deductions or inferences which are best left for any submission the Council may choose to make.
- 3.4 The Commission is currently calling for public submissions on the Draft Reorganisation Scheme for the union of Nelson City and Tasman District. The public are to submit on the proposal in the context of the information contained in the reports.
- 3.5 Councillors have stressed the importance of the public having accurate information on which to inform their submissions to the Commission. Councillors have requested that staff pull together a list of the factual errors, omissions, and unsubstantiated assertions in the Strateg.Ease report, for Council's consideration. Councillors also asked staff to prepare a draft letter to send to the Commission outlining these matters, for consideration by the Council.
- 3.6 Staff have prepared the list and the letter for Councillors consideration (attached as Appendix 1 to this report).

4. FINANCIAL/BUDGETARY CONSIDERATIONS

- 4.1 There are minimal financial considerations relating to this matter. The main costs are staff and consultants time.

5. OPTIONS

5.1 There are a range of options for Council to consider:

- (a) Do nothing with the information on the errors at this stage, but include the information in Council's submission to the Commission on the proposal.
- (b) Send the attached letter (with or without amendments) to the Local Government Commission and leave any action on the matters raised in the letter to the Commission.
- (c) Send the attached letter (with or without amendments) to the Local Government Commission and request that the Commission puts the letter on its website and undertakes publicity to advise submitters of the errors, omissions and unsubstantiated assertions in the report.
- (d) Send the attached letter (with or without amendments) to the Local Government Commission and request that the Commission withdraw the Strateg.Ease report containing the errors; that the Commission corrects the errors, omissions and unsubstantiated assertions; then re-issues the report, undertakes publicity that the corrected report is available and extends the submission deadline.
- (e) Send the attached letter (with or without amendments) to the Local Government Commission and request that the Commission rescind its previous decision on the union proposal; then re-considers its decision on the union proposal based on the correct information; and then follows up with appropriate action depending on its new decision.

6. PROS AND CONS AND EVALUATION OF OPTIONS

6.1 The pros and cons of the options are as follows:

Option (a) – do nothing with the information on the errors at this stage, but include the information in Council's submission to the Commission on the proposal in August.

6.2 There do not seem to be any benefits with this option. The key disadvantage with the option is that the public will be submitting on the proposal in the context of the information contained in the reports and will therefore not have accurate information on which to form their view of the proposal.

6.3 This option is not recommended.

Option (b) – send the attached letter (with or without amendments) to the Local Government Commission and leave any action on the matters raised in the letter, to the Commission to decide.

6.4 This option has the advantage of making the Commission aware of Council's concerns about the inaccuracies contained in the report. It does not, however, give the Commission any idea of what Council expects it to do with the information.

6.5 It is likely that the Commission may decide to take no action on the matter and not to correct the report. If the Commission does not take any action, then any correction of the information will be reliant on the public being aware of the Council's concerns. Some members of the public may not believe that the information provided by the Council is correct unless the Commission corrects its own documents.

6.6 This option is not recommended.

Option (c) – send the attached letter (with or without amendments) to the Local Government Commission and request that the Commission puts the letter on its website and undertakes publicity to advise submitters of the errors, omissions and unsubstantiated assertions in the report

6.7 This option has the advantage of making the Commission aware of Council's concerns about the inaccuracies contained in the report. It also gives the Commission an idea of what Council expects it to do with the information. The Commission may agree to Council's request or it may choose not to.

6.8 If the Commission agrees with Council's request, it will mean that the information provided by Council may be given some validity. It will, however, rely on the public reading both the Strateg.Ease report and the Council's letter to understand where the inaccuracies are in the report.

6.9 If the Commission does not take any action, then any correction of the information will be reliant on the public being aware of the Council's concerns. Some members of the public may not believe that the information provided by the Council is correct unless the Commission corrects its own documents.

6.10 This option is not the preferred option, but is preferable to options (a) and (b).

Option (d) – send the attached letter (with or without amendments) to the Local Government Commission and request that the Commission withdraw the report containing the inaccuracies; that the Commission corrects the errors, omissions and unsubstantiated assertions; then re-issues the report, undertakes publicity that the corrected report is available and extends the submission deadline

- 6.11 This option has the advantage of making the Commission aware of Council's concerns about the inaccuracies contained in the report. It also gives the Commission an idea of what Council expects it to do with the information. The Commission may agree to Council's request or it may choose not to.
- 6.12 If the Commission agrees with Council's request, it will mean that the report will be corrected making it easier for the public submitting on the proposal to do so in the context of the correct information contained in the report.
- 6.13 If the Commission does not take any action, then any correction of the information will be reliant on the public being aware of the Council's concerns. Some members of the public may not believe that the information provided by the Council is correct unless the Commission corrects its own documents.
- 6.14 This is the preferred option.

Option (e) – send the attached letter (with or without amendments) to the Local Government Commission and request that the Commission rescind its previous decision on the union proposal; then re-considers its decision on the union proposal based on the correct information; and then follows up with appropriate action depending on its new decision

- 6.15 This option would enable the Commission to reconsider the proposal in light of the correct information. It is unlikely, however, that the Commission would agree to this option given that there is an opportunity for it to make a decision on whether or not to proceed with the proposal following the submission and hearing stages of the process.
- 6.16 This option is not recommended.

7. SIGNIFICANCE

- 7.1 This is not a significant decision according to the Council's Significance Policy. The matters relate to the information provided by the Commission, not directly to Council business.

8. RECOMMENDATION/S

- 8.1 That the Council receives this report and adopts the draft resolutions contained in the report.

9. TIMELINE/NEXT STEPS

- 9.1 If the Council agrees with the recommendations contained in this report, the letter will be finalised and sent to the Commission. Staff will then prepare a submission to be sent to the Commission on the union proposal for Council's consideration at its meeting on 11 August 2011.

10. DRAFT RESOLUTION

THAT the Tasman District Council:

- 1. Receives the report Letter to Local Government Commission on Report Errors – Report RCN11-07-02.**
- 2. Approves the letter to be sent to the Local Government Commission as attached in Appendix 1.**
- 3. Notes that the letter asks the Local Government Commission to withdraw the Strateg.Ease report on the union of Nelson City and Tasman District which contains inaccuracies; correct the errors, omissions and unsubstantiated assertions contained in the report; then re-issue the report, undertake publicity that the corrected report is available and extend the submission deadline.**

Paul Wylie
Chief Executive

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Appendices:

Appendix 1: Draft Letter to the Local Government Commission