

18. HOLDING OF FORMAL HEARINGS AS PART OF THE CONSULTATION ON THE DRAFT COMMUNITY DEVELOPMENT STRATEGY



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PURPOSE OF REPORT

1. To consider the implications of having hearings as part of the consultation on the Draft Community Development Strategy (incorporating the review of community groups grants and the community facilities plan).

EXECUTIVE SUMMARY

2. A notice of motion has been moved: *"That formal hearings be held to hear and consider the submissions on the Community Development Strategy."*
3. At the Council meeting on 2 November 2006 councillors briefly discussed the option of carrying out hearings as part of the Draft Community Development Strategy consultation and informally decided against them.
4. Significant consultation has taken place and continues to take place on the Draft Community Development Strategy.
5. The Council decided to extend the consultation closing period to 31 January 2007 at its meeting on 30 November 2006. As part of its deliberations on this matter the impact of extending the consultation period on the Council's ability to implement the new grant schemes emanating from the Community Development Strategy in time to make funding decisions in July 2007 was considered. Adding formal hearings to the process creates similar issues.
6. Advice from the Council Secretary indicates that to set up hearings and notify the submitters involved will take three weeks minimum from the closing date of submissions.
7. The major unknown factors in considering the notice of motion are the number of submitters that will want to be heard, the dates that can be found to accommodate any hearings and the timeframes involved for any hearings panel to consider the submissions and draft a report for Council to consider, prior to a final strategy being considered. Further the degree of change to the Draft Community Development Strategy that will result from the consultation process is not yet known and carrying out hearings will reduce the time available to make any changes.
8. If public hearings are held and the number of submitters and/or the degree of redrafting of the Strategy required is high, then there are major risks that the Strategy will not be completed in time for the new grants to be implemented with decisions being made in July 2007. The Council has the option to delay the implementation of the new grants schemes emanating from the Community Development Strategy until the 2008/09 financial year, although this has not been the Council's wish to date.
9. Hearing the community board submissions on behalf of their communities is an option available to the Council. This would enable community boards to represent the views of their communities and enable the strategy to be completed in a timely manner.
10. A further alternative involves hearing the views of a sample of, say twelve, submitters however this creates significant equity and process issues around the selection of the submitters to be heard.
11. There will be significant financial implications for a range of community organisations if the Council does not make its funding decisions in July and waits until later in the year.

FINANCIAL AND LEGAL CONSIDERATIONS

12. The Local Government Act 2002 provides clear requirements and processes for the Council to ensure the views of interested and affected parties are considered in its decision making. The Local Government Act also allows the processes to be adapted to differing circumstances as determined appropriate by the Council.
13. The Special Consultative procedure does not have to be followed in this instance. Councillors may however still choose to have hearings as part of the consultation process.
14. The major financial consideration is that if the process to complete the Community Development Strategy is delayed it may impact on the ability of the Council to realise the savings in the community facilities area signalled in the LTCCP.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Invite community boards to present oral submissions to the Council on behalf of their respective communities, to assist the Council in its consideration of the Community Development Strategy.
- (b) Resolve not to hold any formal hearings to hear the submissions on the proposed strategy.

BACKGROUND

15. Councillor Corbett has moved a notice of motion: *“That formal hearings be held to hear and consider the submissions on the Community Development Strategy”*. This has been seconded by the Deputy Mayor, Councillor Evans.
16. When the Council approved the Draft Community Development Strategy for consultation at its 2 November meeting, the issue of whether or not to include hearings was briefly discussed and the Council concluded that oral hearings were not required.
17. The consultation to date has included the circulation of the summary and where appropriate the full draft document to a wide range of organisations. There have been public meetings in all community board areas (including Banks Peninsula) and at the time of writing there remains a metropolitan public meeting scheduled on 8 December. In addition a wide range of networks of community groups has been involved in the consultation process. These have included a Healthy Christchurch hui, Council of Social Services meeting, Canterbury Youth Collective, National Council for Women and Canterbury LOAD as examples.
18. Whilst there have been some comments about the lack of hearings at the consultation meetings to date, there has not been a strong push for these at the meetings.
19. At the Council meeting on 30 November 2006 the Council considered a report about the implications of extending the consultation period for the Draft Community Development Strategy (amongst others) and the impacts on the Council’s ability to introduce the new grants schemes emanating from the Draft Community Development Strategy were discussed.
20. The following paragraphs are noted in the report at the 30 November 2006 Council meeting in considering an end of February 2007 closing date for submissions:

“By making compromises in the process to finalise the strategy it could be compressed. Staff could devote their time exclusively to this work once the consultation has closed, input from the Strong Communities Portfolio Group could be skipped, no opportunity for community boards to directly present their feedback to Council (something they have indicated a desire to do) could be provided and no seminar undertaken with Council to consider the feedback received and potential changes to the strategy in an informal manner. Effectively Councillors would be presented with a proposed final strategy at a Council meeting with the option to either adopt it or ask staff to make revisions and present it at a subsequent meeting. This is a high risk process given the lack of Councillor input into the final strategy development. There is a danger that Councillors are not prepared to approve the final document when presented with resulting delays which mean that the new grant schemes cannot be implemented for decisions in July 2007.

Even making compromises to the process with a consultation closing date at the end of February it is not considered possible to give adequate consideration to the submissions made and propose well considered alterations to the strategy in the two week period required to enable implementation of the new grant schemes for decisions in July. If the Council is of a mind to extend the consultation period to the end of February 2007, it will not be possible to implement the new grant schemes in time for the 2007/8 year. Rather the existing grant schemes will have to be retained for a further year.”

21. The Council decided to extend the consultation to the end of January 2007 which ameliorated these issues to some extent. However to now add public hearings effectively creates the same issues identified for an end of February closing date for submissions.

22. A revised, indicative timeline for completion of the Community Development Strategy and implementation of the new grants schemes based on the consultation closing date of 31 January 2007 is as follows:

Step	End Date
Consultation closing date	31 January 2007
Analysis of submissions and consideration of changes to the Draft Strategy	9 March 2007
Council seminar	13 March 2007
Redrafting strategy and preparation of report to Council	22 March 2007
Council meeting	5 April 2007 (agenda closes 22 March)
Preparation and printing of grants publicity material, application forms etc	27 April 2007
Advertise grant schemes	30 April – 4 May 2007
Period for applications to be made.	30 April – 31 May 2007
Analysis of applications, filling information gaps, decide on recommendations, prepare reports for Metropolitan Funding Sub committee	1 June – early July 2007
Councillors receive applications	Mid July
Metropolitan Funding Sub Committee meeting to decide grants	Late July

23. Advice from the Council Secretary suggests that to arrange hearings will take a minimum of three weeks. Normally this process takes five weeks. It should be noted that as hearings were not planned for this consultation, submitters have not been asked whether or not they wish to be heard. Each submitter will have to be individually contacted to ask if they would like to be heard.
24. The major unknown factors in considering the notice of motion are the number of submitters that will want to be heard and the degree of change to the Draft Community Development Strategy that will result from the consultation process.
25. If public hearings are held and the number of submitters and/or the degree of redrafting of the Strategy required is high, then there are major risks that the Strategy will not be completed in time for the new grants to be implemented with decisions being made in July 2007.
26. It should be noted that there are a number of other pieces of work requiring Councillor input during the same period, not least of which are the hearings for the Urban Development Strategy. Careful prioritisation of Councillor time over this period is likely to be required.
27. An alternative that would provide for additional input, without the same impact on the timeline would be for Councillors to receive a full copy of all the written submissions in addition to the staff analysis and summary. Further to this the community boards could present their submissions orally to the Council. As one of the important roles of the community boards is to advocate on behalf of their communities this may provide a process for the Council to hear the views of the community without impacting the timeline to an extent that compromises the Council's ability to implement the new grant schemes on time.
28. A further alternative involving hearing the submissions from a selection of perhaps a dozen key organisations was suggested by a member of public. This could be accommodated without causing major time problems. This option however creates real issues around how the groups to be heard are selected. The Council hand picking groups to be heard is unlikely to be well received.

29. Despite the Council's efforts, a range of community organisations have become dependent on the Council's grant funding to operate effectively. If the Council were to delay making its funding decisions until later than July and payments were therefore delayed, this would have serious implications for the operation of some groups and activities. Many of these groups and activities may be very effective in addressing community issues and the Council may want to continue funding them through the new grant schemes. The Council could anticipate significant negative reaction from community groups if it were to delay its grants process.
30. At its meeting on 5 October 2006 the Council decided to continue with the existing grant schemes at Community Board level for 2007/8. The new grants schemes will be introduced at community board level in the 2008/9 year. The Council could adopt a similar approach to the metropolitan grants schemes. This approach would reduce the pressure to carry out hearings in late February and enable them to be programmed around other parts of the Council's work. The Council could decide to delay the implementation of the new grants schemes at a metropolitan level until 2008/9. This would enable full public hearings on the Draft Community development Strategy to be carried out and coordinated appropriately with other parts of the Council's work programme.

OPTIONS

31. The options are:
 - (a) That formal hearings be held to hear and consider the submissions on the Community Development Strategy noting the major risk that if the number of submitters wishing to be heard is high and/or significant changes to the draft strategy are required, this may result in the strategy not being completed in sufficient time for the new grant schemes to be implemented on time for 2007/08.
 - (b) That all Councillors receive a full copy of all the written submissions received (in addition to the staff analysis and summary) and the community boards present their submissions, on behalf of their communities, orally to the Council.
 - (c) That all Councillors receive a full copy of all the written submissions received (in addition to the staff analysis and summary) and that a selection (maybe 12) community organisations be invited to present their submissions orally to either full the Council or a hearings panel.
 - (d) That formal hearings be held to hear and consider the submissions on the Community Development Strategy and that the Council delay implementation of the new grant schemes emanating from the work until the 2008/09 financial year to enable the hearings to take place.

PREFERRED OPTION

32. The preferred option is that all Councillors receive a full copy of all the written submissions received (in addition to the staff analysis and summary) and the community boards present their submissions, on behalf of their communities, orally to the Council (option b).