

10.2 REPRESENTATION REVIEW INITIAL PROPOSAL**File Number:** ELE1-400**Author:** Bronda Smith, Group Manager, Corporate Support and Services**Authoriser:** Monique Davidson, Chief Executive**Attachments:** 1. Initial Proposal and Submission Form**PURPOSE**

The purpose of this report is for Council to determine the initial proposal for representation arrangements for the 2019 and 2022 elections

RECOMMENDATION FOR CONSIDERATION**That having considered all matters raised in the report:**

- a) Council adopt the status quo for representation arrangements with 4 members for the Aramoana-Ruahine ward and 4 members for the Ruahine ward and no community boards are established and to advertise via public notice the initial proposal of the representation arrangements for the 2019 election.

COMPLIANCE

Significance	This matter is assessed as being significant
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none">1. Council retain the status quo for representation arrangements with 4 members for the Aramoana-Ruahine ward and 4 members for the Ruahine ward and no community boards are established.2. Council do not retain the status quo for representation arrangements and to give Officers guidance on which amendments were needed and an amended timeframe related to the adoption of an initial proposal would be required.
Affected persons	The persons who are affected by or interested in this matter are all residents of Central Hawke's Bay.
Recommendation	This report recommends option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	None
Significant Policy and Plan Inconsistencies	None

EXECUTIVE SUMMARY

Council is required to conduct a representation review every six years and is due to conduct a review prior to the 2019 elections.

Following workshops with Council and preliminary consultation, Council has proposed that the status quo of 4 members for the Aramoana-Ruahine ward and 4 members for the Ruahine ward and no community boards are established.

BACKGROUND

The Council is required by the Local Electoral Act 2001 to complete a review of representation (including community boards) at least every six years.

The Council last reviewed its representation arrangements prior to the 2013 elections and therefore is required to review its representation prior to the 2019 election.

Representation reviews determine the detailed arrangements for:

- the number of electoral subdivisions known as wards (if any), and
- their boundaries, names, and number of members and
- basis of election (at large, by wards or a mix of both) and
- establishment of community boards.

The Local Electoral Act also establishes the following principles

- a) fair and effective representation for individuals and communities:
- b) all qualified persons have a reasonable and equal opportunity to—
 - i) cast an informed vote:
 - ii) nominate 1 or more candidates:
 - iii) accept nomination as a candidate:
- c) public confidence in, and public understanding of, local electoral processes through—
 - i) the provision of a regular election cycle:
 - ii) the provision of elections that are managed independently from the elected body:
 - iii) protection of the freedom of choice of voters and the secrecy of the vote:
 - iv) the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes:
 - v) the provision of impartial mechanisms for resolving disputed elections and polls.

Guidelines for undertaking a review

The guidelines identify the three key factors “that must be carefully considered by local authorities when determining their representation proposals”, namely:

- communities of interest
- effective representation of communities of interest
- fair representation of electors

The term “communities of interest” is not defined in the Local Electoral Act.

However, the guidelines to assist local authorities in undertaking representation reviews identify three dimensions for recognising communities of interest:

- perceptual: a sense of belonging to an area or locality
- functional: the ability to meet the community's requirement for services

- political: the ability to represent the interests and reconcile conflicts of the community.

The guidelines also note, with respect to the review, that “communities of interest may alter over time. Local authorities need to give careful attention to identifying current communities of interest.”

Achievement of effective representation requires consideration of the identified communities of interest and the extent that these are geographically distinct and warrant specific representation.

The fundamental determinant of “fair representation” is population equality. The Act states that for territorial authorities ward populations and the populations of subdivisions of a community must not vary by more than plus or minus 10% in terms of the population per councillor (“the plus/minus 10% rule”).

The guidelines summarise the best practice process for representation reviews, and suggest a 6-step process:

- Step 1 – Identify criteria for assessing need for review after three years.
- Step 2 – Consider preliminary consultation.
- Step 3 – Identify communities of interest.
- Step 4 – Determine effective representation for identified communities of interest of the district.
- Step 5 – Consider fairness of representation for electors of wards.
- Step 6 – Consider communities and community boards.

The practical outcomes that need to emerge from the process of the review were:

- the number of councillors (between 5 and 29 excluding the Mayor)
- whether the councillors would be elected “at large” or in wards or a combination of those two
- the names and boundaries of any wards
- if wards were used, the number of councillors per ward
- whether there would be any communities and community boards and the detailed representation arrangements for each community board (names, boundaries, number of members and any subdivisions of the community)

Council began the process of reviewing its representation in 21 September 2017 with a workshop to review the options available for the representation of the District and the ward structures and the idea of community boards.

As part of the workshop, Council requested that preliminary consultation be carried out to better inform the initial proposal.

Ten submissions were received as part of the preliminary consultation with 8 submissions to keep the same number of councillors and 2 submissions to reduce the number. In regards to the structure and number of wards, 2 submissions were in favour of mixed ward and at large, 5 submissions were in favour of at large and 3 were in favour of status quo. With the small number of submissions, that the preliminary consultation cannot be considered a full representation of the community views.

A workshop was then held on the 28 June 2018, which to consider the options available following the receipt of the pre-consultation and to review the options available.

Current Situation

The communities of interest are currently split by the following:

Ward	Communities of Interest
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Aramoana / Ruahine	Encompassing the rural and coastal areas of the district
Ruataniwha	Encompassing the district's major Urban centres of Waipukurau and Waipawa

The current representation structure meets the legal requirements for the number of residents per councillor in each ward to be within ±10% of the number of residents per councillor in the district as a whole. See Table 1 below.

Table 1.

WARD	Population	Members	Population-member ratio	Difference from quota	% Difference from quota
Aramoana-Ruahine Ward	6,890	4	1,723	-11	-0.65
Ruataniwha Ward	6,980	4	1,745	11	0.65
Total	13,870	8	1,734		

The current wards are represented in the following map.



In its assessment of options available, there has been a focus on fair and effective representation for a district of Central Hawke's Bay.

The Communities of Interest are represented based on the different levels of service and infrastructure between the Urban and Rural communities.

With a current population of 13,800 people, the number of Councillors was considered. The Committee structure would be less effective as the Committees allow for Councillors to be involved with areas of interest and allow for work programmes of the Committees to be shared across a number of Councillors.

Community Boards were also considered and based on the size of the district and the added cost of Community Boards. Also the future work on Town Centre and Community Plans allows the Council to hear and include the requirements of the communities with the district.

It was considered that fair and effective representation could best be achieved by maintaining the status quo and continuing to work at ward level with local communities on the proposed town and community plans and local initiatives identified in the Long Term Plan.

SIGNIFICANCE AND ENGAGEMENT

In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as **significant** because fair and effective representation of the Central Hawke's Bay is an important part of a quality democratic process for the district.

OPTIONS

The following assessment relates to all of the options considered

- a) Financial and Resourcing Implications
There are no financial or resourcing implications of this option. Regardless of the number of Councillors, the total amount paid to elected members in salaries will remain unchanged. The total level of remuneration for our elected members is set by the Remuneration Authority and would simply be split amongst more or less Councillors if Council's size changes
- b) Alignment to Project Thrive and Community Outcomes
All options align with Project Thrive and the Community Outcomes.
- c) Consistency with Policies and Plans
All options are consistent with the policies and plans of Council.
- d) Participation by Māori
Māori will be consulted as part of the Initial Proposal submission process.
- e) Community Views and Preferences
The community views and preferences that were received during the preliminary consultation have been taken into account.

Option 1 **Council adopt the status quo for representation arrangements with 4 members for the Aramoana-Ruahine ward and 4 members for the Ruahine ward and no community boards are established and to advertise via public notice the initial proposal of the representation arrangements for the 2019 election.**

- a) Risk Analysis
The above meets the requirements of the Local Electoral Act 2001 and by proposing this as the initial proposal the timeline required by the Act will be met for the determination of the representation arrangements for the 2019 elections
- b) Statutory Responsibilities
The Local Electoral Act 2001 determines the process and timeline required for the determination of the representation arrangement. This option allows

for the initial proposal to be determined by the required date of 31 August 2018.

c) Advantages and Disadvantages

There is an advantage that the initial proposal meets the requirements of the Local Elections Act 2001 and the required timeline. There are no disadvantages with this option.

Option 2 Council do not adopt the status quo for representation arrangements and to give Officers guidance on which amendments were needed and an amended timeframe related to the resolution for the representation arrangements would be required

a) Risk Analysis

The above option puts the Council at risk of not meeting the requirements of the Local Electoral Act 2001 as the Council is required to determine the representation arrangements by 31 August 2018

b) Statutory Responsibilities

The above option puts the Council at risk of not meeting the requirements of the Local Electoral Act 2001 as the Council is required to determine the representation arrangements by 31 August 2018

c) Advantages and Disadvantages

There may be a disadvantage that the delay in adopting the initial proposal may not meet the requirements of the Local Elections Act 2001 and the required timeline. There are no advantages with this option.

NEXT STEPS

If Option 1 is adopted the following timeline will be followed.

Tuesday 14 August	Public notice of initial proposal will be published in CHB Mail and on the Council website.	Must be within 14 days of making the resolution
Friday 14 September	Submissions close on initial proposal	Closure of submission must be no earlier than 1 month after the required public notice is given.
Thursday 4 October	Extraordinary Council meeting – representation review submission hearing	
23 October	Public notice – revised (or re-confirmed) of final proposal	Public notice must be within 6 weeks of closing of submissions.
23 November	Last day for lodging appeals and objections	Last day must be no earlier than 1 month after the public notice

	No appeals or objections received – Proposal becomes the basis of election for the 2019 triennial election and continues in effect until a subsequent determination comes into effect.	
As soon as practicable after the close of the appeal period but not later than 15 January 2019	If appeals/objections received on the final proposal – Local authority must forward appeals, objections and other relevant material to the Local Government Commission.	
No later than 11 April 2019	Local Government Commission must make a determination which is final, comes into effect for the 2019 triennial election and may only be appealed on a point of law.	

Initial Proposal for the representation arrangements for the 2019 local elections.

On 9 August 2018, the Central Hawke's Bay District Council reviewed its representation arrangements, and resolved that the following proposal apply for the Council for the elections to be held on 12 October 2019.

Council Representation

It is proposed that the Council retain the status quo of representation arrangements as they currently stand; 8 Elected Members elected via wards and the Mayor.

The current ward structure is as follows:

Ward	Communities of Interest
Aramoana / Ruahine	Encompassing the rural and coastal areas of the district
Ruataniwha	Encompassing the district's major Urban centres of Waipukurau and Waipawa

The population that each member will represent is as follows

Ward	Population (2017 estimates)	Members	Population per member
Aramoana / Ruahine	6,890	4	1,723
Ruataniwha	6,980	4	1,745
Total	13,870	8	

All of these figures are within the +/- 10% range required under section 19V(2) of the Local Electoral Act 2001 to ensure fair representation.

Community Board Representation

It is proposed that there are no community boards in Central Hawke's Bay.

Further Information

Copies of the Council's resolution and maps setting out the areas of the current wards may be viewed and obtained from Central Hawke's Bay District Council and the Council Libraries.

Any queries regarding the Representation Review should be directed to Lizz Jenkins, 06 857 8060.

Submissions

Persons with an interest in the proposed representation arrangements are invited to make written submissions on the Council's representation proposal.

Submissions can be made online at www.chbdc.govt.nz, by completing the Submission Form available at the Council offices and libraries or by emailing goverance@chbdc.govt.nz.

Submissions may be posted to

Governance
Central Hawke's Bay District Council
PO Box 127
Waipawa 4240

Submissions must be received no later than 5pm Friday 14 September 2018.

Monique Davidson
Chief Executive

Submission Form – Representation Review

Submitters Name:

Postal Address:

Day Phone:

Night Phone:

Mobile:

Email:

Do you wish to present your comments to Council in person at a hearing? Yes No

Please note that your submission (including any personal information supplied) will be made available to Councillors and the public. Submissions close on Friday 14 September at 5pm.

You may wish to use headings in your submission including:

- basis of election eg wards, at large or a mixed system,
 - the wards and the number of Elected Members per ward,
 - the total number of Elected Members, and/or
 - Community Boards.

Do you support the Council's initial proposal on representation arrangements? Yes / No

Please provide any comments

Need more room? You can attach extra pages but please make sure they include your name and contact information.

Please return the form to Council offices or post to:

Central Hawke's Bay District Council, PO Box 127, Waipawa, 4240