

2. REPRESENTATION REVIEW

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Local Electoral Act 2001
<i>Document ID:</i>	441536
<i>Reporting Officer/s & Unit:</i>	Jane McLoughlin, Team Leader Governance Rachael Horton, Manager Business Excellence & Transformation

2.1 Purpose of Report

To determine Council's initial proposal for representation arrangements for the 2019 and 2022 elections.

Officer's Recommendation

That Council:

Approve the initial proposal for representation arrangements for the 2019 and 2022 elections, and that the proposal be distributed for public consultation, that initial proposal being:

- a. the basis of election is Ward-only based on the current Ward structure:
 - i. that two Elected Members be elected by the electors of the Ahuriri Ward
 - ii. that two Elected Members be elected by the electors of the Onekawa-Tamatea Ward
 - iii. that four Elected Members be elected by the electors of the Nelson Park Ward
 - iv. that four Elected Members be elected by the electors of the Taradale Ward
- b. the total number of Elected Members is 12 and the Mayor
- c. that there be no community boards within Napier City.

Chairperson's Recommendation

That the Council discuss the paper and vote on the preferred option of Council.

2.2 Background Summary

What are representation arrangements?

Representation arrangements are the way the public are represented for local government elections for a Local Authority such as Napier City Council, including the following options:

- The basis of election; that is, whether the election of members (also known as councillors, other than the Mayor) is by:
 - the entire electoral district (called 'at large'),
 - the division of the district into wards for electoral purposes, or

- a mix of 'at large' and ward representation.
- If wards are used, the boundaries of wards, the names of the wards, and the number of members that will represent each ward.
- The total number of members that are elected to the governing body of the Council (the legal requirement is no less than 6 and no more than 30 members, including the Mayor), and
- Whether to have community boards, and if so, how many, and what their boundaries and membership will look like.

What are the benefits of undertaking a representation review?

Quality democratic processes are important and foster a richer form of citizenship and civic engagement. Electoral arrangements need to be representative and fair so that communities feel that they have influence and can effect change.

Both the Local Government Act 2002 (Act 2002) and the Local Electoral Act 2001 (Act 2001) highlight that diversity of communities' matters in local government decision-making (see sections 3, 10(1), 14(1), of the Act 2002 and section 4, (1), of the Act 2001).

As outlined above, there are different options for representation arrangements, and the Act 2001, section 3(c) enshrines a review of these options to allow diversity in local decision-making.

Principles outlined in the Act 2001 that govern the requirement to undertake a representation review include:

- Fair and effective representation for individuals and communities,
- Reasonable and equal opportunity:
 - to vote
 - nominate, or be nominated as candidates, and
- Public confidence in, and public understanding of local electoral processes.

A key outcome of undertaking a representation review is that communities of interest within a district are well represented on the governing body of Council and that voters have an equal vote.

What is the process officers have undertaken to inform this representation review?

At least every six years, a Local Authority must review its arrangements. Napier City Council last reviewed its arrangements in 2012 and therefore was required to review in 2018 and decide on any changes.

For this review, Officers have undertaken data-gathering and pre-consultation with Napier residents, and analysis of fair and effective representation, resulting in the Representation Review Analysis Paper (Attachment A). For more information on the process refer to the methodology section of the Analysis paper.

The process undertaken reflects the Local Government Commission's best practice guidelines that state that Councils should undertake pre-consultation with the public and undertake analysis on fair and effective representation. This is because the decision on representation arrangements must not be limited to reflecting community views, but must seek to achieve fair and effective representation for all individuals and communities.

A key part of the analysis is to identify communities of interest within Napier, and then identify how these communities could be most effectively and fairly represented.

Officers have updated Elected Members in Committee meetings in August and December 2017 on the process being undertaken and the results of pre-consultation (Attachment B provides the Representation Review survey report, Attachment C provides the survey responses on Community Boards).

What are the next steps in the process?

This report presents the analysis of the review to inform Council's decision on the initial proposal; this will then be publicly notified, and submissions invited.

Once Council makes a decision on the initial proposal, the statutory process commences.

Napier residents will have an opportunity to provide their thoughts on the proposal via submissions once the initial proposal is released. A hearing will be held where Council can consider feedback from Napier residents, and decide whether to modify their initial proposal or not. The initial proposal then becomes the final proposal.

The final proposal will be publically notified, and Napier residents will have the opportunity to make an appeal or objection on the final proposal to the Local Government Commission. At this point, it is the Commission which makes a final determination on Napier's representation arrangements, and Council has no further role in deciding.

Indicative timeframes for the statutory process include:

- Council decision 3 April and public notice (April)
- Submission period and consideration (April/May)
- Public notice of final proposal (June)
- Appeals and objections to Local Government Commission (June-December)
- Local Government Commission considers appeals and objections (January to April 2019)
- Implementation of determination (April-June 2019).

What were the key findings from the analysis report?

Key findings of the analysis include:

History of Napier's representation arrangements

- Strong local democracy can be measured by high voter turnout, more than one candidate for each seat, and diversity of candidates.
- Survey respondents prefer the current mixed election system made up of six at large and six ward Elected Members.
- Of the three election systems Napier has had over the last 40 years, the ward system followed by the mixed system created more fair and effective representation than the at large system.
- Napier's mixed system is unusual; most councils have a ward system.

Communities of interest

- Napier is made up of diverse communities.
- Napier's suburbs have their own community characteristics.
- The current ward system mostly caters for suburbs that share community characteristics.
- Suburbs that are distinct have sufficient commonality among other suburbs within the current ward structure.

Effective representation

- Using the existing ward structure, the most effective system for representing communities of interest is the ward system, followed by the mixed system.
- The at large system best reflects Napier residents' feedback that their community of interest is "Napier", but has in the past led to less candidates, less diversity among candidates, and lower voter turnout.
- The mixed system has in the past led to single candidates for a ward seat being elected unopposed; giving no choice to voters.
- The ward system has in the past provided higher number of candidates and more diverse candidates.
- Napier could feasibly reduce the number of Elected Members to 10 and still be in line with other city councils for representation ratios.

Fair representation

- Napier's current rate of elected members is higher in comparison to other city councils.
- Nelson Park Ward residents are the least engaged in local democracy and have the highest deprivation levels which can be a barrier to their engagement.
- Avoiding single member wards helps to improve voter choice and representation for ward residents.

Community Boards

- Bayview and Maraenui are distinct communities of interest for a community board.
- Survey respondents do not have a strong preference to establish community boards, and there is even less appetite by ratepayers to pay for them.
- Survey respondents have identified they are seeking an improved council to community connection.
- Improvements to existing mechanisms can achieve the same outcomes for better representation as a community board might do.

The analysis paper contains detailed information to support the key findings, and provides feasible options for consideration.

2.3 Issues

At a seminar with Elected Members on 7 March 2018, Elected Members asked officials to look into the following:

- A) Whether three wards could be justified in terms of fair and effective representation, used in a mixed system with no single-member wards, and the total of Elected Members remaining at 12.
- B) Whether there are any options for retaining a mixed system with the current ward structure, with no single-member wards, and reducing the number of At Large Elected Members (possibly to four) to retain a total of 12 Elected Members.

Officials considered both A and B and presented the analysis to these in Attachment D.

2.4 Significance and Consultation

Representation arrangements affect all Napier residents and have a high degree of significance. As outlined earlier, pre-consultation was undertaken with all of Napier's residents, firstly via a commissioned survey covering all representation arrangements, and secondly via a survey undertaken by Officers on community boards.

The statutory process under the Act 2001 and Act 2002 includes a high level of community engagement in it, as already outlined in this report. The statutory process will commence following Council's decision on the initial proposal.

2.5 Implications

Financial

There are no financial implications with the Officer's recommendation.

It is estimated that the cost to establish community boards for options d ii – iv, would add up to \$200,000 to rates per annum.

Social & Policy

N/A

Risk

There is a risk that residents in higher deprivation areas may end up with lower population-member ratios than those residents from low deprivation areas. To mitigate this risk, the analysis report clearly states that consideration should be given when calculating options for fair representation to ensuring that residents from high deprivation areas are given an adequate voice.

2.6 Options

The options available to Council are as follows:

- a. (preferred option) Retain the current ward structure and total number of Elected Members and move to a ward only system. No community boards are established. Under this option:
 - i. current ward structure is retained which gives particular representation to voters in high deprivation areas, does not split recognised communities of interest between electoral sub-divisions, and does not group together two or more communities of interest that have few common interests.
 - ii. it is more likely there will be a choice of candidates for each seat, avoid single member wards, and provide more diverse candidates.
 - iii. the number of Elected Members would remain at 12.
- b. Status Quo - Retain the status quo of representation arrangements as they currently stand; 12 Elected Members, current ward structure, mixed system of six Elected Members elected at large, and six Elected Members elected via wards. No community boards. Under this option:
 - i. it is likely that there will be Elected Members who stand unopposed, thus giving no choice for voters.

- c. Retain status quo, except for reducing the total number of Elected Members to 10 or 11 by reducing at large Elected Members to four or five. No community boards are established. Under this option:
- i. Population-member ratios would be more in line with other city councils.
- d. Community Boards are either:
- i. Not established (preferred option).
Under this option, improvements to existing mechanisms for the public to engage with Council, and a full ward system with actively engaged Elected Members would provide the types of improvements to Council/community connection that are being looked for in community boards.
 - ii. Established in Bayview.
 - iii. Established in Maraenui.
 - iv. Established in Maraenui and Bayview.
- e. Three ward system, based on:
- i. Ward configurations:
 1. Ahuriri Ward: Bayview, Ahuriri, Hospital Hill, Bluff Hill, Westshore, Nelson Park, McLean Park, Meeanee, Awatoto, Poraiti (three Elected Members)
 2. Onekawa Ward: Onekawa West, South, Central, Marewa, Maraenui, Tamatea North & South, Pirimai (four Elected Members)
 3. Taradale Ward: Taradale North & South, Greenmeadows. (three Elected Members)
 - ii. 12 Elected Members in total, including two at large Elected Members.
 - iii. No community boards.
Under this option: two at large Elected Members are retained which all voters can vote for, so gives them a choice beyond the candidates standing for their ward; it avoids single-member wards. It is a new ward configuration, and therefore voters would need to become aware of it.
- f. Three ward system, based on:
- i. Ward configurations:
 1. Ahuriri Ward: Bayview, Ahuriri, Hospital Hill, Bluff Hill, Westshore, Nelson Park, McLean Park, Meeanee, Awatoto, Poraiti (three Elected Members)
 2. Onekawa Ward: Onekawa West, South, Central, Marewa, Maraenui, Pirimai (three Elected Members)
 3. Taradale Ward: Taradale North & South, Greenmeadows, Tamatea North & South (four Elected Members)
 - ii. 12 Elected Members in total, including two at large Elected Members.
 - iii. No community boards.
Under this option: two at large Elected Members are retained which all voters can vote for, so gives them a choice beyond the candidates standing for their ward; it avoids single-member wards. It is a new ward configuration, and therefore voters would need to become aware of it.

For the particular sections in the Analysis Report that support the options as outlined above, the following pages refer:

- Pages 35-36: Based on effective representation, the key advantages and disadvantages of each system (e.g. at large, mixed, and wards). The two

most effective options are considered to be to retain the mixed system, or move to a ward system.

- Pages 37-38: For Council size, the two most effective options are considered to retain the status quo of 12 or reduce to 11 or 10.
- Pages 41-43: For fair representation, the two options are to retain the mixed system and current ward configuration and number of Elected Members per wards, and reduce the number of at large Elected Members to 11, or to move to a ward only system based on the current ward configuration.
- Pages 53-54: For analysis on Community Boards.

Pages 1-7: Addendum (Attachment D) for analysis on three ward configuration.

2.7 Development of Preferred Option

Option A is the preferred option due to the benefits as outlined above.

2.8 Attachments

- A Representation Review: Analysis Report
- B Representation Review survey report
- C Community Board survey responses
- D Representation Review addendum