

Mayor and Councillors
COUNCIL

16 APRIL 2015

Meeting Status: **Public**

Purpose of Report: For Information

2015 REPRESENTATION REVIEW - UPDATE

PURPOSE OF REPORT

- 1 This report provides Council with an update on the 2015 Representation Review.

BACKGROUND

- 2 The Representation Review is a process mandated by the Local Electoral Act 2001 that requires councils to review their representation arrangements every six years. The last time Council did this was 2009. The review is carried out in partnership with the community to define communities of interest, and come to a view on the number of elected members and the kind of electoral structure required to achieve fair and effective representation for these communities at the next local body elections. A review of community boards is also a mandated part of the process.
- 3 The process takes about eight months and will move through three phases:
 - Pre-consultation (March-May) – defining communities of interest, development of options for representation arrangements
 - Formal consultation on an initial proposal (June-August)
 - Adoption of, and appeals/objections on, a final proposal (August-October)
- 4 In December 2014 Council resolved to convene a Working Party to manage the process, appointing Cr Gaylor and Cr Cardiff as members and granting the Working Party the power to appoint other members as deemed appropriate. Accordingly, Ann-Maree Ellison and Jonny Best were appointed as the iwi and community board representatives respectively.
- 5 The key role of the Working Party is to oversee the pre-consultation phase, with a focus on engaging with the community to define communities of interest and using that feedback and information to develop possible models for recommendation to Council in June.
- 6 The Working Party met on 23 March to:
 - Confirm membership, roles and responsibilities (see Appendix 1 for the Working Party Terms of Reference)
 - Approve a timetable in line with statutory parameters (Appendix 2)
 - Approve a communications and engagement strategy

ISSUES AND OPTIONS

Issues

- 7 Although the Review's timetable is unfolding at the same time as the Local Government Commission (LGC)'s amalgamation process the Council must by law continue with the review until such time as the LGC process makes it clear that the region's governance arrangements are going to change (ie if a region-wide poll results in a 'yes' to the amalgamation proposal).
- 8 A series of public workshops on the Review is planned, hosted by Community Boards to discuss communities of interest, and what possible arrangements would provide fair and effective representation for these communities. As at the time of writing there has already been one public workshop, hosted by the Paekākāriki Community Board (14 April). At the same time the review has been publicised through the Sustainable Home and Garden Show, and the Long Term Plan 'Open Days'. Social media and the Council's website will also be used throughout the process to promote and inform, and receive submissions and comments.
- 9 Once Council adopts its initial proposal in June a more formal consultation process will ensue, with the hearing of submissions and the adoption of a final proposal. If Council receives appeals and objections to its final proposal the matter must be referred to the Local Government Commission.

CONSIDERATIONS

Policy considerations

- 10 There are no policy considerations.

Legal considerations

- 11 The review is mandated through Part 1A of the Local Electoral Act 2001.

Financial considerations

- 12 There is sufficient budget for the activities contributing to the review. Members of the Working Party are not separately remunerated.

Tāngata whenua considerations

- 13 Tāngata whenua are represented on the Review Working Party and a separate workshop for iwi is planned. Te Whakaminenga o Kāpiti will also be regularly briefed.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 14 This matter is significant under Council policy, and the process of engagement and decision-making is stipulated in legislation.

Engagement planning

- 15 At this early stage in the process, the engagement plan is focused on seeking community views through a range of stakeholder engagements. Once Council releases its initial proposal in June a formal consultation process as per legislative provisions applies.

Publicity

- 16 Media releases will capture key milestones as the process unfolds, in keeping with the communications and engagement strategy.

RECOMMENDATIONS

- 17 That Council notes the progress made with the 2015 Representation Review.

Report prepared by	Approved for submission	Approved for submission
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Vyvien Starbuck-Maffey	Stephen McArthur	Wayne Maxwell
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Democracy Services Manager	Group Manager Strategy and Planning	Group Manager Corporate Services
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ATTACHMENTS

Appendix 1	Working Party Terms of Reference
Appendix 2	Timetable for review

APPENDIX 1

Terms of Reference for Representation Review Working Party**Purpose**

- a) To develop representation options for the Kapiti Coast District Council which address the issues raised in sections 19H and 19J of the *Local Electoral Act 2001*, having regard to the factors specified in sections 19T and 19V.
- b) To present options for consideration by the Council to enable an initial proposal to be adopted for consultation with the community under section 19M of the Local Electoral Act
- c) The Council requires that the Review Working Party report will allow the Council to make fully informed decisions on the options, including arguments and implications for each alternative, for the future governance structure of the District for the period 2016 – 2019. The work undertaken by the panel will comply with the requirements of the *Local Electoral Act 2001*.

Tasks

- 1) Identify and define communities of interest.
- 2) Conduct such research, enquiries or other work as considered necessary to complete this brief.
- 3) Determine if early community input required and seek input as necessary.
- 4) Consider and recommend fair and effective representation arrangements throughout and for the District, including the election of councillors (at large, by ward or mixed) and community boards, if required.
- 5) Develop the reasonable alternatives available to the Council in regard to governance structures for the period 2016 - 2019 (including Community Boards if required) having regard to the legal tests.
- 6) Present and explain the panel's conclusions as necessary in front of the community, the Council and anybody charged with statutory responsibility for this function.
- 7) Report to Council on the representation options, including community boards, that were developed, the feedback and results of any community consultation, including the communities' views of the options and their desire (if any) for more or different representation.
- 8) Recommend options and a preferred structure.
- 9) Other such tasks as may be identified during the process.

Draft Process

A draft process to be followed by the Working Party may include the following steps:

- 1) Establishment of a work programme
- 2) Development of draft options and material for pre-consultation
- 3) Pre-consultation with community
- 4) Finalisation of option(s) and recommendation to Council
- 5) Presentation of option(s) and recommendation to Council.

The Panel will determine the final process to be followed to achieve the tasks outlined above.

Working Party Makeup

Council appointed two Councillors to the Working Party and delegated to the Working Party the ability to co-opt additional members, which it has done, in confirming an iwi representative and one member chosen by the Community Board Chairs to represent Community Boards.

Estimated Time Involvement

Meetings will be held as required. An estimated time involvement for the process is between 25-30 hours, depending on the process undertaken.

APPENDIX 2

TIMETABLE FOR REPRESENTATION REVIEW

	DATE	ACTIVITY	LEGISLATION
PRELIMINARY	11 December 2014	Decision by Council to convene Working Party	None applicable
	20 January 2015	Report to TWOK mtg re iwi member appt	
	27 Jan – PCB 3 Feb – OCB 10 Feb – WCB 17 Feb - PRCB	Reports to CB meetings inviting CB member of WP	
	By 6 March	WP membership finalised	
	2-10 March	Preparation of WP folders for first meeting	
PHASE ONE – WORKING PARTY PRE-CONSULTATION	Week commencing 23 March	<u>First meeting of WP</u> - approve TOR - approve timetable - scope work programme – lessons learned from 2009 - approve comms strategy - agree on next steps	None applicable
	13 April	<u>Second meeting of WP</u> - confirm material for pre-consultation public workshops (overview of process, District and community profiling information and maps, key issues)	
	April/May	WP pre-consultation with community on communities of interest and possible models for representing them as per comms strategy (ie public workshops, Elected Member briefing, input to Facebook, website, libraries, Kapiti Update)	
	21 May	<u>Third meeting of WP</u> WP comes to a view about initial proposal recommendation to Council, based on public feedback and discussions	

	DATE	ACTIVITY	LEGISLATION
	Thurs 18 June (Council meeting)	Initial proposal adopted by Council as per recommendation of WP	Must be done between 1 March and 31 August
PHASE TWO – CONSULTATION ON INITIAL	Thurs 25 June	Initial proposal public notice, inviting submissions	Must be published within 14 days of Council resolution (19M1) and no later than 8 Sept
	Fri 31 July	Deadline for submissions	Must be not less than one month after public notice date (19M2d)
	Tues 11 August (Special Council meeting)	Council to hear submissions to draft proposal	Submissions hearing , consideration, final proposal AND the advertising of final proposal must occur within six weeks of closing date for submissions (19N1a and b) ie by Fri 11 September
PHASE 3 – FINAL PROPOSAL AND LGC	Thurs 27 August (Council meeting)	Council considers and resolves its final proposal	As above
	Thurs 3 September	Final proposal public notice, inviting appeals or objections	As above
	Mon 5 October	Deadline for appeals or objections to final proposal	Not less than one month after the date of the public notice, and not later than 20 December
	As soon as practicable	If appeals and/or objections received Council to forward all info to LGC for consideration	No later than 15 January 2016 (19Q)
	By 10 April 2016	LGC issues its final determination – one month for appeals to the High Court on point/s of law	(19R)