

AGENDA FOR THE

ORDINARY MEETING OF THE REPRESENTATION REVIEW COMMITTEE

TO BE HELD IN THE COUNCIL CHAMBERS,

2 NORMAN KIRK DRIVE, ROLLESTON

WEDNESDAY 27 JANUARY 2021

COMMENCING AT 3.00PM

AGENDA OF AN ORDINARY MEETING OF THE REPRESENTATION REVIEW SUBCOMMITTEE TO BE HELD IN THE COUNCIL CHAMBER, SELWYN DISTRICT COUNCIL, ROLLESTON ON WEDNESDAY 27 JANUARY 2021 COMMENCING AT 3PM

MEMBERS

Mayor S T Broughton, Councillors M A Alexander (Chair), S Epiha, J A Gallagher and G S Miller, and J B Morten (Malvern Community Board Chair)

KARAKIA

APOLOGIES

CONFLICTS OF INTEREST

CONFIRMATION OF MINUTES

Minutes of an Ordinary Meeting of the Representation Review Subcommittee held in the Council Chambers on Wednesday 9 December 2020 (Pages 3 - 5)

Recommendation:

'That the Representation Review Committee confirm the minutes of its Meeting held on 9 December 2020, as circulated.'

REPORTS

1. Deputy Electoral Officer (Pages 6 - 18)

Pages entation Review Timeline and Wo

Representation Review Timeline and Work Programme

Recommendation:

'That the Representation Review Subcommittee:

- (a) receive the report for information; and
- (b) approve or amend the draft timeline for the representation review process in 2021'

MINUTES OF AN ORDINARY MEETING OF THE REPRESENTATION REVIEW SUBCOMMITTEE HELD IN THE COUNCIL CHAMBERS, SELWYN DISTRICT COUNCIL, ROLLESTON ON WEDNESDAY 9 DECEMBER 2020 COMMENCING AT 8.30AM

PRESENT

Mayor S T Broughton, Councillors M A Alexander (Chair), S Epiha, J A Gallagher and G S F Miller, and Mr J B Morten (Malvern Community Board Chair)

IN ATTENDANCE

Mr S Hill (Group Manager Communication and Customers, Deputy Electoral Officer), Mrs N Smith (Executive Assistant); and Ms T Davel (Governance Coordinator)

KARAKIA

The Chair opened the meeting, welcoming everyone present and on-line.

Mayor Broughton opened with karakia.

APOLOGIES

Councillor Epiha for lateness.

Moved – Mr Morten / Seconded – Mayor Broughton

'That the Representation Review Committee receives the apology for lateness from Councillor Epiha.'

CARRIED

CONFLICTS OF INTEREST

None.

CONFIRMATION OF MINUTES

Moved – Mayor Broughton / Seconded – Councillor Miller

'That the Representation Review Committee confirm the minutes of its Meeting held on 28 October 2020, as circulated.'

CARRIED

Cr Epiha entered the meeting at 8.36am

REPORTS

1. Deputy Electoral Officer

Population – Representation Tables Update 2019

The Deputy Electoral Officer went through his report referring to additional analysis showing population growth by Ward.

There was a discussion about the appropriate level of representation in relation to population growth and whether Council could ask for an exemption of its wide-spread areas. The Deputy Electoral Officer noted any exemption would have to be subject to consideration by the Local Government Commission, but in general they have historically been reluctant to allow an exemption. He added that the updated mesh block data will be available late January / early February which will be presented to the Committee. He suggested there could be a workshop to look at different options.

Councillor Epiha noted it would be helpful to quantify the numbers in relation to geography and said having access to data on the amount of time and work Councillors put on the road for example would be useful.

Councillor Miller said it was difficult for Councillors to review their own roles, which is basically what is required. He said they should be working out what was best for the District.

Mr Morten observed that if one were to drive 40 minutes around the Banks Peninsula a large area of the ward could be covered but 40 minutes from Darfield in any direction won't get you to much of the ward.

The Chair said the legislation was clear that numbers are what needed to be considered and as there is urban growth in the District there will probably be more Councillors for the urban areas as opposed to rural.

There was consensus around the table that Council can't continue with the status quo and that they needed to think about the future.

Moved – Councillor Epiha / Seconded – Mayor Broughton

'That the Representation Review Subcommittee receive the report for information.'

CARRIED

2. Deputy Electoral Officer

Representation review – consultation with other councils on basis of election

The Deputy Electoral Officer referred to the meetings with Ashburton District Council and Napier City Council. He quoted a few of the pros and cons of either a mixed model or ward only model.

The Chair apologised to Councillor Miller for having been missed off the invitation list to the zoom meetings and Councillor Miller said he was disappointed that he had missed the question and answer sessions. He said it would have been very valuable to attend.

The Chair also said that it was important that council start telling people of the changes to come, not that any decisions have been made yet, but just to start communication that there will be change.

Councillor Epiha asked whether the two councils had considered engagement with iwi or hapu and that it would be important for Selwyn District to do so.

Councillor Miller said community boards do a lot of work on the ground and there was often a difficulty in being both a Councillor and a board member. The Chair reminded the Committee that communities had turned down community boards in the past and that it could be included in the different options that will be presented to communities, for them to decide.

Councillor Miller also asked staff to work on a clear work plan and the Chair said a February workshop could be the place for a work plan / programme discussion.

The Chair added he will work with the Chief Executive and the Deputy Electoral Officer to explore the best way to prepare for a workshop.

Moved - Mayor Broughton / Seconded - Councillor Gallagher

'That the Representation Review Subcommittee receive the report for information.'

CARRIED

GENERAL BUSINESS

CHAIRPERSON

The Committee decided that a workshop will be arranged for Wednesday 27 January 2021 after the next scheduled meeting. An invitation will be sent out to members.

2020

The meeting closed at 9.11am

DATED THIS	day of	

REPORT

TO: Representation Review Subcommittee

FOR: 27 January 2021

FROM: Deputy Electoral Officer

DATE: 20 January 2021

SUBJECT: REPRESENTATION REVIEW TIMELINE AND WORK PROGRAMME

RECOMMENDATION

That the representation review subcommittee:

(a) receive the report for information

(b) approve or amend the draft timeline for the representation review process in 2021

1. PURPOSE

The purpose of this report is to provide an updated timeline and high-level work programme for undertaking the representation review; indicating key dates to meet the required statutory milestones.

2. BACKGROUND AND TIMELINE

Local authorities are required to undertake a representation review each six year period. Selwyn District Council last undertook a review during the 2015 calendar year in preparation for the 2016 elections.

The processes with respect to representation arrangements, procedural steps and timelines are clearly identified in section 19 of the Local Electoral Act 2001 (previously circulated).

A detailed outline of the required steps is shown at Appendix 1 (extract from SOLGM guidelines).

The following table summarises the timeline and process steps. Key points include;

- The Council must publicly notify its initial proposal for consultation, no earlier than 1 March and no later than 8 September
- Public submissions on the initial proposal must be open for at least one month
- The Council may resolve to make amendments to the initial proposal, following consideration of submissions
- The Council must give notice of its final proposal within six weeks of the close of public submissions
- The Council must forward any appeals or objections to the Local Government Commission no later than 15 January 2022
- The Commission makes its determination by 11 April 2022

Procedure	Deadline	Relevant section
Local authority determines proposed representation arrangements	Initial proposals must be made: no earlier than 1 March in the year before election year by 31 August in the year before election year, if establishing Māori wards/constituencies in any other case, in time for the deadline for public notice (i.e. by 7 September)	19H (territorial authorities) 19I (regional councils) 19J (community boards) Schedule 1A for Māori wards or constituencies
Local authority gives public notice of "initial" proposal and invites submissions	Within 14 days of resolution, and not later than 8 September in the year before election year	19M(1)
Submissions close	Not less than one month after public notice	19M(2)(d)
If no submissions then proposal becomes final ¹	Public notice to be given when there are no submissions but no date fixed for doing this	19Y(1)
Local authority considers submissions and may make resolution to amend proposal	Within 6 weeks of closing date for submissions	19N(1)(a)
Local authority gives public notice of its "final" proposal	Within 6 weeks of closing date for submissions	19N(1)(b)
Appeals and objections close	Must be lodged:	190
	not less than 1 month after the date of the public notice issued under section 19N(1)(b) not later than 20 December in the year before election year	19P
If no appeals or objections then proposal becomes final ¹	Public notice to be given when there are no appeals/objections, but no date fixed for doing this	19Y(1)
Local authority forwards appeals, objections and other relevant information to the Commission ²	As soon as practicable, but not later than 15 January in election year	19Q 19V(4)
Commission considers resolutions, submissions, appeals and objections and makes determination	Before 11 April in election year	19R
Determination subject to appeal to High Court on a point of law ³	Appeals to be lodged within 1 month of determination	Clause 2, Schedule 5, Local Government Act 2002

(Local Government Commission: Guidelines for local authorities undertaking representation reviews)

In its guidelines the Commission also notes:

The Commission encourages all local authorities to get the planning for their reviews underway as early in the relevant triennium as possible, and to set internal deadlines that enable the local authority sufficient flexibility to respond to issues that may arise during the process, while also ensuring the local authority can meet the statutory deadlines.

¹ Under *section 19V(4)* proposals that do not comply with the +/-10% fair representation requirement are subject to confirmation by the Commission.

² Includes any proposal that does not comply with the +/-10% fair representation requirement.

³ Commission determinations may also be subject to judicial review.

3. TIMELINE 2015/16

For reference, the timeline for the last Representation Review, held in 2015/16, was as follows:

Preliminary consultation - July 2015

The Council asked for community feedback on a range of options for future representation, including possible changes to the number of wards, ward boundaries, the number of councillors, whether councillors should be elected across the whole district or within wards, and whether there should be Community Boards.

Initial proposal and consultation – August 2015

Following preliminary consultation the Council adopted an Initial Proposal for representation arrangements on 26 August 2015. Submissions closed on 5 October 2015

- Public hearing and deliberations on submissions 12 October 2015
- Final Proposal for representation arrangements was adopted by the Council on 28 October 2015 and publicly notified on Wednesday 11 November 2015
- 12 appeals and a petition were submitted on the proposal. The Local Government Commission met held a hearing on 14 March 2016
- The commission's final decision was released on 7 April

The Council could follow a similar timeline in 2021, but an earlier start would provide greater opportunity for community engagement and consultation. For example, preliminary consultation could commence in the new year, or May/June, once LTP consultation was completed.

4. DRAFT TIMELINE AND WORK PROGRAMME 2021

The following table sets out a draft proposal for the work programme for Selwyn's Representation Review, through to the end of 2021, by which time the process will be in the hands of .

In preparing this draft, staff have been mindful of the following factors:

- The need to meet statutory timeframes
- The subcommittee's wish to undertake preliminary consultation on ward and councillor options, and on communities of interest
- The need to provide adequate time for community engagement at both preliminary consultation and initial proposal stages
- The need to avoid conflict with other major consultation programmes

This draft programme notes that consultation on the Council's Long-Term Plan (LTP) is proposed to take place throughout the month of April, with deliberations and hearings in mid-late May.

It is therefore proposed that preliminary consultation is undertaken during March (prior to the LTP consultation), with the option of undertaking additional research or targeted engagement if required during May, to assist with informing the development of the Initial Proposal.

DRAFT timeline/work programme for Representation Review 2021

JANUARY		
27	Subcommittee meeting	
	Workshop	Initial consideration of ward and councillor options
	•	Staff to develop draft proposal for preliminary consultation on ward and councillor options, communities of interest.
FEBRUARY		
10	Subcommittee meeting	Workshop to further develop proposals for preliminary consultation
24	Subcommittee meeting	Adopt proposal for preliminary consultation on ward and councillor options, communities of interest.
MARCH		
		Preliminary consultation stage 1 open (approx. 1/3 - 26/3)
17	Subcommittee meeting	
APRIL		
		[Note: LTP consultation open 29/3 – 30/4]
14	Subcommittee meeting	Receive results of preliminary consultation stage 1
		Determine requirements for additional consultation/research
MAY		
		[Note: LTP hearings 13-14/5, deliberations 20/5]
		Undertake any additional consultation/research as required
12	Subcommittee meeting	
JUNE		
9	Subcommittee meeting	Subcommittee to review results of preliminary consultation and provide guidance on preferred option for Initial Proposal
		Staff to develop draft Initial Proposal for consultation
JULY		
21	Subcommittee meeting	Adopt Initial Proposal for consultation
AUGUST		
		Initial Proposal open for consultation (approx. 30/7 – 30/8)
11	Subcommittee meeting	
SEPTEMBER		
8	Subcommittee meeting	Hearings and deliberations on Initial Proposal
22	Council meeting	Adopt Final Proposal
OCTOBER		
6		Public notification of Final Proposal
20	Subcommittee meeting	
NOVEMBER		
6	0.1	Appeal and objections open
17	Subcommittee meeting	
DECEMBER	0.1	
15	Subcommittee meeting	Amazala and abiactions slave (talk (
20		Appeals and objections close (to be forwarded to LGC by 15 January 2022)

5. OPTIONS

The options available to the Subcommittee include:

- (a) Adopt the draft timeline with no amendments
- (b) Adopt the draft timeline with amendments

Stephen Hill

Group Manager Communication and Customers/Deputy Electoral Officer

Appendix 1: Society of Local Government Managers, Code of Practice for Representation arrangements, 2020; p.20-27.

DATE BY	ACTION	COMMENTARY	STATUTORY REF
2020 to early 2021	Obtain the most up-to-date population estimates. Identify a range of possible representation models. Undertake preliminary consultation with the public on options.	Not legal requirements but recommended as good practice.	
Between 1 March and 8 September 2021	 Territorial authority must determine by resolution: whether councillors are to be elected by the electors of the district as a whole, the electors of two or more wards, or a mixture of both options if councillors are to be elected by the district as a whole, the proposed number of councillors to be elected if councillors are to be elected by a mix of wards/at large, the proposed number to be elected by the district as a whole and the proposed number to be elected by two or more wards if councillors are to be elected by wards, the proposed name and boundaries of each ward, and the number of councillors proposed to be elected by the electors of each ward. In making this resolution, territorial authorities must comply with requirements for effective representation of communities of interest and fair representation for electors. 	Section 19H is to be read in conjunction with section 19ZH and schedule 1A in relation to the establishment of Māori wards. Resolutions cannot be passed any earlier than 1 March 2021 to ensure the use of most up-to-date population estimates and for receipt of poll demands on the electoral system or Māori wards. If a valid poll demand is received, the resolution will have to follow the holding of the poll i.e. after 21 May 2021. Refer to Sections 19T, 19V, 19W and the Local Government Commission's guidelines concerning communities of interest and fair and effective representation.	s19H, s19J, s19K, s19V, s19W s19ZH Schedule 1A: cls 1, 2, 5, 6, 7

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Territorial authority must also determine by resolution:

- whether there should be communities and community boards and, if so, the nature of those communities and the structure of community boards including:
- how many communities should be constituted
- whether any community should be abolished or united with others
- any boundary alterations that may be necessary
- whether any communities should be subdivided for electoral purposes or continue to be subdivided
- any alterations to existing subdivisions
- the number of members of the boards, including those elected and those appointed
- whether the members who are to be elected will be elected by:
 - the community as a whole
 - subdivisions
 - wards
- where there are subdivisions:
 - the names and boundaries of those subdivisions
 - the number of members for each subdivision.

In making this resolution, territorial authorities must comply with requirements for effective representation of communities of interest and fair representation for electors.

Refer to Section 19J.

The community board review process applies to all territorial authorities carrying out reviews, not just those that have community boards. Each territorial authority must, as a part of its representation review, consider whether community boards are necessary to provide fair and effective representation for individuals and communities in its district.

If local boards have been established for the territorial authority district, the territorial authority must determine by resolution:

- the proposed number of elected members
- if provided for by an Order in Council under *s25* of the *Local Government Act 2002*, the proposed number of appointed members
- whether the elected members will be elected by:
 - the electors of the local board area as a whole
 - subdivisions of the local board area
 - wards
- where there are subdivisions;
 - the names and boundaries of those subdivisions
 - the number of members for each subdivision
- where there are wards, the number of members to be elected by the electors for each ward
- the proposed name of any local board.

Refer to section 19ZH and schedule 1A with respect to Māori wards.

As soon as practicable after passing the resolution, the territorial authority must send a copy to:

- Local Government Commission
- Surveyor-General
- Government Statistician
- · Remuneration Authority
- Regional council.

Refer to Section 19H

The following matters can only be dealt with through the reorganisation process under *schedule 3* of the *Local Government Act 2002*:

- the establishment, union or abolition of local boards
- alteration of the external boundaries of the local board area
- whether or not a local board has a chairperson elected by the electors of local board area
- whether or not the local board has appointed members.

s19L

Between 1 March and 8 September 2021	Regional council must determine by resolution: • the proposed number of constituencies • the proposed name and boundaries of each constituency • the number of councillors proposed to be elected by the electors of each constituency.	Section 19I is to be read in conjunction with Section 19ZH and schedule 1A in relation to the establishment of Māori constituencies. Resolutions cannot be passed any earlier than 1 March 2021 to ensure the most up-to-date population estimates and for receipt of poll demands on the electoral system or Māori constituencies. If a valid poll demand is received, the resolution will have to follow the holding of the poll i.e. after 21 May 2021.	s19I, s19K, s19U, s19V, s19ZH, Schedule 1A: cls 3, 4, 5, 6, 7
	Refer to section 19ZH and schedule 1A with respect to Māori wards. As soon as practicable after passing the resolution, the regional council must send a copy to: Local Government Commission Surveyor-General Government Statistician Remuneration Authority Territorial authorities in region.		s19L
Within 14 days of making the resolution and no later than 8 September 2021	Local authority must give public notice of its initial proposal contained in the resolution including: • arrangements for public inspection of full proposal • the communities of interest considered by the local authority • population to proposed member ratios for wards, constituencies and subdivisions (as appropriate) and the reasons for those proposals in terms of the legislation • closing date for submissions.		s19M

No earlier than one month after the first (or only) public notice is given	Submissions close	Any person making a submission must be: • sent a written acknowledgement of receipt of submission • given a reasonable opportunity to be heard (if submitter so requests) • notified of the opportunity to be heard • advised how to exercise the opportunity.	s19M
After the close of the submission period	Subject to Section 19Y(1), if no submissions are received on a local authority's initial proposal: • proposal becomes the basis ⁴ for the 2022 triennial election and continues in effect until a subsequent determination comes into effect • local authority must give public notice to that effect.	This does not apply to local authorities whose proposals do not comply with the fair representation requirements of section 19V. Under section 19V(4), even if no submissions are received, an initial proposal that does not comply with section 19V, must be referred to the Local Government Commission for determination.	s19Y
	Copies of public notice must be sent as soon as practicable to: • Local Government Commission • Surveyor-General • Government Statistician • Remuneration Authority • Secretary for Local Government • territorial authorities/regional council as appropriate. Local authority must send ward/constituency/community /subdivision descriptions or plans to the Surveyor-General for certifying.	Although not a legal requirement, territorial authority should also send a copy of the resolution to the Ministry of Health to enable it to keep track of any boundary differences between territorial/ward boundaries and DHB boundaries. The determination is not effective until the descriptions or plans have been certified by the Surveyor-General. The local authority must meet the costs involved in obtaining the certificate from the Surveyor-General. Surveyor-General has issued the "Standard for Plans for Local Authority Electoral Areas" (LINZS50000) which plans should comply with.	

	I		
Within six weeks of closing of submissions	If submissions are received on the proposal, the local authority: must consider all submissions may amend its earlier resolution must give public notice of its final proposal and the notice must include: any amendments to its initial proposal reasons for those amendments reasons for rejection of submissions the communities of interest considered by the territorial authority the ratio of population to proposed members for each proposed ward, constituency, or subdivision, and the reasons for those proposals right of appeal right of objection place and closing date for the receipt of appeals and objections (if the appeal is amended). Copies of public notice must be sent to: Local Government Commission Surveyor-General Government Statistician Remuneration Authority territorial authorities/regional council as appropriate.	Written submissions must be made available to the public, subject to Local Government Official Information and Meetings Act 1987. Subject to Part 7 of the Local Government Official Information and Meetings Act 1987, the hearing of submissions must be open to the public. The closing date for the receipt of appeals or objections must not be: • earlier than one month after the date of the first (or only) public notice of the local authority's decision • later than 20 December 2021. The closing date for the receipt of appeals and objections must be the same	s19M, s19N, s19O s19P
No earler than one month after publication of the public notice, also at the latest 20 December 2021.	Last day for lodging of appeals and objections to the local authority's final proposal.	Any person who made a submission on a local authority's initial proposal may lodge an appeal against the local authority's decision under sections 19H, 19I or 19J. Appeals may only raise matters that were in the appellant's submission on the local authority's resolution under sections 19H, 19I or 19J. If a local authority amends its initial proposal, any interested person or organisation may lodge an objection. Appeals and objections must identify the matters to which they relate.	s19O, s19P

After close of appeal and objection period	Subject to Section 19Y(1) if no appeals against, or objections to, the local authority's final proposal are received: • proposal becomes the basis for the 2022 triennial election and continues in effect until a subsequent determination comes into effect • local authority must give public notice to that effect. Copies of public notice must be sent as soon as practicable to: • Local Government Commission • Surveyor-General • Government Statistician • Remuneration Authority • Secretary for Local Government • territorial authorities/regional council as appropriate. Local authority must send ward/ constituency/community /subdivision descriptions or plans to the Surveyor-General for certifying.	This does not apply to local authorities whose proposals do not comply with the fair representation requirements of section 19V. Under section 19V(4), even if no appeals or objections are received, a final proposal that does not comply with section 19V, must be referred to the Local Government Commission for determination. Although not a legal requirement, territorial authority should also send a copy of the resolution to the Ministry of Health to enable it to keep track of any boundary differences between territorial/ward boundaries and DHB boundaries. The determination is not effective until the descriptions or plans are certified by the Surveyor-General. The local authority must meet the costs involved in obtaining the certificate from Surveyor-General has issued the "Standard for Plans for Local Authority Electoral Areas" (LINZS50000) which plans should comply with.	s19Y
As soon as practicable after the close of the appeal/ objection period but no later than 15 January 2022	If appeals/objections are received on the final proposal: • local authority must forward appeals, objections and other relevant materials to the Local Government Commission.	 Material must include: resolutions made under sections 19H, 19I, 19J, and 19N(1)(a) public notice under section 19N(1)(b) all submissions received all appeals and objections other relevant information necessary for the Local Government Commission to make a determination. 	s19Q s19V

Before 11 April 2022	Local Government Commission must make a final determination which comes into effect for the 2022 triennial election and may only be appealed on a point of law. Commission must notify local authority of determination and reasons. Commission must publicly notify its determination.	A copy of Commission's determination must be kept at the local authority offices and be available for public inspection, without fee, during normal office hours.	s19R, s19S, s19Y Sch 5, cl 2 LGA02
	Commission must send copies of public notice to: • Surveyor-General • Government Statistician • Remuneration Authority • Secretary for Local Government. Commission must send ward/constituency/community /subdivision plans to the Surveyor-General for certifying.	The determination is not effective until the descriptions or plans are certified by the Surveyor-General. The local authority must reimburse the Commission for any costs incurred by the Commission in obtaining the necessary certificate from the Surveyor-General.	