

Representation Review – briefing two

Meeting: Council Briefing
Date of meeting: 3 March 2021
Reporting officer: Michael Day, Strategy Policy and Governance Manager
Dale Ofoske, Electoral Officer

Purpose/Ngā whāinga

To provide an update of the representation review process for the 2022 and 2025 local government elections, reflecting the latest population figures and the establishment of a Māori ward, with a number of suggested options and implementation timetable.

Context/Horopaki

The Local Electoral Act (LEA) requires all local authorities to undertake a representation arrangement review at least once every six years. Council's last review was undertaken in 2018/2019 (for the 2019 local government elections) with eight councillors being elected from four wards, plus the mayor.

The next review would normally occur in 2024/2025, however, Council signalled to the Local Government Commission (LGC) at the previous representation review that it would undertake another review in 2021/22 due to the significant growth being experienced in the District. Council has also resolved to introduce a Māori ward which triggers a review. The review will enable the use of the latest population statistics (2018 Census with population estimates at 30 June 2020) when determining options.

This briefing builds upon the initial briefing held with Council in December 2020 and staff will schedule an item on each upcoming monthly briefing to work through the process.

During the review, Council must consider its communities of interest, effective representation (wards, total number of councillors, community boards etc) and fair representation (each councillor representing about the same number of people, within +/- 10%).

Two of the current wards do not comply with fair representation (+/-10% rule), and with a Māori ward, all current wards do not comply.

Discussion/Ngā kōrerorero

The formal representation review process cannot commence until 1 March 2021 and an initial proposal must be made by 31 August 2021.

Local Government Commission's 2018 determination

The 2018 review was ultimately determined by the LGC following the receipt of one appeal. In essence, the LGC upheld Council's decision (of four wards and eight Councillors plus Mayor) but made the following observations:

- 'there is a need to have the most up-to-date statistical information to reflect the current situation and future trends' and
- 'we note, however, that there was a reasonably strong level of support for community boards in the council's preliminary consultation. We suggest the council, as part of its next review, may wish to consider this option further and to consult particular communities, including those in the eastern area'

Both of these observations will need to be addressed in the 2021 review.

Māori ward

With legislation soon to be enacted removing the right for a public poll on establishing Māori wards/constituencies (current situation at time of writing), one Māori ward will likely be established in Kaipara District for at least the 2022 and 2025 triennial elections. Under the formula in the Local

Electoral Act 2001, there would be one Māori ward councillor, with either eight or nine councillors in total.

Informal consultation

We are intending to informally engage with the public in mid to late April on representation arrangements, as was done prior to the 2018 review. Feedback obtained from this process will then be provided to Elected Members to assist in their deliberations in determining an initial proposal.

Staff will provide a further update on planned informal engagement at the April briefing, but initial thinking is to seek views on the question topics below. Note that some contextual information will be provided with the questions:

- Ward system: Current ward system be retained, or an 'at large' or a mixed system
- Representation: Whether or not the current ward system (with 4 councillors in the west and 4 councillors in the east) provides balanced representation for the district's different communities of interest
- Ward names: Keep or change
- Elected members: Existing number or a different number
- Community boards: Establish them or not.

Considerations

To undertake a representation review, Council must consider the following:

- what are the district's communities of interest?
- whether general councillors, other than the mayor, are elected by all electors of the district whose names are on the general electoral roll either:
 - as a whole (at large) or
 - from two or more wards or
 - from a mix of electors of the district (at large) and by electors of wards?
- the impact of the Māori ward (one councillor to be elected by all electors of the district whose names are on the Māori electoral roll)
- the proposed number of councillors to be elected in each category (at large/ward/mixture - if applicable)
- the proposed name and boundaries for each ward
- whether there should be community boards, and if so, the nature of a community and structure of a community board?
- the number of members of a community board (including the number elected and appointed)
- whether members of a community board are to be elected by electors of a community as a whole, or by electors of two or more subdivisions?
- the names, boundaries and number of members of each subdivision of a community (if adopted).

Current arrangements

The current ward structure does not comply with the +/- 10% fair representation criteria (Dargaville and Kaiwaka-Mangawhai Wards are non-compliant). This means that the new proposal will be different than the existing model.

Ward	Pop	Cnrs	Average	Fits Rule	% Variation
Dargaville	4,960	2	2,480	No	-21.18%
Kaiwaka-Mangawhai	8,680	2	4,340	No	37.94%
Otamatea	5,760	2	2,880	Yes	-8.46%
West Coast-Central	5,770	2	2,885	Yes	-8.30%

	25,170	8	3,146	Min 2,831	Max 3,460
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Population estimates 30 June 2020

Possible options

The population figures that must be used for the 2021 review are Māori and general electoral populations, estimated at 30 June 2020 (based on the 2018 Census). These are 3,680 and 21,500 respectively making a total population estimate of 25,180.

In looking at various possible options, we have tried to use current ward boundaries grouped together, noting that the STV electoral system works better with larger, multi-member wards (or 'at large').

Nine options have been explored initially with five of these complying with the +/- 10% rule. A summary of the options has been provided below. For more detailed information, refer to **Attachment A**.

Assuming a Māori ward for all options, the five **compliant options** (with or without community boards) are:

Option 1: 2 general wards (east/west), 1 Māori ward, 9 members (8 general, 1 Māori)

Option 2: 2 general wards (east/west), 1 Māori ward, 8 members (7 general, 1 Māori)

Option 3: 2 wards (Māori/general at large), 8 members (7 general, 1 Māori)

Option 4: Mix - 2 wards (east/west), 1 Māori ward, 8 members (5 general, 1 Māori, 2 at large)

Option 5: Mix - 2 wards (east/west), 1 Māori ward, 8 members (5 general, 1 Māori, 2 at large)

The four **non-compliant** options (with or without community boards) are:

Option 6: 4 general wards (current), 1 Māori ward, 8 members (7 general, 1 Māori)

Option 7: 4 general wards (current), 1 Māori ward, 9 members (8 general, 1 Māori)

Option 8: 2 general wards (east/west), 1 Māori ward, 9 members (8 general, 1 Māori)

Option 9: Mix - 4 general wards (current), 1 Māori ward, 8 members (5 general, 1 Māori, 2 at large)

Upcoming timetable

There is a prescribed timetable and process Council is required to follow when undertaking a representation arrangement review (refer to **Attachment B** for Proposed KDC Representation Review timeline). Upcoming key indicative dates, with last legal dates, are:

- **7 April:** Briefing 3 – Development of scenarios and overview of pre-consultation engagement
 - Outcome: consensus over pre-consultation engagement material
- Mid-late April: informal pre-consultation with community
- **5 May:** Briefing 4 - consider community feedback from informal consultation
 - Outcome: what is the community saying?
- **6 June:** Briefing 5 – consider final options
 - Outcome: from feedback, identify viable options
- **7 July:** Briefing 6 – initial proposal deliberations
 - Outcome: identify initial proposal for formal resolution

- **25 August:** Council meeting - initial proposal resolution (last legal date 31 August)
- **27 August:** initial proposal public notice (last legal date 8 September)
- **27 August – 27 September:** submission period (last legal date 8 October)
- **Early October:** hearings and final proposal deliberations
- **27 October:** Council meeting - final proposal resolution
- **29 October:** Final proposal and public notice (last legal date 19 November)

The above dates are flexible, and can be brought forward if required, but these need to be considered with other council activities/dates, such as the LTP.

Next steps/E whaiake nei

As mentioned above, monthly briefings will Elected Members are scheduled between April and July 2021 to 'explore' the various representation review options and to further develop scenarios. This will also include feedback received from the informal public consultation in mid-late April. This feedback will be used to help formulate an initial proposal.

Attachments/Ngā tapiritanga

	Title
A	Information on compliant and non-compliant options
B	Proposed Kaipara District Council 2021 Representation Review Timeline