

1. REVIEW OF BASIS OF 2001 LOCAL BODY ELECTIONS

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1. INTRODUCTION

The purpose of this report is to provide information to Councillors to enable a recommendation to be formulated by the Strategy and Resources Committee for the Council meeting on 24 August 2000 relating to the review of the basis upon which the 2001 Elections are to be held for the Council, to review the membership of community boards and to consider proposed alterations to community board boundaries. The law requires the Council to pass resolutions relating to the first 2 matters by 31 August 2000.

In this report the review will be considered under the headings of:

- (a) Council Electoral Basis and Membership;
- (b) Number of Elected Community Board Members;
- (c) Alteration of Community Board Boundaries

While (a) and (b) are required by the Local Government Act 1974 to be completed by 31 August 2000, it is customary for the Council also to consider proposed alterations to community boundaries at this time as any alterations to community boundaries affect ward boundaries.

Under the heading of "Council Electoral Basis and Membership" I have included reports presented to the Council in 1999 following on from the work carried out by the Local Commissioners appointed by the Council. Although in 1999 the focus by the Council on that work was on the proposed Banks Peninsula amalgamation, that work and the related reports to the Council are also relevant to this current review of the basis for the 2001 elections.

2. LEGAL FRAMEWORK AND BACKGROUND INFORMATION

(a) Legal Framework for this Review

Section 101H of the Local Government Act 1974 provides that the Council, not later than 31 August 2000, by resolution, must determine in the manner complying with section 101L of the Local Government Act:

- (a) Whether the Council (other than the Mayor) is proposed to be elected at large or by the electors of two or more wards;
- (b) If the election is at large, the proposed number of Councillors to be elected; or

- (c) If a ward system is proposed –
 - (i) the proposed name and boundaries of each ward;
and
 - (ii) the number of members proposed to be elected by the electors of each ward.

With regard to membership of the Council, the Local Government Act provides that there must be at least six members and no more than 30, including the Mayor.

In determining whether the Council is to be elected at large or by wards, and in determining the number and boundaries of wards, section 101L(2) requires that the Council must ensure:

“(a) That the election of members of the council by the electors of the district as a whole or by the electors of two or more wards whose number and boundaries are determined will provide effective representation of communities of interest within the district; and

(b) That ward boundaries coincide with the boundaries of current statistical meshblock areas determined by the Department of Statistics and used for Parliamentary electoral purposes; and

(c) That, so far as practicable, ward boundaries coincide with community boundaries.”

Section 101L(3) provides:

“In determining the number of members to be elected by the electors of any constituency or ward, the council and, where appropriate, the Commission shall ensure that the electors of the constituency or ward receive fair representation having regard to the population of every constituency or ward within the region or district and, if the circumstances so require, the rateable values, areas, or other relevant characteristics of the various constituencies or wards.”

In terms of a process for the review of the basis of election and the number of Councillors, it is suggested that the Committee can consider the following:

- (i) identify relevant communities of interest;
- (ii) determine whether the election should be across the whole of the district or there should be a ward structure;

- (iii) if there is to be a ward structure, the number and boundaries of the wards;
- (iv) whether those wards will provide “effective representation of communities of interest “ to the electors of those wards;
- (v) if there are to be wards, ensure that there is “fair representation” between the wards;
- (vi) determine the number of members required to be elected to ensure “fair representation” for the wards.

(b) **1998 Local Government Commission decision**

Councillors may recall that following the 1997 Council resolution setting the basis for the 1998 local body elections, there was an appeal to the Local Government Commission in respect of the Council’s decision at that time. In its decision dated 27 March 1998 on that appeal, the Commission noted that prior to the 2001 election the Council should make a thorough investigation of its existing wards to ascertain what changes should be made to the existing structure for the 2001 election.

(c) **1999 Local Commissioners Review**

In 1999, and partly as a consequence of the proposed amalgamation with the Banks Peninsula District Council, the Council appointed three Local Commissioners to carry out an investigation into electoral issues in the context of the 2001 elections and that amalgamation proposal. The statutory criteria for defining the boundaries and communities of interest that the commissioners were required to work with at that time, is the same as the Council is now required to consider with this current electoral review.

In June 1999 the three Commissioners presented to the Council a report entitled “Christchurch City Council – Community Areas and Wards: A Report on Future Options”.

The Council considered the Commissioners’ June 1999 report at a special Council meeting held on 2 July 1999.

At a special Council meeting held on 26 August 1999 the Council considered a report from the City Manager reporting on the outcome of consultation with residents as requested by the Council at its 2 July 1999 meeting.

(d) **Final Reorganisation Scheme**

In December 1999 the Local Government Commission released the Final Reorganisation Scheme for the union of Banks Peninsula and Christchurch City.

With the exception of the Ferrymead Ward (which was to be united with the Lyttelton-Mt Herbert ward of the Banks Peninsula District Council) the Commission retained the current ward structure and that each ward elect two Councillors.

Also the existing community board structure was retained.

In the Explanatory Statement to the Final Reorganisation Scheme the Commission noted that its proposal met the statutory criteria the Commission was required to take into account when considering each proposal.

In its media release announcing the Commission's decision, the Commission noted that it considered the membership structure of the new Council and the provision for community boards would ensure effective representation in the new district.

3. **COUNCIL ELECTORAL BASIS AND MEMBERSHIP**

In terms of the process outlined above, matters for the Committee to consider in reviewing the basis of election are:

(a) **Communities of Interest**

This was one of the key issues in the work carried out by the Local Commissioners and the public consultation in 1999 and is referred to in greater detail in the Commissioners' summary and the City Manager's report to the 26 August 1999 Council meeting.

The public's view was split between those preferring the new boundaries put forward by the Local Commissioners and those who favoured retention of the existing boundaries.

However, the Council at its 26 August 1999 meeting believed that the existing boundaries should be retained. The Council noted in support of this decision:

- (a) the arguments for support of the existing boundaries in the public submissions;
- (b) the confusing effect of change on the public;

- (c) the disruption of existing resident groups and patterns of co-operation;
- (d) the advantage of retaining commonality of boundaries with organisation such as New Zealand Police.

The Council did not accept that there was a proven case for the establishing of a central city ward.

(b) Election at Large or by Ward Structure

At the 1997 Election Review for the 1998 local body elections, the Council called for public submissions in relation to the proposed electoral basis. At that time most submitters considered that the ward system provided the most effective form of representation and that reverting to a system of electing the Council at large would result in less effective representation of the wide range of communities within the city. For that reason the Council concluded at that time that it should continue to be elected by wards.

In their 1999 Review, the Local Commissioners also concluded that a ward structure was the most effective form of representation for the City Council, and that view was shared by the Local Government Commission in its Final Reorganisation Scheme on the amalgamation proposal.

If the Committee is minded to continue with a ward structure, then the question arises of the continuance of the existing 12 wards, or whether there should be some other number. This issue was considered in detail by the Local Commissioners and by the Council in 1999 and the Council resolved at its 26 August 1999 meeting that at that time the existing structure of 12 wards should essentially continue in place.

If the Committee is minded to continue with the existing 12-ward structure, then the issue also needs to be considered of whether the current number of two Councillors from each ward continues, or there is some change in this regard.

In this respect the Committee must consider whether the ratios referred to in the table above provide “fair representation” having regard to the population of each ward.

WARD	USUALLY RESIDENT POPULATION AS AT 1996 CENSUS	RATIO OF USUALLY RESIDENT POPULATION TO PROPOSED MEMBERS
Burwood	26,130	1:13065
Fendalton	26,380	1:13190
Ferrymead	26,442	1:13221
Hagley	24,557	1:12279
Heathcote	26,267	1:13134
Papanui	27,246	1:13623
Pegasus	24,347	1:12174
Riccarton	26,730	1:13365
Shirley	24,815	1:12408
Spreydon	24,610	1:12305
Waimairi	25,378	1:12689
Wigram	26,126	1:13063

Other ratios for average representation of different numbers of Councillors to usually resident population (not electors) would be:

24 Councillors (current system)	1:12,877
20 Councillors	1:15,452
18 Councillors	1:17,169
15 Councillors	1:20,602
12 Councillors	1:25,753

The Committee must also consider whether as between wards, there is “fair representation” for all electors. In this regard the Local Government Act provides that the factors the Committee can take into account are population (which the Local Government Commission has previously noted should be the predominant factor), area of the ward, rateable value and any other relevant factors the Committee considers appropriate.

Historically in the Christchurch context, the Council has relied upon the population factor as being the factor which best achieves “fair representation” and has not had regard to other factors such as area and rateable value.

(c) **Number of Councillors**

If the Committee reaches the view that there should be a structure of 12 wards and there should be two Councillors per ward, then the total number of Councillors required to ensure “fair representation” for the city as a whole would be the existing number of 24 Councillors.

Relevant factors here are the ratio of Councillors to usually resident population as set out in the table above.

4. **COMMUNITY BOARD STRUCTURE**

The Local Government Act requires the Council, by 31 August 2000, to review the number of **elected** members of the community boards. The Council may, with the consent of, or at the request, of a community board, by resolution alter the number of elected members of a community board. Therefore there must be agreement between the Council and the community board if there is to be any alteration in the number of elected members.

This review of the number of elected community board members has no direct link at the present time to the number of appointed councillor members. The number of **appointed** councillor members would be a decision for the new Council after the 2001 elections.

The legal requirement for elected members of community boards is no less than four and no more than 12. Councillors will recall that the number of appointed councillor members of community boards cannot be more than half the number of elected members.

Each community board was asked to review the number of its elected members and advise the Council whether they wished to have any alteration in the number of elected members.

Except for the Riccarton/Wigram Community Board, all community boards have advised that they wished the number of **elected** board members to remain at the present six.

The Riccarton/Wigram Community Board has proposed that the number of elected board members be increased from six to eight. It is understood that the reason for Riccarton/Wigram requesting this increase to 8 elected members is to enable the 4 ward councillors to be appointed to the Community Board. In the past other Community Boards have expressed concern that only 3 councillors can serve on a Community Board. One solution some Community Boards have adopted is a system for rotating the appointed councillors within the 3 year term.

The issue for this Committee is whether it will agree to an increase by one community board to the number of its elected members. There will also be an issue of increased costs involved in such an increase.

5. **ALTERATION OF COMMUNITY BOARD BOUNDARIES**

Although not legally required as part of the review process, it has been customary for the opportunity to be taken for alterations to community boundaries to be made at this time.

The legal process is that any alteration to the boundaries of a community board must be by agreement between the Council and the affected community boards. The Council, before making any resolution for the alterations of the boundaries of a community, must give public notice for a period of 28 days before confirming that resolution.

In this regard, while the Council could hear representations from members of the public regarding the proposed boundary alterations, there is no right of appeal against the Council's decision to alter the boundaries of a community board.

I would also note that the Local Government Act requires that as far as practicable, community boundaries coincide with ward boundaries. I assume that if the Committee is minded to agree to alteration to the community boundaries, that it would also agree to consequential alterations to the affected ward boundaries.

The boundary alterations agreed upon by the affected community boards are as follows:

"A. Hagley/Ferrymead and Burwood Pegasus Community Boards

1. Pleasant Point Yacht Club and Estuary Edge

That the three meshblocks 2700800, 2555500 and 2555800 bordering the eastern edge of the Estuary and including the Pleasant Point Yacht Club be transferred from the Ferrymead Ward to the Pegasus Ward. There is no resident population in these meshblocks.

B. Hagley/Ferrymead and Spreydon/Heathcote Community Boards

1. Proposal to Include the Sydenham Business District in the Heathcote Ward

The Spreydon/Heathcote Community Board had proposed that the boundary between the Hagley Ward and the Heathcote Ward shift from Brougham Street to the railway line to allow the Sydenham Business District bounded by the railway line, Antigua Street, Brougham Street and Waltham Road to be transferred from the Hagley Ward to the Heathcote Ward. A clear community of interest between the Sydenham Business District and the areas to the south and southwest was cited as the reason for this proposal.

The meshblocks to be transferred from the Hagley Ward to the Heathcote Ward are: 2,616,400; 2,616,300; 2,617,200; 2,616,500; 2,616,600; 2,616,800; 2,617,000; 2,617,300; 2,616,700; 2,616,900; 2,617,100; 2,617,400; 2,617,500; 2,617,700; 2,618,100; 2,618,300; 2,618,800; 2,617,800; 2,618,400; 2,617,900; 2,618,500; 2,618,900; 2,619,000; 2,618,000; 2,618,600; 2,619,100; 2,618,700; 2,617,602; 2,618,200. The resident population in these meshblock areas is 324.

2. *Proposal that the Waltham area be transferred from the Hagley Ward to the Heathcote Ward*

The Spreydon/Heathcote Community Board proposed that the Waltham area bounded by Hastings Street East, Wilsons Road, Brougham Street and Waltham Road be transferred from the Hagley Ward to the Heathcote Ward. A community of interest between this area and Sydenham and the areas to the south was cited as the reason for this adjustment.

The Hagley/Ferrymead Community Board members present supported this proposed boundary adjustment and agreed to take this proposal back to their Board for confirmation.

This boundary adjustment involves the transfer of the following meshblocks from the Hagley Ward to the Heathcote Ward: 2,624,302; 2,624,402; 2,624,502 and 2,624,602. The resident population within these meshblocks is 205.

3. *Proposal that the area of the Heathcote Ward bounded by the railway line, Chapmans Road, Port Hills Road and then following the ward boundary to the Summit Road, back along the meshblock boundaries to include Avoca Valley Road, Port Hills Road and Curries Road be transferred from the Heathcote Ward to the Ferrymead Ward.*

That meshblocks 2553702 and 2554200 be transferred from the Heathcote Ward to the Ferrymead Ward. This transfer will include the residential area of Avoca Valley Road but will exclude both sides of Port Hills Road from Avoca Valley Road to Curries Road and the block bounded by Port Hills Road, Curries Road, the railway line and Chapmans Road. The resident population within these meshblocks is 183.”

Maps showing the general location and of the proposed boundary changes and more detailed maps are attached.

6. OBJECTION PROCEDURES

The Local Government Act requires the Council to pass the resolutions on the basis of election for the 2001 elections by 31 August 2000.

The Council is then required to publicly notify that resolution and there is a period of six weeks for objections to be made to those proposals.

The Council must consider all objections within six weeks of the closing date and can amend its proposals. The Council must then give a further public notice incorporating any amendments, the reasons for the amendments and for the rejection of any objections, and specifying the right of appeal.

Where the proposals have been amended there is a right of counter-objection. Any appeals or counter-objections must be lodged with the Council within one month of the second public notice.

The Council's proposals and any appeals and counter-objections are then forwarded to the Local Government Commission no later than 15 January 2001. The Commission is directed, before 29 March 2001, to make a decision on the Council's proposal, and on any appeals or counter-objections. The Commission's decision is final subject only to any appeal on a point of law.

If there are no objections to the Council's original proposal, or there are no appeals or counter-objections to any amended proposal, then the publicly notified proposal or amended proposal becomes the basis for the 2001 elections.

7. SUMMARY OF ISSUES FOR CONSIDERATION

- (a) election at large or by wards (para. 3(b) above)
- (b) number and boundaries of wards (para. 3(b))
- (c) number of councillors (para. 3 (c))
- (d) increase in the number of elected community board members. Riccarton/Wigram Community Board has requested an increase to eight.
- (e) alteration of community boundaries.

8. ADDITIONAL INFORMATION

The following material was circulated to all Councillors with the agenda for the special meeting of the Committee:

1. 1998 Local Government Commission decision.
2. Report of the City Manager to the Council meeting of 2 July 1999.
3. Report of the Local Commissioners to the Council meeting of 2 July 1999.
4. City Manager's report to the Council meeting of 26 August 1999.

With regard to the boundary alterations outlined in Section 5B of the above report, the Committee **decided**:

1. That consideration of the proposed boundary changes between the Hagley/Ferrymead and Spreydon/Heathcote Community Boards be deferred.
2. That the Spreydon/Heathcote Community Board be requested to confirm its support or otherwise of the boundary changes agreed between the two Boards.

Recommendation: 1. That the Council resolve as follows in respect of the triennial general elections to be held on Saturday 13 October 2001:

- (a) That the Council be elected by electors of 12 wards.
- (b) That the boundary changes agreed between the Burwood/Pegasus and the Hagley/Ferrymead Community Boards, as shown on the map attached and outlined in Section 5A of the above report, be approved.
- (c) That the proposed names of the 12 wards are:

Burwood Ward
Fendalton Ward
Ferrymead Ward
Hagley Ward
Heathcote Ward
Papanui Ward
Pegasus Ward
Riccarton Ward
Shirley Ward
Spreydon Ward
Waimairi Ward
Wigram Ward

- (d) That two members be elected by the electors of each ward.
 - (e) That the reason for the alteration of the proposed ward boundaries from those ward boundaries which applied at the 1998 triennial elections is to ensure that those ward boundaries will coincide with the minor alterations to community boundaries recommended by the community boards.
2. That public notice be given on the proposed alterations to the community board boundaries are described in paragraph 3 above and as shown on the maps attached.”
 3. That the issue raised by the Riccarton/Wigram Community Board of increasing the number of elected board members be considered by the Council during its deliberations on the review of the Local Government Act.
 4. That the Council delegate to the Strategy and Resources Committee the Council’s powers under s.101J(3) of the Local Government Act 1974 to consider any objections received and to make such amendments to the Council’s election proposals as the Committee thinks fit.
 5. That the Council delegate to the Strategy and Resources Committee the power to hear any representations regarding the proposed alterations of community boundaries and to make a recommendation to the Council at its 23 November 2000 meeting.