

3. ELECTORAL REVIEW 2003

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The purpose of this report is to enable the Council to consider in principle whether to carry out an electoral review of the Council and Community Boards by August 2003.

BACKGROUND

Until the enactment of the Local Electoral Amendment Act 2002, the Council was required to carry out an electoral review of the Council (but not Community Boards) by 31 August in the year before each local body election. So the next review would by law have had to be carried out by 31 August 2003.

The Council held a seminar in July 2002 where preliminary consideration was given as to various matters that could be considered when it carried out the 2003 review.

With the enactment of the Local Electoral Amendment Act 2002, the law has now changed so that the Council will be required to carry out electoral reviews every six years, and not every three years as has previously been the case. So there is a legal option open to the Council to not carry out an electoral review in 2003 but to carry out the next review in 2006.

The intention of this report is for the Council to indicate whether it wishes to carry out such a review by 31 August 2003, and not defer that review to 2006.

SCOPE OF ELECTORAL REVIEW

Another change in the Local Electoral Amendment Act 2002 was in relation to the scope of such a review.

Previously the review included:

- (a) whether the election was by ward or at large;
- (b) if by ward, the number of wards and the ward boundaries;
- (c) the number of councillors to be elected from each ward

A key change is that previously the Council could choose to have councillors elected by wards or at large. The 2002 Amendment now provides that the Council can be elected by a combination of wards and at large should the Council choose to do so.

In addition to those matters the 2002 Amendment Act now requires the Council to consider as part of its review, whether there should be communities and community boards, and if so, the nature of any community and the structure of any community board.

This community board review must include whether new communities should be established, whether any community should be abolished or united with another community, whether community boundaries should be altered and the number of elected and appointed members of a community board. The review must be carried out in the context of the principle of fair and effective representation for individuals and communities.

The criteria regarding fair representation of the district underline such reviews continues. If there is to be change to communities or community board structures, then the law requires that the Council publicly set out its reasons for changing those structures.

As previously, any resolution by the Council of 31 August 2003 (if the Council decides to conduct a review in that timeframe) is publicly notified and the public, including community boards, have the right to object to the Council in respect of any part of that proposal. The Council is then required to conduct a hearing into those objections and make a decision on them.

If any person who objected is dissatisfied with the Council's decision, then that person (including community boards) may appeal to the Local Government Commission who shall make the final decision on the matters raised in that appeal. It should be noted that under the Local Government Act the chief executive has a responsibility to provide advice to both council and community boards.

In terms of timeframes, the Council's decision must be made by 31 August 2003, if there are objections typically they will be heard in October or November 2003 and if there are appeals, those will be typically be held in February 2004. The Act requires the Commission to issue binding decisions no later than 11 April 2004 to enable preparations for the October 2004 local body elections to be put in place.

The Local Electoral Act provides that the Local Government Commission may issue guidelines for local authorities in the conduct of such electoral reviews and it is anticipated that these will be publicly notified shortly.

OPTIONS

As noted above, the law now gives the Council the options of conducting a review in 2003 or deferring the review until 2006.

With regard to a review in 2003, it can be considered that this would provide an opportunity to address statements previously made by the Local Government Commission regarding the size of the membership of the Council, expectations created by the Council itself in submissions to the Commission regarding a review of the size of the Council, and also issues raised through the discussion paper initiated by the Higher Salaries Commission on remuneration issues.

With regard to an option to defer the review until 2006, it would be considered that this would provide continuity in ward and community board structures during the period when the Council would be consulting extensively with the community on outcomes for the new LTCCP. It would also offer a good opportunity to carry out public consultation with minimal impact or additional cost and the extra time available could result in a more comprehensive review.

One difficulty with the review in 2003 in practical terms is it is impracticable to hold any meaningful consultation with the public before the Council must make a decision on any proposals by 31 August 2003. The public consultation would effectively be the statutory consultation process of the public's right to object after the Council's proposal is notified in September 2003. An earlier start to this process has been constrained by the STV poll.

Regarding the conduct of the review itself, there are a number of options open to the Council which include:

- (a) appointing external parties to conduct the review as occurred in 2001;
- (b) appointing an individual, effectively as a consultant to carry out the review and make recommendations to the Council;
- (c) appointment of a subcommittee of councillors (and potentially community board members) to carry out the review and make recommendations to the Council;
- (d) appointment of a subcommittee with a brief to undertake a degree of public consultation and to make recommendations to the Council;
- (e) the Chief Executive Officer to carry out the review, in conjunction with appropriate Council staff, and to make recommendations to the Council.

The City Manager recommends that while there will always be a measure of dislocation when structures are changed, the range of strength of the reasons for a "first principles" review of elected member structures point to the desirability of initiating a review at this time.

- Recommendation:**
1. That an electoral review be carried out for the 2004 elections.
 2. That an all day seminar (facilitated by an external person) be held for all Councillors and Community Board members to discuss options regarding the matters to be reviewed set out in paragraph 3 above.
 3. That following the seminar staff prepare a report for the Strategy and Finance Committee setting out options which received substantial support at the seminar recommending further consideration by the Committee and recommendation to the Council.