

Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Council will be held on:

Date: Thursday 1 November 2018
Time: 9.30am
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Council OPEN AGENDA

Membership

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr J R Casson
	Cr S Henry
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr R Hamilton

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

Lee-Ann Jordan
Governance Manager

26 October 2018

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Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
 - a) The power to make a rate.
 - b) The power to make a bylaw.
 - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
 - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the 30-Year Infrastructure Strategy.
 - g) The power to adopt a remuneration and employment policy.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
 - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
 - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Approval of any changes to city boundaries under the Resource Management Act.
 - d) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.

- e) Approval of the Triennial Agreement.
- f) Approval of the local governance statement required under the Local Government Act 2002.
- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.
- i) Approval of all Council and Committee taskforces and their terms of reference.

Oversight of Policies:

- *Corporate Hospitality and Entertainment Policy*
- *Delegations to Positions Policy*
- *Elected Members Support Policy*
- *Significance and Engagement Policy*

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1 Apologies

2 Confirmation of Agenda

The Council to confirm the agenda.

3 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

4 Public Forum

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for three minutes or longer at the discretion of the Mayor.

Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Governance Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6439.

Council Report

Committee: Council **Date:** 01 November 2018
Author: Amy Viggers **Authoriser:** Becca Brooke
Position: Committee Advisor **Position:** Governance Team Leader
Report Name: Confirmation of the Council Open Minutes - 9 October 2018

Report Status	<i>Open</i>
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Staff Recommendation

That the Council confirm the Open Minutes of the Council Meeting held on 9 October 2018 as a true and correct record.

Attachments

Attachment 1 - Council Open Unconfirmed Minutes - 9 October 2018

Council OPEN MINUTES

Wider Representation Review Hearings

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 9 October 2018 at 1.04pm.

PRESENT

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr J R Casson
	Cr S Henry
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr R Hamilton

In Attendance:	Lance Vervoort – General Manager Community
	David Bryant – General Manager Corporate
	Jen Baird - General Manager City Growth
	Eeva-Liisa Wright – General Manager Infrastructure Operations
	Chris Allen – General Manager Development
	Sean Hickey – General Manager Strategy and Communication
	Brendan Stringer – Legal Services Manager
	Natalie Swart – Project Manager
	Emily Acraman – Research Assistant

Governance Staff:	Lee-Ann Jordan – Governance Manager
	Becca Brooke – Governance Team leader
	Amy Viggers – Committee Advisor

1. Apologies

Resolved: (Crs Bunting/Taylor)
That the apology from Cr Bunting (early departure) is accepted.

2. Confirmation of Agenda

Resolved: (Mayor King/Cr Mallett)
That the Council to confirm the agenda noting that the debate is to be 2 minutes with a 1 minute extension if required.

3. **Declarations of Interest**

No members of the Council declared a Conflict of Interest.

4. **Public Forum**

No members of the public spoke during the public forum.

5. **Representation Review - Submissions Report & Hearings**

The following members of public spoke to their submissions:

East West By-Election Candidates – D Fisher, R Mcleod, M Small, M van Oosten, H Henderson & M Burgess spoke in support of a three ward model. They suggested that an increased number of smaller wards would be beneficial for communities particularly in the southwest of Hamilton in terms of increased public engagement and better representation, which would in turn promote increased voter turnout. It would also make it easier for potential candidates to stand for Council.

The group responded to questions from Elected Members concerning their views that smaller wards would allow for better representation on Council for communities and the various barriers that made it hard to run for Council.

Judy McDonald spoke to her submission noting that her preference was for an at large model as she would like better choice of who she votes for at the elections. She suggested that Hamiltonians lived, worked, shopped all over so the current ward system wasn't necessarily reflective of Hamilton communities. She responded to questions from Elected Members concerning the at large model and its potential to deter possible candidates from standing due to the costs involved with running a city wide campaign.

Kelli Pike spoke in support an at large model and noted that it was the unrestricted choice of candidates that lead to her preference. She responded to questions from Elected Members concerning the reasons for her preference.

The Chair took the report as read. Elected Members requested staff provide the following information to be considered as part of the final proposal:

- further background information on previous ward models in Hamilton, including the Local Government Commission decision of 1998 to go to an at large model and reasons for the later change to the current two ward system.
- further information on candidate campaign spending limits for the various options.
- further information on three and four ward options
- benchmarking populations sizes with other councils with at large models.

Resolved: (Crs Macpherson/O'Leary)

That the Council:

- a) receives the report;
- b) notes the feedback received;
- c) notes that Council will need to determine a Final Proposal for its representation arrangements at the Council Meeting on 1 November 2018; and
- d) notes that procedurally, for any amendment or alteration of Council's initial proposal, the Council must demonstrate a connection to the submissions received.

Cr Bunting retired from the meeting (2.30pm) during the discussion of the above Item. He was not present when the matter was voted on.

6. Resolution to Exclude the Public

Resolved: (Crs Casson/Taylor)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Appointment of Maangai Maaori) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1. to protect the privacy of natural persons Section 7 (2) (a)

The meeting went into a public excluded session at 3.09pm.

The meeting was declared closed at 4.15pm.

Council Report

Item 6

Committee: Council
Author: Lee-Ann Jordan
Position: Governance Manager
Report Name: Representation Review - Final Proposal

Date: 01 November 2018
Authoriser: David Bryant
Position: General Manager Corporate

Report Status	<i>Open</i>
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Purpose

1. To seek a decision from the Council on a final proposal for its representation arrangements from 2019.

Staff Recommendation

2. That the Council:
 - a) receives the report;
 - b) resolves, in accordance with the provisions of the Local Electoral Act 2001 and following consideration of public submissions of the Council's initial proposal for the 2018 representation review, to adopt the initial proposal as its final proposal. That is:
 - i. Hamilton City Council comprises 12 councillors elected under the ward system, plus the mayor elected 'at large'
 - ii. Hamilton City Council is divided into two wards, consisting of the following communities of interest:
 - I. **East Ward** (represented by six councillors), comprising the area to the east of the Waikato River as shown shaded blue in Attachment 1 (i.e. the current East Ward);
 - II. **West Ward** (represented by six councillors), comprising the area to the west of the Waikato River as shown shaded green in Attachment 1 (i.e. the current West Ward);
 - iii. no community boards are established.
 - c) approves that its final proposal is publicly notified on or before 5 November 2018;
 - d) delegates to the Chief Executive, Governance Manager and Electoral Officer the authority to review and approve the wording of the reasons for the Council's decision and its rejection of submissions received on the Council's initial proposal, for the purposes of the public notice required under section 19N of the Local Electoral Act 2001; and
 - e) notes that the final proposal is subject to a one-month appeal period and should any appeal be received the matter will be sent to the Local Government Commission for determination.

Executive Summary

3. Council undertook formal consultation on its initial proposal for representation arrangements from Friday 24 August 2018 to Monday 24 September 2018.
4. At the Council Meeting on 16 August 2018, Council resolved its initial proposal on representation arrangements as:
 - a. Hamilton City Council comprises 12 councillors elected under the ward system, plus the mayor elected 'at large';
 - b. Hamilton City Council is divided into two wards, consisting of the following communities of interest:
 - I. **East Ward** (represented by six councillors), comprising the area to the east of the Waikato River (i.e. the current East Ward);
 - II. **West Ward** (represented by six councillors), comprising the area to the west of the Waikato River (i.e. the current West Ward).
 - c. no community boards are established as:
 - I. effective representation would not be enhanced by establishing community boards, having considered the identified communities of interest in terms of distinctiveness, representation, access and effective governance; and
 - II. if wards are confirmed, ward councillors are likely to provide sufficient representation of communities of interest and therefore ensure adequate representation and access between elected members and the population.
5. The initial proposal was publicly notified on Friday 24 August 2018, with submissions received until 5pm on Monday 24 September 2018.
6. The Council held a hearings meeting on 9 October 2018 to consider written and verbal submissions on the initial proposal.
7. As a result of the hearings process, the Council requested staff provide additional information in respect of alternative arrangements raised by submitters.
8. This information was shared with Elected Members at a Briefing on 15 October 2018.
9. The Council is now required to either adopt or amend its initial proposal as its final proposal.
10. The Council needs to ensure that any rationale for amending the initial proposal must directly reflect submissions received during formal consultation. If the Council resolves to increase the number of wards as part of its final proposal, it must include the names and boundaries for each ward in its resolution.
11. The final proposal adopted by Council must, having regard to the various requirements set out in the LEA, provide the best arrangements for fair and effective representation for Hamiltonians.
12. Of the 37 submissions received during this formal consultation period:
 - a. eight submissions (22%) supported the initial proposal;
 - b. 29 submissions (78%) did not support the initial proposal, and
 - c. Six submitters indicated they wished to speak to their submissions at the public hearing for the initial proposal (of which only four appeared and spoke at the scheduled hearing).
13. Detailed analysis of the submissions is set out in Attachment 2.

14. The submissions opposing Council's initial proposal cited a range of reasons relating primarily to other ward structures (including 'at large'), along with several requests to change the number of councillors. Some issues were out of scope for the review (e.g. the electoral voting system and campaign expenditure limits). In summary however, the submissions did not provide a single prevailing view of a preferred representation structure.
15. Consistent with pre-consultation feedback, arguments to support submitters' requests were contradicted by, or in some cases also used by submitters proposing other (alternative) ward structures. For example, increasing the diversity of councillors was used as reason for both an at-large structure and having more wards.
16. Staff do not believe a compelling case has been advanced that changing the initial proposal would deliver a representation model that provides fairer and more effective representation for Hamiltonians than the status quo. This position is based on the range of views expressed in the submissions and the contradictory nature of those submissions.
17. Consequently, staff are recommending that Council adopt its initial proposal as its final proposal for the 2018 representation review, as detailed in paragraph 2.
18. At the 9 October 2018 meeting, staff advised that the Council is able to review its representation arrangements again in three years' time if it chooses. This would coincide with the Council's review of the electoral system. The 2018 Census statistics will also be available at this time, which may arguably support a further review.
19. Council must also resolve to give public notice of the final proposal on or before 5 November 2019. Following the public notice, there is a one-month appeal/objection period, during which:
 - a. If Council's final proposal differs from its initial proposal any person or organisation may lodge an objection to the proposal, identifying the matters to which the objection relates. An appeal may also be made by someone who submitted on the initial proposal about matters relating to their original submission.
 - b. If Council determines that its initial proposal remains its final proposal, only submitters on the initial proposal may appeal Council's final proposal on matters related to their original submission.
20. If the Council receives an appeal or objection, the matter is referred to the Local Government Commission (**LGC**) for determination. The LGC must then complete its review and determine the final representation arrangements for the Council by 10 April 2019.

Discussion

Background

21. Staff refer the Council to the [16 August 2018](#) and [9 October 2018](#) staff reports, which provide a detailed background to the representation review and requirements under the Local Electoral Act (2001).

Initial Proposal

22. At Council's meeting on 16 August 2018, it resolved to adopt the following as its initial proposal:
 - a. the Hamilton City Council comprises 12 councillors elected under the ward system, plus the mayor elected 'at large';

- b. the Hamilton City Council is divided into two wards, consisting of the following communities of interest:
 - I. **East Ward** (represented by six councillors), comprising the area to the east of the Waikato River (i.e. the current East Ward);
 - II. **West Ward** (represented by six councillors), comprising the area to the west of the Waikato River (i.e. the current West Ward).
 - c. no community boards are established as:
 - I. effective representation would not be enhanced by establishing community boards, having considered the identified communities of interest in terms of distinctiveness, representation, access and effective governance; and
 - II. if wards are confirmed, ward councillors are likely to provide sufficient representation of communities of interest and therefore ensure adequate representation and access between elected members and the population.
23. The initial proposal was submitted for formal public consultation, including inviting submissions for the period 24 August 2018 to 24 September 2018.

Formal Consultation – summary of the submissions

24. Council is required to thoroughly consider the feedback received through submissions (written and verbal) and determine whether there is reason to amend its initial proposal.
25. During the formal consultation period, a total of 37 submissions were received – 8 (22%) in support of the initial proposal and 29 (78%) opposed to the initial proposal.
26. The Council considered the submissions, including hearing from four submitters, at its meeting on 9 October 2018.
27. Detailed analysis of the submissions can be found in Attachment 2. A copy of all submissions can be found on the Council's 'Have Your Say' website [here](#).
28. Those who opposed the initial proposal were seeking alternative arrangements, these being;
- a. a change from the existing ward structure to an at-large system (11 submissions),
 - b. a change from the existing ward structure to increase the number of wards (11 submissions)
 - c. a reduction to the current number of councillors (5 submissions),
 - d. an increase to the current number of councillors (2 Submissions), and
 - e. the establishment of community boards (3 submissions).
29. Some submitters sought a combination of the options above.

Ward Structure

30. In summarising the preferences of submitters for and against the initial proposal, it is clear there is no 'majority' view as to which ward structure will provide the fairest and most effective representation for Hamilton. For example:
- a. 10 submitters supported the current ward structure (East/West);
 - b. 11 submitters supported a move to an at-large structure; and
 - c. 11 submitters supported increasing the number of wards (to 3 or more):
 - i. Three submitters supported a three-ward structure
 - ii. Four submitters supported a four-ward structure

- iii. One submitter supported a six-ward structure
 - iv. One submitter supported a 12-ward structure;
 - v. Two submitters supported an increase in the number of wards without specifying a preferred number.
31. Submitters who supported an at-large structure noted a range of reasons for their preference, some of these being:
- a. the current ward system prevents voters being able to support candidates standing on the other side of the river;
 - b. reflects Council's obligation to make decisions on what is best for the city as a whole;
 - c. at-large would result in more diverse representation;
 - d. at-large would allow all voters to choose all councillors to represent them, not just half; and
 - e. could improve voter turnout.
32. Submitters who supported an increase to the number of wards (three or more) also noted a range of reasons for their preferences, some of these being:
- a. fundamentally different communities of interest are being grouped together in the current wards (and this would be compounded by an at large system);
 - b. smaller wards will better enable residents to engage with councillors who identify with local issues;
 - c. smaller wards would create a more diverse range of representation;
 - d. certain geographic communities are under-represented on Council;
 - e. could improve voter turnout; and
 - f. lower campaign spends associated with smaller ward areas could encourage more people to stand for election.

Other issues

33. The majority of submissions supported the current number of councillors.
34. A small number of submissions contained objections to various other elements of the proposal, these being:
- a. five submitters sought a reduction to the number of councillors;
 - b. two submitters sought an increase to the number of councillors; and
 - c. three submitters sought the establishment of community boards.
35. Some of these submissions also sought changes to the existing ward structure.

Matters out of scope

36. Some submissions contained matters outside the scope of the representation review and as such cannot be considered by Council in determining its final proposal. Those matters are:
- a. Mayor should not be able to use a casting vote;
 - b. councillors should live in the ward they stand for election in;
 - c. campaign spending should be reduced; and
 - d. voting system should be changed

Further Research

37. On 9 October 2018 Council, in considering the written and verbal submissions received, requested further research be undertaken on points raised in the submissions:
- further information on a three-ward structure;
 - further information on a four-ward structure;
 - campaign spending limits across all options;
 - benchmarking against other councils with at-large representation models; and
 - historic information around Council's decisions in previous representation reviews, specifically around the 1998 LGC decision to overturn the Council's final proposal from at-large to three wards.
38. The information requested was provided to Elected Members at a briefing on 15 October 2018 and staff have included options for at-large, three and four wards as well as the status quo (initial proposal) in this report.

Options

Status quo (initial proposal):

39. 12 councillors elected from two wards (current East/West wards), six councillors elected per ward, retain the current ward names and boundaries, no community boards. This option complies with the +/- 10% rule.

Ward	Population	Number of Crs	Pop per Cr	% Variation
East	87,100	6	14,516	+5.3
West	78,300	6	13,050	-5.3

Total population of 165400/12 councillors = 13,783 (+/- 10% range being: 12,405-15,162)

At-large:

40. 12 councillors elected across the whole of the city (at-large), no community boards.
41. Submitters advocating for this option noted:
- it would provide more choice of candidates for voters;
 - it would encourage voter participation; and
 - it would increase diversity amongst elected members.
42. These views are contradicted by, or in some cases also used by submitters proposing alternative representation arrangements. For example, people in support of an at-large structure thought diversity would be better achieved by being able to choose all the councillors at large, whereas those supporting a change to increase the number of wards thought more wards with smaller areas (and consequently a smaller proportion of councillors) would best achieve this.

Three wards:

43. 12 councillors elected across three new wards (North, South-East and South-West), four councillors elected per ward, no community boards. This option complies with the +/- 10% rule.

Ward	Population	Number of Crs	Pop per Cr	% Variation	Suburbs included in proposed ward boundary
North	53,750	4	13438	-2.5	Sylvester, Flagstaff, Horsham Downs, Rotorua, Hungtington, Queenwood, Chedworth, Te Rapa North, Bryant, Pukete, Pukete West, Te Rapa, Burbush, Rotokauri, Beerescourt, Maeroa
South-East	53,310	4	13328	-3.3	Chartwell, Porritt, Insoll, Fairview Downs, Clarkin, Enderley, Claudelands, Peachgrove, Hamilton East, Naylor, University, Silverdale, Hillcrest West, Riverlea
South-West	58,340	4	14585	+5.8	Nawton, Crawshaw, Grandview, Brymer, Templeview, Dinsdale North, Dinsdale South, Frankton Junction, Swarbrick, Hamilton Lake, Hamilton Central, Peacocke, Melville, Glenview, Bader

Total population of 165400/12 councillors = 13,783 (+/- 10% range being: 12,405-15,162)

44. It should be noted that while a number of submitters proposed a three-ward structure with 12 councillors, two submitters proposed specific boundaries for three wards. The boundary arrangement proposed by these 2 submitters would not be compliant with the +/-10% rule with only 12 councillors. The option in paragraph 43 therefore proposes a boundary arrangement for three-wards consistent with the majority view of submitters that 12 councillors was the appropriate number.
45. Submitters advocating for a three ward option noted:
- it would increase diversity amongst elected members;
 - it would encourage both voter and candidate participation; and
 - it would encourage better representation through local area knowledge and connections.
46. Again, these comments are contradicted by submitters proposing other representation arrangements. For example, advocates of an at-large structure saw effective representation as being largely driven by more choice of candidates, whereas those wanting more wards felt this was best achieved by encouraging candidates with local knowledge and connections.

Four wards:

47. 12 councillors elected across four new wards (North-East, South-East, North-West and South-West), three councillors elected per ward, no community boards. This option complies with the +/- 10% rule.

Ward	Population	Number of Crs	Pop per Cr	% Variation	Suburbs within proposed ward boundary
North-East	42,180	3	14,060	+2	Sylvester, Flagstaff, Horsham Downs, Rototuna, Hungtington, Queenwood, Chedworth, Chartwell, Porritt, Clarkin
South-East	44,890	3	14,963	+8.5	Insoll, Fairview Downs, Enderley, Claudelands, Peachgrove, Hamilton East, Naylor, University, Silverdale, Hillcrest West, Riverlea
North-West	38,700	3	12,900	-6.4	Te Rapa North, Bryant, Pukete, Pukete West, Te Rapa, Burbush, Rotokauri, Beerescourt, Nawton, Crawshaw, Grandview, Brymer, Maeroa, Hamilton Central
South-West	39,630	3	13,210	-4.1	Templeview, Dinsdale North, Dinsdale South, Frankton Junction, Swarbrick, Hamilton Lake, Peacocke, Melville, Glenview, Bader

Total population of 165400/12 councillors = 13,783 (+/- 10% range being: 12,405-15,162)

48. Submitters advocating for this option noted:
- it would increase diversity among elected members;
 - it would encourage both voter and candidate participation; and
 - it would encourage better representation through local area knowledge and connections.
49. Again, these arguments by submitters proposing a four-ward option were at odds with, or shared arguments advanced by, submitters supporting alternative representation structures. Supporters of this option suggested smaller wards would encourage better representation and voter participation by lowering the associated cost of campaigning and reducing barriers to candidates standing for Council. However, those supporting at-large argue better representation and improved 'voter' participation are best achieved by allowing all voters to choose all councillors.

Final Proposal

50. Council is now required to resolve whether to adopt or amend its initial proposal as its final proposal.
51. The final proposal adopted by Council must, having regard to the various requirements set out in the LEA, provide the best arrangements for fair and effective representation for Hamiltonians.
52. The public notice, following Council's final proposal must state reasons for the Council's decision, and for any rejection of submissions received on the Council's initial proposal.

53. In the face of contradictory submission feedback across the options advocated by submitters and the range of options proposed by those submitters, it is challenging to find a representation structure that reflects all requests to change the existing representation structure.
54. Accordingly, and given the fact that the majority of submitters supported retaining 12 councillors, staff do not believe there is a strong case for an alternative representation structure that will deliver fairer and more effective representation for electors than the status quo.
55. Staff recommend, in full consideration of submissions received on the initial proposal, that the Council adopts its initial proposal (with no amendments) as its final proposal.
56. The reasons for this recommendation are as follows:
- the Waikato River is a distinct geographical feature which is a well-known reference point for communities of interest;
 - the current wards continue to reflect Hamilton's communities of interest to at least the same extent as other representation structures advocated through submissions;
 - the current ward structure does not create any more barriers to participation, either for voters or those standing as a candidate, than other representation structures advocated through submissions;
 - the current ward structure provides a balance between the views of submitters proposing a better choice of candidates, and those seeking more knowledge and connections to local areas.
57. In adopting its initial proposal as its final proposal, the Council declines to uphold the submissions in opposition to the initial proposal for the following reasons:
- Arguments in support of submitters' requests were contradictory in that they oppose or supported more than one of the representation structures proposed in the submissions and there was no single prevailing view as to which ward structure would provide the fairest and most effective representation for Hamilton.
 - Council declines the request to change the existing ward structure to an 'at-large' structure for the reasons that:
 - Hamilton is too large to provide the population reasonable access to elected members;
 - Hamilton's size creates challenges for elected members to effectively represent their electors;
 - an 'at-large' structure could create additional barriers for those wanting to stand for election; and
 - an 'at-large' structure could create additional barriers for voter participation.
 - Council declines the request to change the existing ward structure to increase the number of wards for the following reasons:
 - it would reduce the number of councillors each elector can vote for and also reduce the choice of candidates available to each elector; and

- it is difficult to create more wards with an appropriate population distribution that also reflect distinct communities of interest, noting the significance of the Waikato River, without contravening the dominant view of submitters to retain the same number of councillors.
- The Council declines the request to reduce or increase the number of councillors for the reasons that:
 - the majority of submitters and those who took part in pre-consultation preferred to retain the current number of councillors;
 - 12 councillors provide fair and effective representation to Hamilton residents based on the population.
- The Council declines the request to establish community boards for the reasons that:
 - the majority of submitters did not seek to establish community board/s for Hamilton City; and
 - effective representation would not be enhanced by establishing community boards, having considered the identified communities of interest in terms of distinctiveness, representation, access and effective governance.

Legal and Policy Considerations

- 58. Staff confirm that the options for the Council’s final proposal on representation arrangements comply with the Council’s legal and policy requirements.
- 59. The legislative requirements of the representation review were detailed in the 16 August 2018 report.

Risks

- 60. The public can appeal, or (if the initial proposal is amended) object to, the Council’s *final* proposal for its representation arrangements within a one-month period from the date of the public notice of the final proposal. If any appeals or objections are received, the Council is required to send its *final* proposal, with all supporting documentation and appeals/objections lodged, to the LGC for determination.
- 61. In this event, the LGC would consider the robustness of the process the Council followed, and it may also form an opinion on matters which are within the scope of the review.
- 62. While it is not possible to eliminate the possibility of an objection or an appeal of the Council’s final proposal being lodged, staff are confident that the process that has been undertaken to date has been thorough and evidence-based. This includes:
 - significant pre-consultation with the public and informal discussions with Elected Members;
 - comprehensive record-keeping and robust record management by the project team;
 - compliance with the LEA and LGC Guidelines; and
 - ongoing communication with, and support from, the Council’s electoral officer.

Significance & Engagement Policy

Significance

63. Staff consider that the decision required in this report has a medium level of significance, in accordance with the Significance and Engagement Policy.
64. Regardless, as these matters are subject to a bespoke consultation process under the LEA, a formal public engagement process was followed.

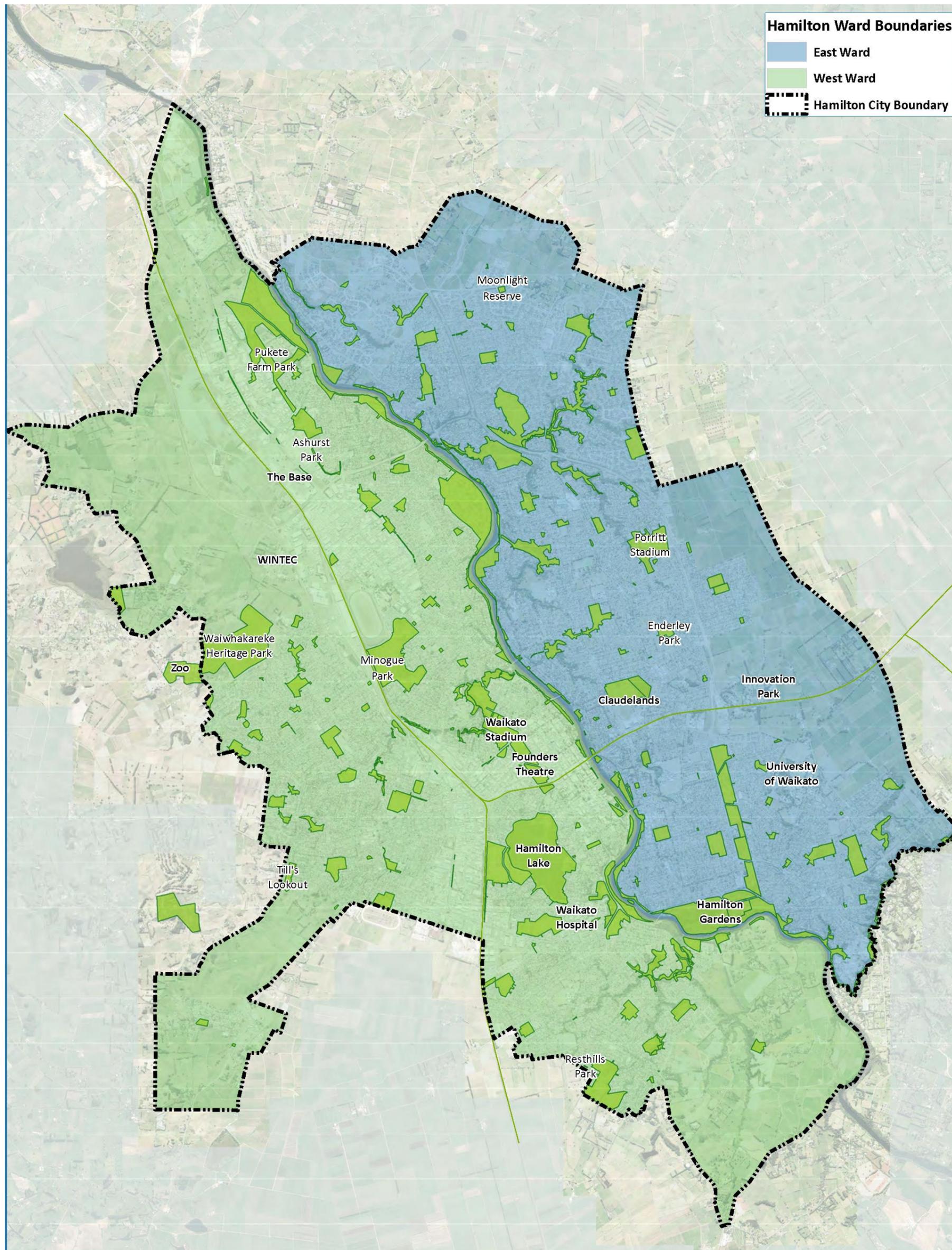
Engagement

65. Council is required to give public notice of its final proposal on or before 5 November 2018.
66. Following the public notice, there is a further one-month appeal/objection period in which:
 - an appeal may be made by a submitter on the initial proposal on matters related to their original submission; and
 - an objection may be lodged by any person or organisation if Council's final proposal differs from its initial proposal.

Attachments

Attachment 1 - Map of Current East and West Wards

Attachment 2 - Representation Review 2018 - Submissions Analysis



Hamilton Ward Boundaries

- East Ward
- West Ward
- Hamilton City Boundary



SUBMISSIONS ANALYSIS

REPRESENTATION REVIEW 2018

INTRODUCTION

Hamilton City Council has concluded one month of formal consultation as part of its representation review. This consultation period began on Friday 24 August 2018 and closed on Monday 24 September 2018.

During formal consultation, the public were asked to submit feedback about the Council's initial proposal to retain the existing representation arrangements for at least the 2019 Election.

The details of these arrangements (Council's initial proposal) are as follows:

- a. the Hamilton City Council comprises 12 councillors elected under the ward system, plus the mayor elected 'at large'
- b. the Hamilton City Council is divided into two wards, consisting of the following communities of interest:
 - i. **East Ward** (represented by six councillors)
 - ii. **West Ward** (represented by six councillors)
- c. no community boards are established

SUMMARY

1. There were 37 submissions received. 36 submitters said they lived in Hamilton (one did not answer this question).
2. 29 submissions (78%) **did not support** the Council's initial proposal.
3. 8 submissions (22%) **supported** the Council's initial proposal.
4. 6 submitters indicated they wished to speak to their submission at the 9 October public hearing.
5. There were no explicit themes associated with those submissions that supported or did not support the initial proposal. Submitters, both for and against, noted a wide range and combination of reasons for their preferences.
6. Some submissions that did not support the initial proposal in its entirety were in favour of certain components of the initial proposal making it challenging to draw clear conclusions and themes.

Elected Members are strongly advised to read the submissions in their entirety.

ANALYSIS

Submissions in support of the Council's initial proposal

Of the 8 submissions (22%) in support of the initial proposal:

- 2 submissions supported maintaining the status quo and did not provide any reasons/comments.
- 6 submissions supported the status quo and provided comments for their choice. These comments cannot be summarised and need to be read in the context of the full submission.

Submissions that **did not support** the Council's initial proposal

Of the 29 submissions (78%) opposed to the initial proposal:

- 4 submissions did not support the proposal and did not provide any reasons/comments;
- 1 submission asked that community board/s be established but did not comment on ward structure or number of councillors;
- 11 submissions specifically noted a preference for an '**at large**' system. Of these:
 - 1 submission noted a preference for a **reduction** to the number of councillors
 - 1 submission noted a preference for an **increase** to the number of councillors
 - 1 submission asked for community boards to be established and the voting system be changed to STV (noting STV is out of scope for this review)
- 11 submissions specifically noted a preference **for more wards**. Of these:
 - 2 submissions noted a preference for a **reduction** to the number of councillors
 - 1 submission noted a preference for an **increase** to the number of councillors
- 2 submissions opposed the proposal specifically because they wanted to see a **reduction** in the number of councillors. Both submitters expressed a support for **retaining** the current two-ward system.

Permutations of preferences of those that **did not support** the Council's initial proposal

<i>Preferences as articulated in the 'comments' sections</i>	<i>Number of submissions</i>	<i>% of total submissions received</i>
No comments provided	4	14%
At large	8	28%
At large + less councillors	1	3%
At large + more councillors	1	3%
At large + community board/s + STV	1	3%
More wards	8	28%
More wards + less councillors	2	7%
More wards + more councillors	1	3%
Status Quo wards + less councillors	2	7%
Community boards	1	3%
Total	29	

Comments that are out of scope for this review and **should not** be considered in the context of the Council's final proposal:

Attachment 2

- STV
- Where candidates should reside
- Number of terms a councillor can serve
- Mayor's casting vote

Item 6

Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Council Public Excluded Minutes - 9 October 2018) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987))	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1. to prevent the disclosure or use of official information for improper gain or improper advantage Section 7 (2) (j)