



Public Excluded Policy, Finance and Strategy Committee Meeting

19 June 2023

Report no: PFSC2023/3/207

Appointments to representation review panel

Purpose of Report

1. To seek agreement on the proposed appointments to the representation review panel and remuneration for panel members.

Recommendations

That the Committee recommends that Council:

- (1) notes that on 30 May 2023 Council decided to establish an independent panel (the panel) to engage with communities and make recommendations to Council on whether communities in our city are fairly and effectively represented at Council;
- (2) notes that a public expressions of interest process was run between 6 and 19 June 2023 and that seven expressions of interest were received;
- (3) notes that a group of senior Council officers reviewed the expressions of interest;
- (4) agrees to appoint to the independent panel:
 - (a) Mr Paul Swain;
 - (b) Ms Ana So'otaga;
 - (c) Tā (Sir) John Clarke;
 - (d) Ms Meenakshi Sankar; and
 - (e) Mr Matt Richardson;
- (5) agrees to appoint Mr Paul Swain as the panel Chair;
- (6) notes that panel members will be remunerated in line with Group 4 Level 3 of the DPMC Revised Fees Framework. The daily rates are Chair: \$308 to \$633; Members: \$226 to \$435;
- (7) agrees to remunerate the panel with daily fees of up to \$633 for the Chair and \$435 for panel members;
- (8) notes the high-level communications and engagement plan;
- (9) notes the proposed process to review the boundary and names of wards, including introducing bilingual names for each ward; and

(10) notes that the independent panel will hold its first meeting in August 2023.

Background

2. On 30 May 2023 Council agreed that the representation review be undertaken by an independent panel and agreed on terms of reference for the panel (**Attachment 1** to the report).
3. Council sought a report back by 11 July 2023 on:
 - a. the membership of the panel; and
 - b. the proposed communications and engagement plan.
4. Council also sought specific advice on the proposed process to review the boundary and names of any wards, including introducing bilingual names for each ward. A high-level overview of the proposed process is attached as **Attachment 2** to the report.
5. The approach to the representation review, including panel membership and engagement, was discussed with Mana Whenua at the hui on 28 and 29 June 2023. Mana Whenua noted the importance of being engaged throughout the process, particularly on the issue of Māori wards.
6. Once established, the panel will develop an engagement plan that includes a hui with Mana Whenua on local government representation and Māori wards.

Discussion

Expressions of interest process

7. To ensure a broad opportunity for the public to be considered for appointment to the independent panel, officers developed and advertised expressions of interest process through Council channels. The process was open for applications from 6 to 19 June 2023.
8. Seven expressions of interest were received. Two candidates withdrew their applications once they learned more about the process because of issues with availability.
9. A group of senior officers from across Council identified the following criteria as necessary to effectively deliver on the panel's Terms of Reference:
 - a. be interested in local government and in representation issues as they relate to both individuals and communities;
 - b. have an understanding and interest in communities generally and their importance in the promotion of wellbeing;
 - c. have a good understanding of Te Awa Kairangi, its population and its communities;
 - d. have the ability to stand back and see the big picture on issues;
 - e. be prepared to exercise judgement on particular issues and help explain these to the community and to the Council;

- f. be prepared to question, and if necessary challenge, parties with vested interests in particular representation arrangements;
- g. be comfortable attending hui with iwi and mana whenua;
- h. have experience working within a legislative framework; and
- i. have the capacity to read and study sometimes lengthy documents, including detailed technical and statistical information.

Proposed Appointees

10. Of the applications received, officers recommend appointing the following candidates to the independent panel:
 - a. Paul Swain
 - b. Ana So'otaga
 - c. Tā (Sir) John Clarke
 - d. Meenakshi Sankar
 - e. Matt Richardson
11. Officers recommend appointing Paul Swain as the Chairperson.
12. In determining the preferred candidates for appointment, we have assessed candidates against the criteria identified above. All of the candidates are Hutt Valley residents. Brief biographies for each candidate are outlined below.
13. *Paul Swain* – Mr Swain has extensive local and central government experience having served as a Councillor on the Greater Wellington Regional Council and a Member of Parliament for the Hutt, and as a Cabinet Minister. He also has considerable experience in the independent panel-type process, having chaired inquiries, reviews, boards, and committees. As a former Chief Crown Negotiator for Treaty of Waitangi Settlements, Mr Swain is acutely aware of the importance of providing Mana Whenua with real opportunities to engage meaningfully in the decision-making process.
14. *Ana So'otaga* – Ms So'otaga has a strong background in leading local and national public policy, business planning and reporting, and programme design and delivery. She is well-connected to the Pacific community in the Hutt Valley and has held leadership roles at the Ministry for Pacific Peoples and Te Awa Kairangi Health Group.
15. *Tā (Sir) John Clarke* -- Tā John has over 40 years of management experience in a wide range of public sector environments including education, justice, health, housing, human rights, Crown Law, audit, social welfare, environment, and heritage. He is a fluent speaker of Te Reo Māori and has a thorough understanding of Māori issues and wide networks within Māori communities. Tā John has played a major part in Māori–Crown relations and has been the principal cultural adviser to all Ministers of Treaty Settlements.
16. *Ms Meenakshi Sankar* – Ms Sankar is a highly experienced research and evaluation practitioner, internationally respected for her leadership in analysis and strategic thinking. Over the last 35 years, she has delivered evaluation assignments for a range of government agencies in New Zealand

and multilateral agencies including UNESCO HQ and the Organisation for Economic Cooperation and Development (OECD). In New Zealand she has led large-scale community engagement and evaluation projects for the Education Review Office (ERO), the Department of Labour, and the Ministry of Foreign Affairs and Trade.

17. *Matt Richardson* – Mr Richardson is a young professional who was born and raised in the Hutt Valley and has a passion for helping the city flourish. He is an experienced project manager and recently led the delivery of the largest landscape and ecological mitigation planting project in New Zealand, on the Transmission Gully project. Mr Richardson brings a strong community focus to the panel with experience engaging with communities on a range of projects.
18. The proposed appointees to the independent panel bring a diverse and complementary set of skills to the panel, including:
 - a. Strong connections to Te Awa Kairangi with a deep understanding of communities of interest throughout the city;
 - b. Excellent leadership experience;
 - c. Excellent experience leading engagement processes, including with Mana Whenua and iwi groups.
 - d. Experience working within a legislative framework; and
 - e. Experience applying critical analysis, evaluation and decision-making to complex projects.
19. We have assessed that the proposed panel members bring the right mix of skill and experience to deliver a successful representation review for Council. There is also a good mix of gender, age range, and ethnic representation.
20. Secretariat support for the panel will be provided by Council officers. This will include providing:
 - a. information (eg to assist the panel to identify communities of interest);
 - b. communications and engagement support (eg guidance to carry out community engagements); and
 - c. policy support as required.

Remuneration

21. Panel members will be remunerated in line with Group 4 Level 3 of the DPMC Revised Fees Framework. Group 4 includes “all Committees and other bodies” and is the group most applicable to members of an Independent Panel undertaking a representation review on behalf of the Council. The daily rates are Chair: \$308 to \$633; Members: \$226 to \$435.
22. We seek Council agreement for daily fees of up to \$633 for the Chair and \$435 for panel members.

23. Following endorsement from the Committee we will discuss fees with the panel members and confirm final costs at the Council meeting on 25 July 2023.

High-Level Communications and Engagement plan

24. The independent panel will be responsible for creating a detailed communication and engagement plan and for undertaking early engagement supported by a secretariat of Council officers as required.
25. The scope of early engagement will be to seek input from a wide range of people within our communities on how the city should be best represented by Council and community boards in a fair and effective way.
26. Face-to-face engagement will be the focus of engagement tactics. This approach will be supported by online and digital engagement methods such as a targeted survey to gather further insights, designed to complement and strengthen knowledge gathered in other ways.
27. Engagement will take place between August and October 2023.
28. The engagement process will inform the development of the panel's recommended initial proposal.
29. Our engagement expectations set for the panel include:
- a. putting the community first by providing clear, consistent, reliable information on the review process;
 - b. ensuring Mana Whenua partners are appropriately engaged throughout the process;
 - c. connecting with a wide range of communities of interest, and a diverse cross-section of residents, to ensure fair and effective representation;
 - d. informing the community of the review process, why it is happening, how they can influence it and how it will impact them; and
 - e. ensuring elected members are aware and kept well informed of progress.

Climate Change Impact and Considerations

30. There are no climate change impacts.

Consultation

31. An expressions of interest process was run from 6 to 19 June 2023. The results of the process will be released publicly following full Council endorsement on 25 July 2023.

Legal Considerations

32. There are no legal considerations.

Financial Considerations

33. Funding of \$150,000 has been set aside in the 2023/24 Annual Plan budget to undertake the representation review.

Appendices

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Released as publicly available information



TERMS OF REFERENCE INDEPENDENT REVIEW PANEL

Released as publicly available information

1. PURPOSE

To recommend to Hutt City Council an initial representation proposal in terms of sections 19H and 19J of the Local Electoral Act 2001, having regard to the requirements for fair and effective representation set out in sections 19T and 19V.

The Council requires that the Independent Review Panel provide a representation review report and recommendation that allows the Council to make a fully informed decision on its initial proposal for representation arrangements for at least the 2025 – 2028 triennium, including arguments and implications for each possible alternative. The work undertaken by the panel will comply with all requirements of the Local Electoral Act 2001.

2. TASKS

- Identify and define communities of interest in the city;
- Identify all reasonably practicable options for achieving fair and effective representation arrangements for the communities of interest in the city, including the number of councillors, the basis of election of councillors (at-large, by ward or a mix of both) and the need for community boards;
- Conduct such research, enquiries or other work as considered necessary to complete this brief;
- Seek preliminary community input as required;
- Report to Council on the representation options identified, the community feedback received, and the panel's recommended option including the reasons for this option;
- Present and explain the panel's conclusions to the community as necessary;
- In the event of appeals or objections against the Council's final proposal, provide support to the Council as appropriate; and
- Such other tasks as may be identified during the process.

3. PROCESS

The process to be followed by the Independent Review Panel is likely to include the following steps:

- 1) Establishment of a work programme;
- 2) Agreement on the approach for identifying communities of interest in the city;
- 3) Development of the range of possible options and supporting material for preliminary consultation;
- 4) Development of a preliminary consultation programme;
- 5) Undertaking of preliminary consultation;
- 6) Identification of the recommended option; and
- 7) Presentation of the recommended option to the Council.

The Panel will determine the final detailed process and timeline to be followed in order to achieve the tasks outlined above.

4. DELIVERABLES

1) Agreed engagement and consultation process	August 2023
2) Update to CLT on early engagement and consultation outcomes	30 October 2023
3) Report to the PFS Committee on proposed changes to the electoral system	21 November 2023
4) Final recommendations to Council	July 2024

5. PANEL MAKEUP

The Independent Review Panel will comprise four members and include and includes a range of skill sets and diversity.

6. ESTIMATED TIME INVOLVEMENT

Meetings will be held as required. An estimated time involvement for the process is between 40-50 hours per person, depending on the process undertaken. It is anticipated that the Chair will be required for more hours in order to provide the leadership and documentation required to deliver the review.

Phase 1: Background reading and process familiarisation	3 hours
Agreeing engagement and consultation process	6 hours
Phase 2: Undertaking engagement and consultation	15 hours
Identifying possible representation options	10 hours
Phase 3: Agreeing recommended options	6 hours
Development of report to Council and attendance at Council meeting	5 hours

Representation review process relating to ward boundaries and names

Determining Ward Boundaries

1. The principal objective of a representation review is to ensure fair and effective representation for individuals and communities. In seeking to achieve this objective, a key element will be determining whether councillors are to be elected at-large across the whole city, by wards or by a mix of both.
2. Determining how councillors are to be elected first requires identification of the communities of interest making up the city, and the extent that these are city-wide or more locally based. Consideration then needs to be given to the extent more locally-based communities have similarities and may be combined for electoral purposes.
3. Should the review process identify the need for wards, consideration will then be given to the number of wards, their boundaries, ward names and number of members per ward.
4. The number of wards and their boundaries will reflect the communities of interest they are to comprise, including any appropriate groupings of communities of interest, so as to provide for their effective representation.

Naming Wards

5. The Local Government Commission's good practice guide relating to the names of wards, recommends these "use the most common or predominant, place or feature name" of the area, and that they "avoid duplication and confusion of names with those in other local authority areas".
6. It is also becoming increasingly common for the introduction of bilingual names for wards. Wellington City Council, for example, has introduced bilingual ward names such as the Takapū/Northern General Ward.
7. The panel will need to consult firstly with mana whenua, on the appropriateness of bilingual ward names and, if so, the recommended names. The proposed names, along with all the other proposals, will also be the subject of the formal city-wide consultation on the council's agreed initial proposal.

Number of seats

8. In relation to the number of members per ward, this will need to take into account the requirement for fair representation for individuals, and in particular what is referred to as the '+/-10% rule' (i.e. the number of people represented by each ward councillor is within +/-10% of the average for the council as a whole).
9. While there are grounds for exceptions to the +/-10% rule, this requirement will also need to be taken into consideration in the location of recommended ward boundaries.
10. The above considerations will also apply generally in relation to any Māori ward(s) if the council decides to introduce such wards.