

Representation Review

1. Purpose

To recommend the formal adoption of the Council's initial proposal for representation arrangements for the 2019 and 2022 elections and that the proposal be distributed for public consultation.

2. Executive Summary

- 2.1 The Council is required to adopt an initial proposal for public consultation on its representation arrangements for the 2019 and 2022 elections. Following adoption the proposal must be publicly notified inviting the public to make submissions on it. The Council must consider, and hear if requested, any submissions received on its proposal and based on those submissions, either confirm or amend the proposal as its "final" proposal. This process must adhere to a statutory timeline and process.
- 2.2 The Local Electoral Act 2001 (LEA) requires local authorities to carry out a review of their representation arrangements at least once every six years. Having previously conducted a representation review in 2012 for the 2013 and 2016 local elections, the Council is now required to undertake a representation review for the 2019 and 2022 local elections. Representation reviews are defined by the LEA as reviews of the representation arrangements for a local authority. Those arrangements include:
- The number of councillors to be elected to the Council;
 - Whether councillors are elected by wards or by the district as a whole (or a mixture of both systems);
 - If elected by wards, the number, boundaries and names of these wards and the number of councillors that will represent them; and
 - Whether to have Community Boards, and if so how many, their boundaries and membership.
- 2.3 The methods used in the pre-engagement phase included:
- Engaging Electionz.com to assist the Council to follow best practice for defining communities of interest, effective representation for identified communities of interest, and fairness of representation for electors;
 - Consultation with neighbouring local authorities, iwi organisations, the community board and community advisory groups and holding a community hui to provide the Council with preliminary advice before consideration of its initial proposal; and
 - Workshops of the Council and Community Board to ensure elected members are fully informed of the process and engaged to assess various options.
- 2.4 The review is set by a statutory timeline and process. The Council must give notice of its "final" proposal not later than 8 September 2018. To enable compliance with all the steps in the statutory process, the Council should adopt its Initial Proposal as early as possible. All elements of Council's representation proposals, including community board(s), are subject to rights of appeal and/or objection to the Local Government Commission (LGC). It is therefore important that the review fully considers all options available. It is also important that the process carried out is robust and that it results in a decision that can be supported by reasons that provide a defensible outcome.

3. Recommendation

- 3.1 That Report 18/188 Representation Review be received.
- 3.2 That this decision is recognised as significant in terms of S76 of the Local Government Act 2002.
- 3.3 That the Horowhenua District Council adopts as its Initial Proposal for the Representation Review for the local election to be held in 2019 and subsequent elections until altered by a subsequent decisions the following:
- (a) That the Council comprises ten (10) Councillors elected from four (4) wards, and the Mayor elected at large;
 - (b) That the Council retains the existing ward names of Kere Kere, Miranui, Levin and Waiopahu;
 - (c) That the proposed boundaries of the four (4) wards remain as they are at present and as shown on the attached map;
 - (d) That the population each ward will represent will be as follows:

Wards	General Electoral Population	Number of councillors per constituency	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Kere Kere	5,780	2	2,890	-356	-10.96
Miranui	3,080	1	3,080	-166	-5.11
Levin	16,950	5	3,390	144	4.44
Waiopahu	6,650	2	3,325	79	2.43
Total	32,460	10	3,246		

These population figures are estimates supplied by Statistics New Zealand as at 30 June 2017. Mesh blocks as at 1 January 2017.

- 3.4 That the Council acknowledges that the Kere Kere Ward percentage deviation of -10.96% is outside that permitted by section 19 V (2) of the Local Electoral Act 2001 and that the Council will seek an exemption from the LGC on the basis that:
- altering the boundaries of the Kere Kere Ward to make it compliant would limit effective representation of communities of interest by dividing a community of interest between wards; and
 - the relatively minor non-compliance in the Kere Kere Ward will self-correct in the near future if growth occurs as predicted in the Council's draft Growth Strategy (see tables e and f).
- 3.5 That the Horowhenua District Council does not retain the Foxton Community Board
- OR
- That the Horowhenua District Council retains the Foxton Community Board
- AND FURTHER
- (a) That the name of the Board be the Foxton Community Board;
 - (b) That the Foxton Community Board comprises five (5) members elected at large:

- (c) That the proposed boundaries of the Board:
- (i) remain as they are at present and as shown on the **attached** map marked 'B'
- OR
- (II) be extended as proposed on the **attached** map marked 'C' as recommended by the Foxton Community Board.

3.6 That a proposal is prepared and public notice be given of the proposals as adopted.

3.7 That the Horowhenua District Council will hear submissions on the proposal.

4. Background / Previous Council Decisions

4.1 The Council is required to adopt an initial proposal for public consultation on its representation arrangements for the 2019 and 2022 elections. The review must adhere to a statutory timeline and process.

4.2 In preparing for and carrying out a representation review, the Council must be cognisant of the relevant provisions of the LEA and the Local Government Act 2002 (LGA). The Council must also consider the guidelines issued by the LGC to assist local authorities in identifying the factors and considerations that they should take into account when developing their representation proposals.

4.3 A 'Discussion Document' (attached) containing the appropriate information and references has been prepared and distributed to all Councillors and provides information about the key issues that the Council needs to consider as part of the decision-making process. The detailed timeline has also been distributed.

5. Discussion

Timeline for the Representation Review

5.1 This timeline requires Council to adopt an "initial" representation proposal. Once the initial proposal is agreed, the formal statutory review process commences. There is no opportunity to stop or delay the statutory process. As discussed at Council Workshops, it is desirable to embark on public consultation on an initial proposal as soon as possible. The Council must consider, and hear if requested, any submissions received to its proposal. Based on those submissions, the Council needs to either confirm or amend the proposal as its "final" proposal, which is also notified. The Council's "final" proposal must be adopted before 8 September 2018. If there are appeals and objections to the "final" proposal, then the LGC makes the final determination. The Commission determination must be made no later than 10 April 2019 and is subject to judicial review or appeal on a point of law.

Matters to be covered by this review

5.2 In its determination of representation arrangements to apply for Horowhenua District Council's 2013 election, the LGC noted that as part of the 2018 review the Council should further consider the appropriateness of the boundaries of the Foxton Community to ensure their relevance for the future and that any changes be identified in time for any necessary changes to the boundaries to be discussed with Statistics New Zealand.

5.3 The Council has already undertaken reviews of some related processes, including the electoral system to be used and whether or not Māori wards would be established. In both cases, the status quo of First Past the Post and no Māori ward was maintained. Council was briefed on the Māori representation options available under LEA. The Council concluded that it would not propose the establishment of a Māori ward at this time.

Commentary

- 5.4 In preparing its publicly notified proposal, the Council needs to determine:
- The number of Councillors to be elected to the Council;
 - Whether the members of the Council are elected by wards, the district as a whole, or a mixture of both systems;
 - If elected by wards, the boundaries and names of these wards and the number of councillors that will represent them; and
 - Whether to have Community Boards, and if so how many, their boundaries and membership.
- 5.5 The Council must also determine whether a community should be subdivided for electoral purposes, and if so:
- The name and boundaries of subdivisions, or
 - The number of members to be elected from each subdivision.

Identifying Communities of Interest

- 5.5 Horowhenua is a rural territorial authority with urban townships surrounded by rural farmland and beach communities. The review takes into account a number of factors when identifying the communities of interest, including:
- Current and historic boundaries
 - Housing and development patterns, and potential for urban growth
 - Business and education activities such as industrial areas, defined shopping hubs and existing schools
 - Community organisation's boundaries
 - Areas of significant open space, topographic and other features and natural landscapes (such as major roads and transport corridors, rivers, local beaches, hills and valleys)
 - Provision of utilities
 - Rural character
 - Opportunities for planned and random social interactions
 - Services and local places, including marae, schools, medical facilities, libraries, community centres, churches, cafes and shops
 - Open spaces and recreational spaces and facilities, including parks, pools, walking tracks
- 5.7 For many people; family, friends, neighbours and other people are important in building a sense of community rather than simply physical characteristics of an area. Feedback over time has suggested that "community" for most people is a relatively small geographical area and is significantly smaller than the current ward areas.

Determining Effective Representation of Communities of Interest

- 5.8 Effective representation must be achieved within the statutory limits that:
- The Mayor must be elected at large, and
 - Members (councillors) must be no fewer than 6 nor more than 30, including the mayor.
- 5.9 Workshops during the review have considered each of these matters as outlined below.

Election at large, by ward or mixed

- 5.10 Using information collated on communities of interest, the review considers whether effective representation would be best achieved by way of:

- an at-large system (where all members are elected by all voters across the district); or
 - a ward system; or
 - a mixed system, with members elected partially at-large and partially by ward.
- 5.11 This Council has traditionally elected its members under a ward system. The LGC has supported ward-based systems over at-large representation for the most part.
- 5.12 An at-large system would be a significant departure from previous arrangements for Horowhenua. Generally, the feedback is that there is a clear preference to elect Councillors under the ward system, rather than at-large.
- 5.13 At the Foxton Community Board workshop and community hui there was little or no support for an “at large” system.
- 5.14 Research indicates that people are more likely to vote when they know the candidates standing in their ward. Electing members under the ward system achieves a spread of Councillors across the District. Therefore, while the review requires some consideration to an at-large (district-wide) system of effective representation, the general consensus is that at this point in time, ward representation continues to be effective.

Number of Councillors and Wards

- 5.15 The LEA requires the Council to determine the number of wards and the number of councillors to be elected from each ward.
- 5.16 The membership of a territorial authority should be no fewer than six and no more than 30 members (including the Mayor).
- 5.17 The current elected membership of the Council is 10 councillors (excluding the Mayor).
- 5.18 Horowhenua councillors are required to represent significantly lesser numbers of electors than the average (the average member-population ratio for New Zealand territorial councils (cities and districts) is about 1:6,200 whereas Horowhenua is currently 1:3,246).
- 5.19 Generally, the current view is to maintain the status quo (in terms of number of councillors and wards).
- 5.20 The majority of those present at workshops believe the existing number of Councillors is sufficient to represent the variety and complexity of local needs and the range of functions being undertaken by the Council.
- 5.21 It was considered that councillor numbers could not be decreased without impacting on effective representation.
- 5.22 An increase in councillors may improve effective representation of constituents but a change to 11 councillors shifts the non-compliance with fair representation requirements from the Kere Kere ward to the Waiopehu Ward.
- 5.23 An increase in elected members would increase governance costs.
- 5.24 On balance, retaining the status quo was considered most appropriate.

Ward Boundaries

- 5.25 Again, the status quo was preferred over all of the options given consideration during Council workshops.
- 5.26 There was some discussion about changing the Kere Kere Ward boundary in order to comply with the ‘+ or – 10%’ rule now but there was a strong view that to do so would detrimentally affect communities of interest.
- 5.27 In addition, Kere Kere Ward’s relatively minor non-compliance self corrects in the near future if growth predictions are realised.

5.28 There was also a view that consideration should be given to shifting those moved at the last review back even though that would not work towards compliance with the fair representation rule.

5.29 There was consensus to retain the status quo including using the existing names of wards.

Community Boards

5.30 In undertaking a review of community boards the Council is required to consider:

- Whether there should be communities and community boards; and
- If it resolves there should, the nature of any community and the structure of any community board.

5.31 Currently, there is one community board in Horowhenua District – the Foxton Community Board. The current community board boundaries are as established in 1989.

5.32 Community boards are established under the LGA to perform such functions and duties and exercise such powers as are delegated to them by the Council.

5.33 The retention of the Foxton Community Board was strongly supported by the Community Board at its workshop. They considered that where there is a community of interest that is not enriched by the ward system, there may be an argument for another community board. That community should make it known that they want a community board through the consultation process.

5.34 The Community Board considered that its boundaries should also be reviewed in light of the urban growth that has occurred and will continue to occur around the fringes of the boundaries established in 1989.

5.36 The Community Board has recommended to the Council that its boundaries be altered to take into account urban growth and infrastructure that provides services to the community. The proposed boundary is shown on the attached map.

5.37 The Foxton Community Board recommended boundaries are just that and the process of consultation on the initial proposal will include where the boundaries are to be. It is a given really but should be noted for clarity that they are not necessarily final.

Membership of Community Boards

5.38 The Local Electoral Act provides that community boards may have between 4 and 12 members. Each Board must include at least 4 elected members and may include appointed members. The number of appointed members must be less than half the total number of members.

5.39 The Foxton Community Board considered its current elected membership to be appropriate but indicated a clear preference for both members of the Kere Kere Ward elected to the Council be appointed to the Board rather than just one of them as at present.

5.40 The Council however considered that whilst there was support for the continuation of the Foxton Community Board in 2012, and that some of that support continues, there has been considerable change since that time and many in the community considered that the community board should not be retained.

5.41 Other communities within Horowhenua have democratically established community committees that are as effective in communicating with the Council as the community board.

5.42 The demographics of the community have changed with Horowhenua now growing and becoming more diverse. The majority view is that many of the reasons for the community board when it was established in 1989, including political reasons, no longer exist. Changes have continued to evolve since the last review in 2012.

-
- 5.43 Currently the costs of the community board are funded from general rates across the District.
- 5.44 The indirect costs which include staff and administration support of approximately \$150k to \$160k per year could be refocused on support for all communities across the district.
- 5.45 Direct costs are approximately \$55k per year (\$330k over the next 6 years) could be refocused to infrastructure or major projects as opposed to going towards governance costs.
- 5.46 There is some misunderstanding about the Foxton Freeholding Fund – to remove any doubt in the community the Council has always retained the decision making on matters relating to this Fund and will continue to do so.
- 5.47 The current arrangements are that the Community Board has 5 elected Board members for the Foxton community which has a population of 4,640. This population is included within the Kere Kere Ward and is also represented by two elected councillors. The Council considers that this community is significantly over represented compared to the rest of the District at 1:3,246 and the national average of about 1:6,700.
- 5.48 The voting turnout at the 2013 and 2016 elections show that there was a slight decline in turnout in voting for the Foxton Community Board (as there was for the whole District) yet the voter turnout in the Kere Kere Ward increased slightly. The Local Government Commission in determinations throughout the country has previously noted, in cases where the turnout in the community board elections was higher than district wide, that this emphasises support for the community board. In Horowhenua, recent election results do not support that notation.
- 5.49 If the decision is not to retain the Foxton Community Board then it is recommended that the Council specifies the reasons why (refer to 5.41 to 5.48).

Fair Representation

- 5.50 Fair representation, in accordance with LEA clause 19V, requires a +/- 10% variation around an equal division of voting age population within the area for creation of wards.
- 5.51 The Council is required to determine the ratio of population per councillor for each proposed ward and compare the subdivision ratios calculated with the average population per member for the Council.
- 5.52 When determining the ratio of Councillor per head of population, the Council is required to use the most up-to-date population figures available from Statistics New Zealand.
- 5.53 If any option does not comply with the '+/- 10% rule', Council must consider altering ward boundaries or reconfiguring wards.
- 5.54 There are exceptions to the '+/- 10% rule' which are set out in LEA clause 19V (3), (2) and (3). This provides for communities of interest to override for island communities, isolated communities, or simply if effective representation "so requires". These exceptions are not common.
- 5.55 The Commission advises that it is important that all local authorities clearly identify the grounds for any proposed non-compliance with the '+/-10% rule' of section 19V(2). This is required for the public notices under section 19M(2)(c) and section 19N(2)(bb) and will also assist the Commission in its deliberations.
- 5.56 Direct referral to the Commission is required of all proposals not complying with the +/- 10% rule whether or not appeals or objections have been lodged against the local authority's proposal. That referral is to be treated by the Commission as an appeal under the Local Electoral Act 2001.
- 5.57 The population each ward will represent will be as follows:

Growth Predictions

That the population each ward will represent will be as follows:

	WARD	Population	Members	Population-Member Ratio	Difference from Quota	% Difference from Quota
Council	Kere Kere Ward	5,780	2	2,890	-356	-10.96
	Miranui Ward	3,080	1	3,080	-166	-5.11
	Levin Ward	16,950	5	3,390	144	4.44
	Waiopehu Ward	6,650	2	3,325	79	2.43
	Total	32,460	10	3,246		

These population figures are estimates supplied by Statistics New Zealand as at 30 June 2017. Mesh blocks as at 1 January 2017.

The representation arrangements for the current wards of Horowhenua District calculated using the population estimates in the Council's *Growth Strategy* for 2020.

	WARD	Population	Members	Population-Member Ratio	Difference from Quota	% Difference from Quota
Council	Kere Kere Ward	6,098	2	3,049	-311	-9.26
	Miranui Ward	3,114	1	3,114	-246	-7.32
	Levin Ward	17,552	5	3,510	150	4.46
	Waiopehu Ward	6,832	2	3,416	56	1.67
	Total	33,596	10	3,360		

This table shows the representation ratio correction over the next two years, according to the estimates used in the *Growth Strategy*.

6. Options

The Council must develop a proposal for public consultation. The proposal must include:

- a description of each proposed ward, constituency, community, or subdivision;
- a description of proposed boundaries of each proposed ward, constituency, community, or subdivision so it is readily identifiable to the public; and
- an explanation of any proposed changes to the basis of election, membership, or ward, constituency, community, or subdivision boundaries.

The findings to date indicate that the initial proposal should be based on:

- A ward-based system,
- the Foxton Community Board being disestablished, and
- Using existing names for the Wards and Community Board (if retained)

6.1 **Cost**

There are costs associated with representation. The costs will largely be associated with:

- elected member remuneration and administrative costs and facilities, and
- compilation of electoral rolls and administration of the election.

There are no additional costs should the Council retain the status quo.

6.1.1 **Rate Impact**

This would depend on how Council chooses to proceed.

6.2 **Community Wellbeing**

Appropriate representation is considered essential for Community Wellbeing.

6.3 **Consenting Issues**

There are no consenting issues.

6.4 **LTP Integration**

Not applicable.

7. **Consultation**

As covered in 5. above.

8. **Legal Considerations**

8.1 Section 19 of the Local Electoral Act 2001 sets out the provisions for the Council's representation review. In particular, Sections 19T to 19V relate to the requirements around effective and fair representation when determining membership and basis of election.

8.2 The Council is also required to comply with the decision-making procedures contained in Part 6 of the Local Government Act 2002.

9. **Financial Considerations**

As already covered.

10. **Other Considerations**

There are no other considerations.

11. **Next Steps**

The following is a timeline of the next steps of the review:

Council decides what its Initial Proposal is to be.	18 April 2018
Public notice of the Initial Proposal is given (within 14 days of the Council decision and invites submissions).	2 May 2018
The consultation period closes.	6 June 2018
Hearing of Submissions - the Council provides an opportunity for those making submissions to be heard by the Council.	11 July 2018

If there are no submissions the Initial Proposal becomes the Final Proposal and public notice is given.	Date tbc
The Council gives formal consideration to the matters raised in the Hearings.	Date tbc
The Council decides on its Final Proposal.	Date tbc
The Council gives public notice of the Final Proposal and advises the appeal provisions.	at least 1 month consultation period
All information on the process and any appeals/objections are then sent to the Local Government Commission.	By 15 January 2019
The Local Government Commission makes its Determination.	By 10 April 2019

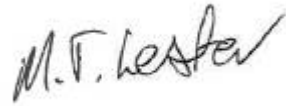
Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

12. Appendices

No.	Title	Page
A	Representation Review Report - Discussion Document - 18 April 2018	
B	FCB Proposed Boundary B	
C	FCB Proposed Boundary C	

Author(s)	Mark Lester Group Manager - Corporate Services	
-----------	--	---

Approved by	David Clapperton Chief Executive	
-------------	--	---