



Determination

of representation arrangements to apply for
the election of Palmerston North City Council
to be held on 12 October 2019

Background

1. All territorial authorities are required under sections 19H and 19J of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. These reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of those wards. Reviews also include whether there are to be community boards and, if so, membership arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
2. Palmerston North City Council (the council) last reviewed its representation arrangements prior to the 2013 local authority elections. Therefore, it was required to undertake a review prior to the next elections in October 2019.
3. At the time of the last review, the council's initial proposal was to move to an at large system of representation, while retaining the existing 15 councillors, and with no community boards. This followed the decision of the council to move to the STV electoral system for the 2013 elections. However, in light of submissions received on its initial proposal, the council resolved to retain the existing ward system of representation for 15 councillors, again with no community boards, as its final proposal. Eleven appeals were received against the council's final proposal with eight seeking an at large system and three seeking different ward arrangements.
4. After considering the appeals, the Commission determined that for the 2013 elections, the at large system of representation would be used to elect 15 councillors, and with no community boards. This basis of election was used again for the 2016 elections.
5. For its current review, the council undertook one month's preliminary consultation in July 2018, on representation arrangements for Palmerston North City. This was carried out by way of the release of a discussion document on the representation issues to be addressed, an invitation for submissions and the opportunity for submitters to speak to their submissions at a council meeting.
6. The council received 30 submissions in response to the discussion document. It analysed the responses as follows:

- *basis of election*: 53.3% supported at large, 26.7% supported wards, 13.3% supported a mixed system, 6.7% were unclear
 - *number of councillors*: 50.0% supported the current 15 councillors, 6.7% supported an increase, 36.7% supported a decrease, 6.7% made no response
 - *community boards*: 26.7% supported boards, 20.0% gave qualified support for boards, 36.7% gave no support for boards, 3.3% were unclear, 13.3% made no response.
7. At a meeting on 27 August 2018, the council adopted its initial representation proposal. This proposal was for the council to continue to comprise the mayor and 15 councillors elected at large and for no community boards to be established.
 8. In notifying its proposal, the council commented it was proposing no change to present arrangements for the election of councillors as:
 - it considers Palmerston North City comprises a single community of interest which covers the whole city
 - the city also comprises many secondary communities of interest based on individual suburbs and villages but it would not be practicable for each community to be represented by an individual councillor
 - the proposed number of councillors will enable the workload to be shared and will promote diversity.
 9. In relation to community boards, the council commented it was proposing no change to present arrangements as it is satisfied the city does not include any communities that are sufficiently distinct or isolated to require representation of this nature.
 10. The council notified its initial proposal on 1 September 2018 and invited submissions by 8 October 2018. The council received 20 submissions and analysed these as follows (one late submission was also received):
 - *basis of election*: 11 (55%) supported at large and 9 (45%) supported wards
 - *number of councillors*: 17 (85%) supported the present 15 councillors and 3 (15%) supported a reduction
 - *community boards*: 8 (40%) supported community boards and 11 (55%) supported no community boards, with 1 (5%) making no response.
 11. At a meeting on 24 October 2018, the council, after considering the submissions, resolved to adopt its initial proposal as its final representation proposal.
 12. The council notified its final proposal and called for appeals by 13 December 2018.
 13. Four appeals against the council's final proposal were received from:
 - Marilyn and Bruce Bulloch: seeking reinstatement of a ward system of election for councillors and supporting community boards in such places as Ashhurst
 - Iola Haggarty: seeking reinstatement of a ward system for election of councillors
 - Malcolm Frith: proposing establishment of a combination of wards and boards
 - Dale O'Reilly: seeking establishment of a Bunnythorpe community board.

Matters for determination by the Commission

14. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine, in the case of a territorial authority, all the matters set out in sections 19H and 19J which relate to the representation arrangements for territorial authorities. This interpretation was reinforced by a 2004 High Court decision which found that the Commission's role is not merely supervisory of a local authority's representation arrangements decision. The Commission is required to form its own view on all the matters which are in scope of the review.
15. Given this requirement, any concerns expressed by appellants/objectors relating to the council's review process are not matters that the Commission needs to address.
16. The matters in scope of the review are:
 - whether the council is to be elected from wards, the district as a whole, or a mix of the two
 - the number of councillors
 - if there are to be wards, the area, boundaries and names of wards and the number of councillors to be elected from each ward
 - whether there are to be community boards
 - if there are to be community boards, the area, boundaries and names of their communities, and the membership arrangements for each board.
17. For the purpose of making a determination, the Commission may make such enquiries as it considers appropriate and may hold meetings with the interested parties. There is no obligation on the Commission to hold a hearing and the decision on whether to hold a hearing is based on the information provided by the parties and as a result of any further enquiries the Commission may make.
18. In the case of Palmerston North City Council's proposal, we considered there was sufficient information in the documentation provided by the council on the process it had followed in making its decision and also in the appeals for us to proceed to a determination. Accordingly, we decided no hearing was required.

Procedural issue

19. Two of the four appeals (from Marilyn and Bruce Bulloch, and from Iola Haggarty) were based on submissions made on the council's informal preliminary consultation rather than on its initial representation proposal. Accordingly, technically they could be considered not to be appeals for the purpose of section 19O of the Act.
20. In raising this matter with the Commission, the council officer concerned noted the two consultation exercises were held reasonably close together and one of the people concerned claimed she did not receive the council letter acknowledging receipt of the preliminary submission and inviting further submissions on the council's formal initial proposal. Commission officers also note the similarity of the documentation relating to both consultation exercises which may have caused some confusion.
21. In these circumstances, and the fact a third appeal (from Malcolm Frith) also raises the same issue of the basis of election, we decided to accept the two 'appeals' concerned.

Key considerations

22. Based on legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* identify the following three key factors when considering representation proposals:
- communities of interest
 - effective representation of communities of interest
 - fair representation for electors.

Communities of interest

23. The Guidelines identify three dimensions for recognising communities of interest:
- *perceptual*: a sense of identity and belonging to a defined area or locality as a result of factors such as distinctive geographical features, local history, demographics, economic and social activities
 - *functional*: ability of the area to meet the needs of communities for services such as local schools, shopping areas, community and recreational facilities, employment, transport and communication links
 - *political*: ability to represent the interests of local communities which includes non-council structures such as for local iwi and hapū, residents and ratepayer associations and the range of special interest groups.
24. We note that in many cases councils, communities and individuals tend to focus on the perceptual dimension of communities of interest. That is, they focus on what intuitively they 'feel' are existing communities of interest. While this is a legitimate view, more evidence may be required to back this up. It needs to be appreciated that the other dimensions, particularly the functional one, are important and that they can also reinforce the 'sense' of identity with an area. In other words, all three dimensions are important but should not be seen as independent of each other.
25. In addition to evidence demonstrating existing communities of interest, evidence also needs to be provided of *differences* between neighbouring communities i.e. that they may have "few commonalities". This could include the demographic characteristics of an area (e.g. age, ethnicity, deprivation profiles) and how these differ between areas, and evidence of how different communities rely on different services and facilities.
26. In the case of Palmerston North City, the council describes the city as geographically compact and relatively small with one major business district. While the council does also refer to secondary communities of interest based on individual suburbs and villages with small shopping centres, it notes people typically reside in one part of the city but work in another.
27. In 2012 there were a number of small boundary alterations between Palmerston North City and Manawatu District resulting in additional areas being transferred to the city including the Bunnythorpe area. The motivation for these changes was to assist the councils to address growth pressures on the then boundary in a coordinated way for the benefit of the greater Manawatu area. The desired coordination included planning, implementation and funding for infrastructure and particularly the strategic roading network. The boundary alterations were also seen to better reflect communities of interest in particular areas with more than half of the affected residents working in the city while 95 per cent saw the city as their principal shopping destination.

Effective representation of communities of interest

28. Section 19T of the Act requires the Commission to ensure that:
- a) the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a mix of both) will provide effective representation of communities of interest within the city
 - b) ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - c) so far as is practicable, ward boundaries coincide with community boundaries (where they exist).
29. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including the appropriate total number of elected members and the appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).
30. The Commission's Guidelines note the following factors need to be considered when determining effective representation:
- avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
 - not splitting recognised communities of interest between electoral subdivisions
 - not grouping together two or more communities of interest that share few commonalities of interest
 - accessibility, size and configuration of an area including access to elected members and vice versa.
31. Palmerston North City was divided into six wards from its constitution in 1989 until the 2007 elections. Four of these wards were wholly urban in nature with two a mix of urban and rural areas. In 2007 the two mixed wards were combined by the Commission to ensure compliance with the '+/-10% rule'. In 2007 the council had proposed an at large system of representation but the Commission did not uphold this after considering appeals, determining that a modified ward system be retained.
32. In the 2013 review, the council initially proposed an at large system but following its consideration of submissions, it resolved to retain the existing five-ward system with a series of boundary alterations to ensure compliance with the '+/-10% rule'. Eleven appeals against the council's proposal were received.
33. In considering the appeals, the Commission found that after excluding small urban areas on the fringe of the main urban area, the remaining area would be long and elongated wrapping around the edge of the main urban area and lacking any cohesiveness. It concluded that the establishment of purely rural wards in Palmerston North City was not feasible.
34. While it did consider other variations of a ward system, the Commission finally determined to uphold those appeals seeking an at large system. This was based on factors including a poll conducted in conjunction with the 2010 elections in which 53 per cent favoured an at large system, the compactness of the city and its dynamics,

and the opportunity that STV provided for people to represent non-geographically based communities of interest.

35. In its current review for the 2019 elections, the council raised the issue of the basis of election, and the options available, in both its preliminary consultation and in its consultation on its initial proposal. As noted, there was majority support for an at large system in both exercises. The council's final proposal reflects this level of support.
36. Three of the four appeals sought reinstatement of the ward system. We note firstly, there are pros and cons to each of the options for the basis of election. Secondly, a council is generally in the best position to assess these pros and cons in relation to its own city/district, as it will know the area better than the Commission. This view, however, is subject to the council going through a good process in assessing the pros and cons, and carefully considering community views throughout the process. In such a case, it is appropriate for the Commission to endorse a council's decision on the choice of options such as the basis of election.
37. In the case of Palmerston North City Council, we believe the council has gone through a reasonable process in considering the options available to it for the basis of election. We have also reached our view on this matter based on the city's experience of both wards and at large elections, and on the current level of support for an at large system. We note some of this support for an at large system over recent reviews has related directly to the fact that the council has adopted the STV electoral system. This is on the basis that at large systems (or at least arrangements consisting of only a few large wards) are likely to achieve proportional representation of non-geographically based communities of interest, under the STV electoral system. We assume this was an objective of the council in adopting the STV electoral system for Palmerston North.
38. Accordingly, we have determined to endorse the council's decision to retain the at large system of representation for the city and to reject the three appeals relating to this matter.

Fair representation for electors

39. For the purposes of fair representation for the electors of a district, section 19V(2) of the Act requires that the population of each ward divided by the number of members to be elected by that ward must produce a figure no more than 10 per cent greater or smaller than the population of the district divided by the total number of members (the '+/-10% rule').
40. As no wards are proposed for the city, this requirement does not apply.

Communities and community boards

41. Section 19J of the Act requires every territorial authority, as part of its review of representation arrangements, to determine whether there should be community boards in the district and, if so, the nature of those communities and the structure of the community boards. The territorial authority must make this determination in light of the principle in section 4 of the Act relating to fair and effective representation for individuals and communities.
42. The particular matters the territorial authority, and where appropriate the Commission, must determine include the number of boards to be constituted, their names and boundaries, the number of elected and appointed members, and whether the boards are to be subdivided for electoral purposes. Section 19W also requires

regard to be given to such of the criteria as apply to reorganisation proposals under the Local Government Act 2002 as is considered appropriate. The Commission sees two of these criteria as particularly relevant for the consideration of proposals relating to community boards as part of a representation review:

- Will a community board have an area that is appropriate for the efficient and effective performance of its role?
- Will the community contain a sufficiently distinct community or communities of interest?

43. An Ashhurst Community Board was established at the time of the constitution of Palmerston North City in 1989 but was disbanded within the first term of the new council. There have been no other community boards established in the city although the council did propose a community board for Ashhurst again in 2007 when its final proposal was to move to an at large system. When the Commission decided to retain wards in the city, it also decided an Ashurst community board was not required.
44. Two appeals in the current review indicated support for community boards, in one case reflecting a suggested ward structure and in the other “in places such as Ashhurst”, while a third appeal specifically sought establishment of a community board for Bunnythorpe.
45. In the case of this last appeal, we subsequently received a further email with a petition attached (signed by 56 people) providing further evidence of support for the establishment of a community board for Bunnythorpe.
46. In relation to the establishment of community boards, as with the option on the basis of election, we believe it is generally appropriate for the Commission to endorse a council’s decision on this matter subject to the council going through an appropriate process. This process involves identifying the option of community boards, seeking community views on the option and giving serious consideration to these views.
47. In this case, the council did raise the issue of the establishment of community boards in the city as part of both its preliminary consultation and its consultation on its initial proposal. As noted above, there was some support for community boards during the preliminary consultation, but this was not strong. The majority of submissions on the council’s initial proposal did not support community boards.
48. Therefore, in relation to the council’s decision about the establishment of community boards in Palmerston North generally, we are satisfied in regard to the process followed and resulting decision. We note further that community boards work best when there is a good working relationship between the council and the boards. In this case, it appears to us that the council at this time would be unlikely to be strongly supportive of community boards which brings into question their likely effectiveness.
49. Having said this, we acknowledge the support subsequently provided by way of petition for the establishment of a Bunnythorpe community board specifically. We believe, however, more detailed consideration of such a board is required than is available to us at this stage of the representation review process, including among other things the appropriate area for such a board.
50. In these circumstances, we believe a more appropriate process to consider possible establishment of a Bunnythorpe community board is the one set out in Schedule 6 of the Local Government Act 2002. This allows for a community to petition their council

at any time for the establishment of a community board in a standalone process and for detailed consideration by both the council and the community concerned of the merits and likely costs of such a proposal. In the event such an application is declined by the council, there is an appeal process to the Local Government Commission.

51. In light of the existence of this process, we endorse the council's proposal not to establish any community boards in the city at this time.

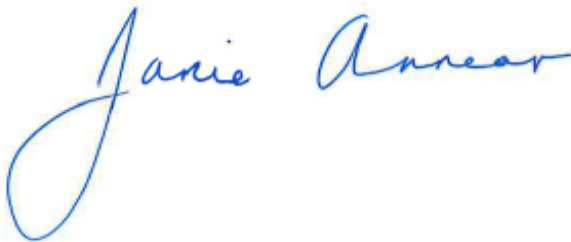
Commission's determination

52. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of Palmerston North City Council to be held on 12 October 2019, the following representation arrangements will apply:
 1. Palmerston North City, as delineated on Plan LG-040-2013-W-1 deposited with the Local Government Commission, will not be divided into wards.
 2. The Council will comprise the mayor and 15 councillors elected by the electors of the city as a whole.

LOCAL GOVERNMENT COMMISSION



Commissioner Pita Paraone (Chairperson)



Commissioner Janie Annear



Commissioner Brendan Duffy

5 April 2019