



LOCAL GOVERNMENT COMMISSION
MANA KĀWANATANGA Ā ROHE

Determination

of representation arrangements to apply for
the election of the Palmerston North City Council
to be held on 12 October 2013

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, arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
2. The Palmerston North City Council (the Council) last conducted a review of its representation arrangements prior to the 2007 local elections. Accordingly the Council was required to undertake a review prior to the next elections in October 2013.
3. As a result of the 2007 review, the number of wards was reduced from six to five with the Ashhurst and Fitzherbert Wards being combined. The representation arrangements that applied for the 2007 elections and subsequent 2010 elections were for a council that comprised a mayor and 15 councillors elected as follows.

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Papaioea	24,100	4	6,025	+548	+10.01
Takaro	15,050	3	5,017	-460	-8.40
Awapuni	15,050	3	5,017	-460	-8.40
Ashhurst-Fitzherbert	12,050	2	6,025	+548	+10.01
Hokowhitu	15,900	3	5,300	-177	-3.23
Total	82,150	15	5,477		

* These are updated 2011 population estimates. At the time of the 2007 determination, all wards complied with the +/-10% fair representation requirement.

4. Palmerston North City currently has no community boards.
5. On 1 July 2012 several areas were transferred from Manawatu District to Palmerston North City. As a result of this the populations of four of the five wards changed. Details of the changed arrangements are as follows.

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Papaioea Ward	25,300	4	6,325	+685	+12.15
Takaro Ward	15,350	3	5,117	-523	-9.27
Awapuni Ward	15,650	3	5,217	-423	-7.50
Ashhurst-Fitzherbert Ward	12,400	2	6,200	+560	+9.93
Hokowhitu Ward	15,900	3	5,300	-340	-6.03
Total	84,600	15	5,640		

6. In conjunction with the 2010 local elections, the Council held two polls on representation issues – whether or not wards should be retained and the number of councillors. The results of those polls were as follows:

Poll on basis of election

	Votes
Councillors should be elected on a ward basis	10,022
Councillors should be elected on a city-wide basis	11,519
Informal votes	2
Blank votes	910

Poll on number of councillors

	Votes
Number of councillors should remain as present	11,609
Number of councillors should increase	628
Number of councillors should decrease	9,251
Informal votes	10
Blank votes	955

7. On 31 August 2011 the Council resolved to change its electoral system from First Past the Post (FPP) to Single Transferable Voting (STV). The Council did not receive any petition for a poll to be held on this proposal and so the decision will apply for the October 2013 elections.
8. Prior to carrying out its formal representation review, the Council distributed a discussion document. Only 28 submissions were received in response to it (despite the document and a submission form being delivered to the approximately 1100 households included in the city as a result of the boundary alterations with Manawatu District).
9. Overall the submissions on the discussion document indicated a preference for wards and no change to the number of councillors.

10. At a meeting on 29 August 2012 the Council, under sections 19H and 19J of the Act, resolved its initial representation proposal being for the retention of 15 councillors (plus the mayor) but with councillors being elected at large rather than from wards.
11. The Council's initial proposal was publicly notified on 5 September 2012 and submissions called for by 8 October 2012.
12. The Council received 50 submissions, which on the issue of wards can be categorised as follows:
 - 28 submitters requested the retention of a ward system
 - 2 submitters requested a mix of wards and at large
 - 17 submitters supported an at large system
 - 6 submitters while supporting wards, advocated a different ward system or additional wards for rural areas
13. On 12 November 2012, after considering submissions, the Council resolved to change its final proposal to 15 members elected from the existing wards but with a series of boundary alterations to ensure compliance with the '+/-10% rule'. The resulting arrangements were as follows.

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Papaioea	24,400	4	6,100	+473	+8.41
Takaro	15,500	3	5,167	-460	-8.18
Awapuni	15,400	3	5,133	-494	-8.78
Ashhurst-Fitzherbert	12,200	2	6,100	+473	+8.41
Hokowhitu	16,900	3	5,633	+6	+0.11
Total	84,400	15	5,627		

14. The Council notified its final proposal on 17 November 2012 and called for appeals/objections by 20 December 2012.
15. The reasons cited by the Council for its final decision were as follows:
 - The city comprises a number of separate communities of interest, generally based on suburban, rural or village communities. Voting for councillors by ward was more likely to give an even spread of councillors across the city. In contrast, city-wide voting could lead to councillors coming from a particular part of the city.
 - Wards were more likely to be representative of the communities within the city, and residents would be more likely to know a local councillor they could contact if they needed to.
 - A ward system may encourage more people to stand for Council because it may not cost so much to campaign, and it may be easier for new candidates to make names for themselves. In contrast, city-wide voting may favour those whose names were well known.

- The number of candidates in each ward election was likely to be smaller than in a city-wide election, so voters would be able to make a more informed choice. For a city-wide election, electors would have had the complex opportunity to rank a large number of candidates under the single transferable voting electoral system.
- While the non-binding poll on the basis of elections carried out in conjunction with the 2010 local government elections indicated that elections on a city-wide basis were preferred by a majority of approximately 1,500 electors, the results of the poll needed to be balanced by more recent developments, including the boundary alteration which brought significant rural areas within the city, and the Council decision to adopt the single transferable voting system for the next two elections.
- Of the 50 submissions received on the Council's proposal, 28 submitters preferred ward elections. In comparison, 17 submitters supported a city-wide election, with two submissions preferring a mixture of ward and city-wide voting.

16. Eleven appeals against the Council's final proposal were received as follows:

- The following seeking reinstatement of the initial proposal for an "at large" system:
 - Willam John Tither
 - John Whitelock
 - Jill White
 - Vern Chettleburgh
 - Joan Chettleburgh
 - Paul Reiger
 - Robert Lockwood
 - Annette Lockwood
- John Bent: seeking 11 councillors elected from 11 single members wards
- James Beard: seeking the creation of three rural wards – Longburn-Kairanga, Bunnythorpe-Whakarongo and Fitzherbert-Apiti
- Chris Teo-Sherrell: seeking the division of the city into a series of single member wards.

Hearing

17. The Commission met with the Council and appellants at a hearing held in the Palmerston North City Council Chambers on 22 February 2013. Four of the appellants appeared at the hearing. They were Jill White, Chris Teo-Sherrell, John Bent and John Whitelock. The Council was represented at the hearing by the Mayor Jono Naylor, Chief Executive Paddy Clifford and Electoral Officer John Annabell.

Matters raised in appeals and at the hearing

18. The Council representatives explained the process the Council had gone through and the reasons for its decisions with particular reference to the reasons outlined in paragraph 15 above.
19. Jill White spoke about the perception of the city as a single community of interest and her experience of standing as a candidate for the Council when it was elected at large prior to 1989. She commented that the STV system could enable non-geographic communities of interest to coalesce behind candidates from those communities with those candidates having a greater chance of being elected.
20. Chris Teo Sherell spoke about how he believed a system of single member wards would encourage participation and improve the quality of representation. He said that the Council's change of proposal was a case of councillors listening to submissions and being persuaded by the nature of the argument submissions made. A city-wide system would favour incumbents and already well known candidates.
21. John Bent focused on the mechanics of how a system of single member wards could be determined and the calculations behind that process.
22. John Whitelock said that he considered the ward system to have failed in bringing good governance to the city. He believed a 10-member council elected at large would improve governance.

Requirements for determination

23. Statutory provisions relating to the determination of appeals and objections on territorial authority representation proposals are contained in sections 19R, 19H and 19J of the Act.

19R. Commission to determine appeals and objections

- (1) *The Commission must—*
 - (a) *Consider the resolutions, submissions, appeals, objections, and information forwarded to it under section 19Q; and*
 - (b) *Subject to sections 19T and 19V in the case of a territorial authority, and to sections 19U and 19V in the case of a regional council, determine,—*
 - (i) *In the case of a territorial authority that has made a resolution under section 19H, the matters specified in that section:*
 - (ii) *In the case of a regional council that has made a resolution under section 19I, the matters specified in that section:*
 - (iii) *In the case of a territorial authority that has made a resolution under section 19J, the matters specified in that section.*
- (2) *For the purposes of making a determination under subsection (1)(b), the Commission—*
 - (a) *May make any enquiries that it considers appropriate; and*
 - (b) *May hold, but is not obliged to hold, meetings with the territorial authority or regional council or any persons who have lodged an appeal or objection and have indicated a desire to be heard by the Commission in relation to that appeal or objection.*
- (3) *The Commission must, before 11 April in the year of a triennial general election, complete the duties it is required to carry out under subsection (1).*

- 19H. Review of representation arrangements for elections of territorial authorities**
- (1) A territorial authority must determine by resolution, and in accordance with this Part,—
- (a) Whether the members of the territorial authority (other than the mayor) are proposed to be elected—
- (i) By the electors of the district as a whole; or
- (ii) By the electors of 2 or more wards; or
- (iii) In some cases by the electors of the district as a whole and in the other cases by the electors of each ward of the district; and
- (b) In any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the district as a whole; and
- (c) In any case to which paragraph (a)(iii) applies,—
- (i) The proposed number of members to be elected by the electors of the district as a whole; and
- (ii) The proposed number of members to be elected by the wards of the district; and
- (d) In any case to which paragraph (a)(ii) or paragraph (a)(iii) applies,—
- (i) The proposed name and the proposed boundaries of each ward; and
- (ii) The number of members proposed to be elected by the electors of each ward.
- (2) The determination required by subsection (1) must be made by a territorial authority —
- (a) On the first occasion, either in 2003 or in 2006; and
- (b) Subsequently, at least once in every period of 6 years after the first determination.
- (3) This section must be read in conjunction with section 19ZH and Schedule 1A.
- 19J. Review of community boards**
- (1) A territorial authority must, on every occasion on which it passes a resolution under section 19H, determine by that resolution, and in accordance with this Part, not only the matters referred to in that section but also whether, in light of the principle set out in section 4(1)(a) (which relates to fair and effective representation for individuals and communities) —
- (a) There should be communities and community boards; and
- (b) If so resolved, the nature of any community and the structure of any community board.
- (2) The resolution referred to in subsection (1) must, in particular, determine—
- (a) Whether 1 or more communities should be constituted:
- (b) Whether any community should be abolished or united with another community:
- (c) Whether the boundaries of a community should be altered:
- (d) Whether a community should be subdivided for electoral purposes or whether it should continue to be subdivided for electoral purposes, as the case may require:
- (e) Whether the boundaries of any subdivision should be altered:
- (f) The number of members of any community board:
- (g) The number of members of a community board who should be elected and the number of members of a community board who should be appointed:
- (h) Whether the members of a community board who are proposed to be elected are to be elected—
- (i) By the electors of the community as a whole; or
- (ii) By the electors of 2 or more subdivisions; or

- (iii) *If the community comprises 2 or more whole wards, by the electors of each ward:*
- (i) *in any case to which paragraph (h)(ii) applies, -*
 - (i) *The proposed name and the proposed boundaries of each subdivision; and*
 - (ii) *The number of members proposed to be elected by the electors of each subdivision.*
- (3) *Nothing in this section limits the provisions of section 19F.*

24. Other statutory provisions the Commission is required to consider include those set out in sections 19A, 19C, 19F, 19G, 19T and 19V and these are addressed below.

Consideration by the Commission

25. The steps in the process for achieving required fair and effective representation are not statutorily prescribed. As reflected in its *'Guidelines to assist local authorities in undertaking representation reviews'*, the Commission believes that the following steps in determining representation arrangements will achieve a robust outcome that is in accordance with the statutory criteria:
- identify the district's communities of interest
 - determine the best means of providing effective representation of the identified communities of interest
 - determine fair representation for electors of the district.

Communities of interest

26. The Guidelines identify three dimensions for recognising communities of interest:
- perceptual: a sense of belonging to an area or locality
 - functional: the ability to meet the community's requirements for services
 - political: the ability to represent the interests and reconcile conflicts of the community.
27. The Commission considers that the case for specific representation of distinct and recognisable communities of interest should reflect these dimensions.

Effective representation of communities of interest

28. Section 19T of the Act requires the Commission to ensure that:
- the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a combination of both) will provide effective representation of communities of interest within the district
 - ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - so far as is practicable, ward boundaries coincide with community boundaries.
29. While not a prescribed statutory requirement, the Guidelines also suggest that local authorities consider the total number of members, or a range in the number of

members, necessary to provide effective representation for the district as a whole. In other words, the total number of members should not be arrived at solely as the product of the number of members per ward.

30. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 elected members (excluding the mayor). The Council has comprised 15 elected members (excluding the mayor) since its constitution in 1989.
31. The Guidelines state that decisions relating to the representation of communities of interest (the political dimension) will need to take account of the extent that distinct geographical communities of interest can be identified, i.e. a physical boundary is able to be defined below the district level for the community of interest.
32. From its constitution in 1989, Palmerston North City has been divided into wards. From 1989 to 2007 there were six wards – four almost wholly urban wards and two wards comprising a mix of urban and rural. In 2007 the two mixed wards were combined by the Commission to ensure compliance with the +/-10 rule (forming the Ashhurst-Fitzherbert Ward). At its 2007 review the Council had proposed an at large system but the Commission did not uphold this proposal after considering appeals.
33. In this review we had three broad options to consider for the basis of election of the Council:
 - election of councillors from the existing wards, with small boundary alterations
 - different ward structures as proposed by James Beard, Chris Teo Sherell and John Bent
 - election of councillors from the city as a whole
34. James Beard sought the establishment of three rural wards to give better representation to rural residents. In subsequent discussions with the Commission's Chief Executive Officer, he advised that if the population of the rural area did not justify two rural wards he would be satisfied with two wards. He also advised that any rural ward should not include Massey University, Summerhill or Linton Military Camp.
35. If the rural wards envisaged by Mr Beard were based on the current Ashhurst-Fitzherbert Ward and the area transferred to the City from Manawatu District in 2012, less Massey University, Summerhill and Linton Military Camp, there would be a statistical entitlement for that area to 1.7 members on the council. Excluding other urban areas such as Ashhurst and small urban areas on the fringe of the City would reduce the membership entitlement further. However, any rural ward established from remaining rural areas would form an elongated wrapped around the edge of the City lacking any cohesiveness.
36. We have concluded that the establishment of purely rural wards in Palmerston North City is not feasible and have therefore dismissed Mr Beard's appeal.
37. We then considered the models proposed by Chris Teo Sherell and John Bent. Although they sought different total numbers of councillors they both sought a system of single member wards. Neither presented a plan of what those wards might be. Our preliminary investigations suggest that it would be difficult to develop a system of single member wards for Palmerston North City that could both reflect communities of interest and comply with the '+/-10% rule' in section 19V(2) of the Act. We also consider it likely that such boundaries would need frequent change to maintain

reasonable equality of population. We have, therefore, decided not to pursue Mr Teo Sherell and Mr Bent's proposals.

38. We note that the Commission considered proposals for a larger number of wards in 2007. The then Commission commented that the arguments made by the proponents of more wards would be better addressed through community focused governance structures that could complement the city-wide focus of the Council.
39. The above decisions left us with a choice between the existing ward structure and elections at large.
40. In considering these options we were mindful that the then Commission in 2007 decided against the Council being elected at large. It did this because it considered there are a number of different and separate communities in Palmerston North that required wards to achieve effective representation.
41. We also note, however, that in the poll conducted by the Council in 2010, in conjunction with the local elections, a majority of voters (53%) expressed a preference for election of councillors at large. This level of support followed the at large system having been a topic of debate at the time of the 2007 representation review.
42. We accept that there are a number of arguments on either side of the debate on this issue. However, in addition to the outcome of the poll referred to above, we were persuaded by some of the arguments made by appellants about:
 - the compactness of the city and its dynamics
 - experience of campaigning under an at large system
 - the opportunity the STV electoral system provides for people who represent a community of interest which is not based on geography, provided the particular community gets behind and supports a candidate
 - their observations that councillors who live in a particular area do not favour those areas to the detriment of others
 - voters generally not being concerned about where candidates live.
43. We also noted some of the discussion in the documentation supporting the Council's initial proposal, in particular:
 - Palmerston North City comprises a single community of interest which covers the whole city. The city is geographically compact and relatively small. There is only one major business district, suburban shopping areas are small and many people reside in one part of the city but work in another.
 - the city comprises a large number of secondary communities of interest. The boundaries between these communities are relatively imprecise and, because of the large number of these areas and their varying populations, it would not be practical for each community to be represented by an individual councillor.
 - the city also comprises secondary communities of interest that cover the city as a whole, for example, communities based on students, low income, ethnicity and youth. A city-wide system would make it more likely for these communities to be represented than in a system which divides the city into wards.

- city wide voting will not stop councillors helping local people with local issues and holding local community meetings.
44. Having within the past year dealt with the transfer of a number of areas from Manawatu District to Palmerston North City, we were also aware of some of the concerns the rural community had about its representation on the Council. Under the current system the additional rural areas have been included in a number of wards. The only ward that contains a sizeable proportion of rural land is the Ashhurst-Fitzherbert Ward. However even this ward contains a significant urban population. We have commented in paragraph 35 that we do not consider it feasible to establish a purely rural ward in the City. STV does, however, provide an opportunity for rural representation should rural voters collectively wish to support rural candidates.
45. On the basis of the above, we have determined that at the 2013 local elections the Council should be elected from the city as a whole.

Communities and community boards

46. 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.
47. No submissions or appeals were received on this issue and accordingly we endorse the Council's proposal for no boards to be established.

Commission's Determination

48. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Palmerston North City Council to be held on 12 October 2013, the following representation arrangements will apply:
- (1) Palmerston North City, as delineated on LGC-040-2013-TA-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 district as a whole.

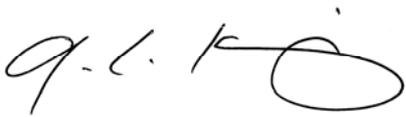
THE LOCAL GOVERNMENT COMMISSION



Basil Morrison (Chair)



Anne Carter (Commissioner)



Grant Kirby (Commissioner)

10 April 2013