

25 July 2015

Memo From: Linda Canton

Administration Adviser

**Subject: Proposed Representation Arrangements 2016**

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On 23 July 2015 the Nelson City Council reviewed its representation arrangements, and resolved:

***THAT the report Representation Review 2015 (R4510) and its attachment (A1376423) be received;***

***AND THAT in accordance with Section 19H of the Local Electoral Act 2001:***

- 1. The Council shall consist of 12 members, plus the Mayor;***
- 2. The members of the Council shall be elected on an at large basis by the electors of the City as a whole;***

***AND THAT in accordance with Section 19J of the Local Electoral Act 2001, there shall be no communities or community boards established.***

The officer report detailing the proposed representation arrangements is attached.

Persons with an interest in the proposed representation arrangements are invited to make written submissions on the Council's representation proposal.

Submissions must be received by Council no later than 4pm on Wednesday 26 August 2015.

- Mailed: "Representation Arrangements 2016", Nelson City Council, PO Box 645, Nelson 7040"
- Hand delivered: Civic House Customer Service Centre, 110 Trafalgar Street, Nelson
- Emailed: [submissions@ncc.govt.nz](mailto:submissions@ncc.govt.nz)
- Made online: <http://nelson.govt.nz/> (search phrase = Representation Arrangements)

Anyone who has so requested shall be given the opportunity to speak to the Council in support of their submission, at a meeting of Council on Tuesday 15 September 2015.

All enquiries should be directed to Linda Canton, Administration Adviser, 546 8446, or email [admin.advisors@ncc.govt.nz](mailto:admin.advisors@ncc.govt.nz)

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**REPORT R4510**

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## **Representation Review 2015**

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### **1. Purpose of Report**

- 1.1 To decide an initial proposal for the representation arrangements for the 2016 and 2019 local body elections.

### **2. Delegations**

- 2.1 Matters relating to representation arrangements have not been delegated to any Council Committee, therefore this is a decision for Council.

### **3. Recommendation**

***THAT the report Representation Review 2015 (R4510) and its attachment (A1376423) be received;***

***AND THAT in accordance with Section 19H of the Local Electoral Act 2001:***

***1. The Council shall consist of 12 members, plus the Mayor;***

***2. The members of the Council shall be elected on an at large basis by the electors of the City as a whole;***

***AND THAT in accordance with Section 19J of the Local Electoral Act 2001, there shall be no communities or community boards established.***

### **4. Background**

- 4.1 Under the Local Electoral Act 2001 (the LEA), Council must complete a representation review every six years. Nelson City Council's last review was conducted in 2009 and it is therefore due to undertake a representation review in 2015.
- 4.2 A representation review is a formal process where Council looks at, and proposes to the public, the basis on which it will be elected at the next two triennial elections.

- 4.3 The LEA provides legislative timeframes for the review process and decisions that must be made. The timeline for Nelson City Council is included as Attachment 1.
- 4.4 The aim of the review is to ensure fair and effective electoral arrangements for the community. Accordingly, in undertaking its review, Council must take account of a number of principles set out in the LEA, and the purpose and principles of local government set out in the LGA:
- A fair and effective representation for individuals and communities (LEA s4(1)(a))
  - All qualified persons have a reasonable and equal opportunity to (LEA s4(1)(b)):
    - Cast an informed vote
    - Nominate or stand as a candidate
  - Public confidence in, and public understanding of, local electoral processes (LEA s4(1)(c)) – achieved by regular independently managed elections
  - Provide for democratic and effective local government that recognises the diversity of New Zealand communities (LGA s3)
  - Promotes the accountability of local authorities to their communities (LGA s3(c))
  - To enable democratic local decision-making and action by, and on behalf of, communities; (LGA s10(a))
- 4.5 The establishment of Maori wards, and the choice of electoral system for the 2016 triennial election cannot be considered in this representation review.
- 4.6 In November 2011 Council resolved to establish a Maori ward. This was rejected by a poll of electors in April-May 2012. The result of the poll is binding on Council for the 2016 triennial elections (Local Electoral Act s19ZE) and cannot be considered again until 2018.
- 4.7 On 28 August 2014 Council resolved that the First Past the Post electoral system used for the 2010 and 2013 elections would remain in place for the 2016 election. The public was notified of this, and of their right to demand a poll on the electoral system by 21 February 2015. No such poll was demanded. The decision to use the First Past the Post electoral system for the 2016 triennial election is therefore binding.
- 4.8 The public have a right to make submissions to Council's initial representation proposal, and Council must consider these in deciding its final proposal. If there are no submissions, the initial proposal must be retained and becomes the final proposal.
- 4.9 The public may also appeal or object to Council's final proposal. The process for this is outlined in Attachment 1.
- 4.10 At its 2009 review, Council considered that because Nelson was of a small size, a mainly urban nature, and relatively homogeneous, there

was no need to establish communities or community boards, nor was a ward system necessary. Council's initial representation proposal for 2009 contained only one change in representation arrangements, being a reduction in the number of elected members to 11 (including the Mayor). The change did not proceed following public submissions against the reduction.

- 4.11 A copy of the Commission's Guidelines for Representation Reviews can be found on Commission's website <http://www.lgc.govt.nz>, in the Councillors lounge, and on Google drive.

## **5. Discussion**

### **Communities of interest**

- 5.1 Identifying current communities of interest below the district (City) level, how they have changed over time, and whether they are geographically distinct or spread across the City, is essential groundwork for deciding a structure for fair and effective representation.
- 5.2 Based on the most recent figure provided by Statistics NZ, Nelson's estimated resident population at June 2014 is 49,300. This is an increase on the 2009 review figure of 42,880 (drawn from 2006 Census figures).
- 5.3 It is considered that the composition of the City's population and communities of interest have not changed substantially since the 2009 review. In particular, Nelson's population has remained relatively homogeneous, and focussed towards the urban centre.

### **Basis of election**

- 5.4 In determining effective representation for its communities of interest, Council must decide whether elections held at large, from wards, or a mix of both is most appropriate.
- 5.5 Council has been using an 'at large' voting system (all councillors elected by all electors of the City) since the 1992 local body election. The Commission notes that for councils with relatively compact geographical areas, or with communities of interest spread across the district, an at large voting system is generally used.
- 5.6 Wards are beneficial where there are distinct communities of interest that will lack the opportunity for representation without a ward. Wards are only used when communities of interest are located in identifiable geographical areas.
- 5.7 It is considered that under an at large system the population has reasonable access to its elected members and vice versa; elected members are able to effectively represent the view of the wider City; and elected members are able to attend public meetings throughout the area and provide reasonable opportunities for face to face meetings.

- 5.8 The LEA s4(1) also requires that Council must be confident that the basis of election provides for electors to have a reasonable and equal opportunity to cast an informed vote; and for public confidence in, and public understanding of, local electoral processes. Given that Nelson's communities of interest have not changed sufficiently to warrant the establishment of wards, the simplicity of an at large system best supports both of these requirements.
- 5.9 In light of this, it does not seem necessary or effective to split the City into wards for representation purposes.

### **Number of members**

- 5.10 Council should also decide how many councillors are required in order to provide effective representation and governance, and equitable distribution of workload.
- 5.11 The statutory limit on the number of members for territorial authorities is between 5 and 29 (not including the Mayor).
- 5.12 There is no legislative guidance on the best ratio of elected members to community members. However, analysis provided by the Commission shows that Nelson's estimated population-member ratio is currently 4,108 residents per elected member, based on 12 elected members (not including the Mayor). This is within the range of other unitary authorities, and other local authorities using an at large system.
- 5.13 Council has elected 12 councillors since 1992, prior to that were variations of 14, 12, 11 and 9 councillors. The fact that the composition of Council has remained at 12 councillors for many years, with no changes made through previous representation reviews, suggests that the status quo is preferred by the community.
- 5.14 It is considered that the current number of 12 councillors is suitable in providing for representation of the community, accessibility to elected members and decision making processes, distribution of workload, the size, nature and diversity of the City, and Council's statutory obligations as a unitary authority.
- 5.15 It is worth noting that the majority of councils throughout New Zealand operate with an even number of councillors. It should also be noted that the election of the Mayor is outside the scope of the representation review – every district and city council has a Mayor elected on an 'at-large' basis.

### **Fairness of representation for electors of wards**

- 5.16 The LEA (s19V(2)) provides for fair representation by requiring that wards must provide approximate population equality per member. This ensures that areas are not over or under represented, and all votes are of approximately equal value.

- 5.17 As it is not recommended to establish wards, further consideration of this is not required.

### **Establishment of Community Boards**

- 5.18 The LEA (s19J) requires Council to consider whether to establish communities (a geographic area usually relating to a community board area) and community boards.
- 5.19 The purpose of a community board is to represent and act as an advocate for the interests of a community. They consider and report on any matter referred to it by their council, and any issues of interest to the community board. Community boards maintain an overview of services provided by their council within the community, and their functions are delegated to them by the council.
- 5.20 Community boards are most useful for distinct and isolated communities, and where it is more efficient for local decisions to be made in close proximity to neighbourhoods and the locality.
- 5.21 The information on Nelson's population indicates that it remains of a relatively small nature, with a geographic proximity to the decision making hub, and ease of access to elected representatives. Due to this, there is no need for devolved or distributed decision-making, or for distinct elected representation for communities constituted and represented by a community board.

## **6. Options**

- 6.1 The following options are identified for an initial representation proposal:

### **Option 1 – Retain the current representation structure**

- 6.2 Based on direction provided by councillors, the preferred option is to retain the current representation structure. This achieves the required outcome of a representation structure that provides for effective and fair representation, is relatively simple in line with a small, relatively homogeneous population, and does not create an increase in cost:
- 6.2.1 Basis of election – Retain the status quo of all councillors elected at large.
- 6.2.2 Number of members – Retain the status quo of 12 councillors for election to the Nelson City Council.
- 6.2.3 Fairness of representation – As no wards would be established under this option, the requirement to ensure approximate population equality per member (+/- 10% rule) is not triggered.
- 6.2.4 Community boards – Retain the status quo of no community boards.

### **Option 2 – Alter the current representation structure**

- 6.3 Councillors may decide to alter the representation structure by establishing wards, changing the number of elected members, and/or establishing community boards.
- 6.4 If one or more wards is established, Council must determine their size, name, boundaries, and number of members.
- 6.5 If one or more community boards is established, Council must determine their structure, membership and boundaries.
- 6.6 The establishment of wards and/or community boards would result in a more complicated representation system for what councillors consider to be a relatively homogeneous and centrally focussed population.
- 6.7 Such complication may hamper electors' ability to access elected members and central decision making processes. It may also hamper electors' opportunity to cast an informed vote and impede public understanding of local electoral processes. The establishment of community boards would also increase the cost of supporting the governance structure.
- 6.8 For these reasons, this option is not recommended.

## **7. Alignment with relevant Council policy**

- 7.1 The decision called for in this report is required under the Local Electoral Act 2001. It is not inconsistent with any other previous Council decision.
- 7.2 Any final changes to the existing representation arrangements that involve cost implications must then be allowed for in the Long Term Plan 2015-25. Final changes will also be reflected in the Governance Statement when it is next reviewed.

## **8. Assessment of Significance against the Council's Significance and Engagement Policy**

- 8.1 This decision is moderately significant in terms of the Council's Significance and Engagement Policy, as it is the initial proposal for how the residents of Nelson (and non-resident ratepayers) will be represented in Council.
- 8.2 This decision will be publicly notified, and the public will have an opportunity to make submissions on the initial representation proposal before a final proposal is decided.

## **9. Consultation**

- 9.1 No consultation on the matter of proposing representation arrangements has taken place to date.
- 9.2 Once an initial proposal is decided made by Council, it will be publicly notified and be open for submission for one month. Submitters will then have the opportunity to be heard by Council.

- 9.3 If no submissions are received, the initial proposal will become final. The final proposal will be publicly notified and that is the end of the process.
- 9.4 If submissions are received, Council may amend its proposal after considering submissions, or retain its initial decision. The final decision will then be publicly notified and will be open to appeal to the Local Government Commission.
- 9.5 The Local Electoral Act 2001 provides legislative timeframes for the review process and decisions that must be made. The timeline for Nelson City Council is included as Attachment 1.

## **10. Inclusion of Māori in the decision making process**

- 10.1 No consultation has been undertaken with Māori on the matter of this representation review.

## **11. Conclusion**

- 11.1 Given that Nelson's population remains mainly urban in focus, relatively small and homogeneous, it is recommended that councillors be elected by the City as a whole on an at large basis. The number of councillors is recommended to remain at 12 to enable fair division of work and effective representation of the City. There also appears to be no need to establish any communities or community boards.

Linda Canton  
**Administration Adviser**

## **Attachments**

Attachment 1: A1376423 - Representation Review 2015/2016 Timetable

## Representation Review 2015 – Statutory Timeline

	Process	Local Electoral Act Ref.	Legislative Timeframe	NCC Dates
✓	Publicly demanded poll rejected Council's proposal to establish a Maori Ward	s19ZE	Binding until after 2016 triennial election	<b>Apr/May 2012</b>
✓	Determine and publicly notify electoral system	s27, s28, s30	Public notice no later than 19 September 2014	<b>13 Sep 2014</b>
✓1	Council Workshop on Representation Review	-	-	<b>Tue 30 Jun</b>
2	Council determines proposed representation arrangements	19H & 19J	No earlier than 1 March 2015	<b>Thu 23 Jul</b>
3	Public notice of initial proposal and invite submissions, within 14 days of resolution	19M	By <b>8 September 2015</b>	<b>Sat 25 Jul</b>
4	Submissions close	19M(2)(d)	No less than one month after public notice	<b>Wed 26 Aug</b>

If no submissions received:

5	Council meeting to adopt final proposal			<b>Thu 15 Oct</b>
6	Publicly notify final proposal	19Y(1)	No fixed date	<b>Sat 17 Oct</b>

If submissions received:

6	Hear submissions	19N(1)(a)	Within 6 weeks of close of submissions	<b>Tue 15 Sep</b>
7	Deliberate on submissions and amend proposal if required	19N(1)(a)	Within 6 weeks of close of submissions	<b>Tue 22 Sep</b>
8	Council meeting to adopt final proposal			<b>Thu 1 Oct</b>
8	Give public notice of "final" proposal	19N(1)(b)	Within <b>6 weeks of close of submissions</b>	<b>Sat 3 Oct</b>

	<b>Process</b>	<b>Local Electoral Act Ref.</b>	<b>Legislative Timeframe</b>	<b>NCC Dates</b>
<b>9</b>	Appeals and objections close	19O 19P	No less than one month after public notice, and by <b>20 December 2015</b>	<b>Wed 4 Nov</b>
<b>10</b>	If no appeals or objections then proposal becomes final and must be publicly notified.	19Y(1)	No fixed date	<b>Sat 7 Nov</b>
<b>11</b>	If appeals or objections received – forward to Local Government Commission.	19Q	By <b>15 January 2016</b>	
<b>12</b>	Local Government Commission issues a final determination.	19R 19S	By 11 April 2016	
<b>13</b>	Determination subject to appeal to High Court on a point of law.	S.5, Cl.2, LGA	Within 1 month of determination	