

CHRISTCHURCH CITY COUNCIL

Background

- 1 The Christchurch City Council (hereafter referred to as “the Council”), as required by section 101H of the Local Government Act 1974 (hereafter referred to as “the Act”), considered its membership and the basis of election of its members prior to the local authority elections to be held in 1998, and resolved to make no change, other than some small adjustments to the boundaries of the Riccarton, Spreydon, and Wigram Wards.
- 2 The division of the City into 12 wards, with the electors of each electing 2 members, was fixed by the Commission in 1989 when the City was established. These wards are:

Wards	Members
Burwood	2
Fendalton	2
Ferrymead	2
Hagley	2
Heathcote	2
Papanui	2
Pegasus	2
Riccarton	2
Shirley	2
Spreydon	2
Waimairi	2
Wigram	2

The only change since that date were some small amendments to ward boundaries prior to the 1995 local authority elections.

Council’s Consideration

- 3 The process of consideration of wards and membership began in early 1997 when the Council resolved that the Strategy and Resources Committee consider the options, and that the views of community boards and of the general public be sought. The Council made available a public discussion document entitled “1998 Council Election Review”. This document set out the timetable to be followed by the Council, the legal requirements, a description of the present situation, and attached a form which members of the public could fill in to give their views upon three main questions. Those questions were:
 - (1) Should the Council be elected by an at large system; i.e. no wards, or should the Council be elected on a ward basis?
 - (2) How many councillors should be elected to the Council?

- (3) If there is to be a ward system, how many wards should there be, and what should be the ward boundaries?
- 4 The Committee's efforts led to the receipt of submissions and comments from 43 members of the public and community organisations, and proposals from the City's community boards. The matters raised drew responses from total support for the existing electoral system to a completely at large system with varying numbers of members. There were also some suggestions from those who favour the retention of a ward system, that there be some alteration to ward boundaries.
- 5 By far the greatest majority of the submissions supported the present electoral structure, albeit in some cases with proposals for minor boundary alterations to wards.
- 6 Those submitters who wished to make further oral submissions were able to do this at a meeting of the Strategy and Resources Committee in July. The Committee then reported to the Council, which in August, made its first resolution to preserve the existing structure subject to alterations to the boundaries between the Riccarton, Spreydon, and Wigram Wards.
- 7 Four objections were received to the Council's proposals. The content of these objections may be as summarised as follows:

Mr D E Pearson:

- the proposed number of wards and councillors is greater than is necessary to achieve effective representation of the various communities of interest within the City, and for the fair representation of electors;
- the ensuing political structure is excessively large;
- the structure gives too much opportunity for duplication of political effort;
- political accountability is minimised because each elector may vote for no more than 2 councillors; and
- there are an unnecessarily large number of persons to be elected as members of the Council or of community boards, or to be appointed by the Council as directors or members of committees.

The Spreydon/Heathcote Community Board sought further alterations to ward boundaries.

The Sydenham Business and Community Association sought a boundary change between the Hagley and Heathcote Wards on the grounds of community of interest.

The Shirley Residents Group Inc requested that boundaries of the Shirley Ward be amended.

- 8 The objections were considered at a meeting of the Strategy and Resources Committee in November and were rejected. Mr Pearson's objection was rejected on the grounds that the election of members at large would cause confusion to electors required to vote for up to 24 members out of a possible total 100 or more candidates. The Committee was of the view that it was unable to consent to either a reduction in the number of councillors or a reduction in the number of wards for the reason that such a reduction would result in an inferior level of representation for the various communities of interest within the City.
- 9 The objections of the Spreydon/Heathcote Community Board and Sydenham Business and Community Association were rejected on the grounds that these boundary alterations were not supported by the Hagley/Ferrymead Community Board.
- 10 The objection of the Shirley Residents Group was rejected on the grounds that it raised a local issue which was resolvable by agreement between local groups.
- 11 Mr Pearson appealed against the decision.

Subject of Appeal

- 12 Mr Pearson's appeal was on the grounds that the Council's decision not to change the number of wards or the number of councillors failed to overcome his objection either in whole or in part.

Preliminary Matter for Determination

- 13 The Commission received the appeal and resolved to meet the Council and Mr Pearson in Christchurch on Wednesday 21 January.

The Hearing

- 14 The Council was represented by Cr David Close, Chairperson of the Strategy Committee, and Cr Margaret Murray, together with Mr Mike Richardson, the Chief Executive Officer. Mr Pearson, the appellant was also present.

The Council : Cr Close made an oral submission. His remarks may be summarised as follows:

- the Council conducted a thorough review on this occasion and sought as full a consultation as it could;
- the majority of submissions received indicated that a ward system, and in particular the present system, was appropriate;

- the “effective representation” required by the Act is seen as democratic representation of groups;
- with the present system, councillors are visible, accessible, and accountable;
- a contrary example was the old Christchurch Drainage Board whose members were elected at large and were not known to the public;
- the existence of wards encourages effective and accountable representation;
- one submission, in particular, during the process suggested there should be even more wards than those presently existing;
- the widespread support for the ward system included all residents’ associations;
- he had no feeling there was a particular magic in the present number of 24 councillors;
- he would agree there was a general lack of knowledge by people about the personnel in the structures of local government, but did not think this would be justification for making change just for the sake of change;
- he expressed some sympathy with the view that a large council can take too long to make decisions. However, with smaller groups, there is a danger that they would tend to develop their own belief systems which may not relate to the views of the outside world; and
- he said that only Auckland, which is a larger city than Christchurch, has more residents for each elected member.

Mr Richardson spoke to a submission. The content and his comments may be summarised as follows:

- the Council resolved, as a matter of deliberate policy, to take part in a pre review programme seeking public comment;
- notwithstanding its generally flat topography, Christchurch has not only a strong sense of identity at City level, but also at the level of neighbourhood or suburb, even though the boundaries between neighbourhoods may appear indistinct;
- the Council is committed to what he called the “subsidiarity principle”, i.e. that decisions be taken at the lowest level possible and this has led to a wide range of delegation to community boards; a reduction in the number of wards would be contrary to this policy;
- he could only think of one instance where a councillor had acted in a parochial manner;
- if the Council were elected at large, this could require electors to consider picking, say, 18 names out of a listing of perhaps 50 to 100 candidates;
- referred to the proposal for an amalgamation of the City and the Banks Peninsula District; suggested that any change to the City’s electoral structure should await certainty over the outcome of that proposal;

- the Council has 7 standing committees with each comprising 8 to 10 members;
- the Resource Management Act also generates a large volume of work at the present time, because there are two hearing panels sitting in parallel for three days a week;
- he counted 3,675 meetings attended by councillors during 1997, which did not include meetings involving the City's trading activities and;
- noted that from the second largest city in New Zealand, there has been only one appeal against the Council for the 1998 elections.

Cr Murray made an oral presentation. Her comments may be summarised as follows:

- a council works best where councillors have a definite area of responsibility;
- requiring 2 councillors to have responsibility for around 25,000 people is probably as large as a ward should be;
- her experience has been that the more people involved in decision-making, the better the decisions;
- the Parliamentary system, with its very large electorates is becoming too remote;
- she has a healthy view of parochialism because it keeps the common touch; and
- it has taken almost 10 years to combine all the district plans of the uniting authorities, and this required the efforts of all the City councillors.

15 Responses to questions may be summarised as follows:

- there has been no perceived need to use any factors other than population in arriving at ward boundaries;
- each ward contains a number of distinct communities of interest, each having about 4-5,000 people;
- some communities are divided, but this has a lot to do with the inexactness of some boundaries;
- questioned whether perhaps the Commission had a fixation with exactness, and said the mere lack of clear boundaries does not justify an election at large;
- the City has some 50-60 separate identified communities of interest and it is not possible for each councillor to be responsible for each of these;
- the limitation of the physical area of a councillor's responsibility is an overriding criterion, even more than the number of wards per se;
- at the time of union, consideration was given to asymmetrical wards, but it was found that it was still impossible to eliminate all divisions;
- the Council has made, and will continue to make, minor adjustments to ward boundaries as the need arises;

- there is a need to build the feeling of community spirit within each ward, and this could not be achieved if the boundaries were continually being shuffled to balance numbers;
- the present system is working and should not be altered; and
- agreed that the nature of councillors' responsibility has changed since 1989, but said this has meant that, even with delegations to officers and boards, each councillor's workload has in fact gone up.

Mr Pearson spoke to his original objection and a submission. The major points may be summarised as follows:

- the most effective form of representation would be to have all councillors elected at large, but did not believe that this was desirable or achievable at this time;
- the present system of 12 wards does not provide effective representation for the various communities of interest within the separate wards;
- accountability is also affected, because the electors of each ward may elect only 2 members out of a total of 24;
- his original objection suggested alternatives of 3, 4, or 6 wards for the City; his preference was for 3 wards; 6 wards was the maximum which could provide effective representation;
- the political structure of the Council is very large as is evidenced by the number of people involved in it;
- he produced figures indicating that there were a total of 92 people involved in the administration of the City, including councillors and non-elected people appointed to committees or acting as directors of Council companies;
- he did not believe the members of the Committee which considered his objection, and before which he appeared, had a proper understanding of their responsibilities in carrying out a review of membership;
- it is not the ratio of councillors to population which is important, rather it is the number of councillors necessary to effectively carry out the responsibilities of the Council;
- a reduction from 24 to 18 councillors would only mean a reduction from 92 to 86 in the total number of people elected or appointed to carry out the Council's business;
- a large number of local government functions, which were formerly the direct responsibility of councillors, are now undertaken by other autonomous bodies, such as Council owned companies;
- a 3 ward division of the City would allow for the greatest flexibility in the total number of councillors necessary to represent the City, and make it simple to achieve fair representation for the electors in the different wards; and
- all the critical decisions made by Council in relation to the review have, in fact, been decided by a minority of the total Council membership.

Mr Pearson's subsequent comments and responses may be summarised as follows:

- he was more interested in the division of the City into wards than in pursuing an election at large;
- the public consultation which took place was perfunctory, and did not start properly until May 1997, even though a formal decision was required by the end of August that year;
- repeated his major concern that 12 wards do not give effective representation to communities of interest because councillors are not accountable to enough electors;
- the need to give effective representation to communities of interest is more important in Christchurch than elsewhere;
- because there are 12 wards, you can only have either 24 or 12 members; and this limits the flexibility available to the Council in fixing an appropriate membership;
- a reduction in the number of wards would remove the need for community board members to be elected on a ward basis;
- even if there were no changes to wards, the Commission should consider the appropriate number of councillors for the City's needs;
- if there were 3 wards, the existing 12 could be combined and called the Northern, Western, and Southern Wards;
- a smaller number of wards would mean that fewer communities of interest were divided;
- would favour 3 roughly equal wards rather than asymmetrical wards as being best for a large district with a largely homogenous population; and
- stressed again that there is not effective representation of communities of interest at this time.

Cr Close in reply for the Council:

- repeated that the Council did consult widely with the public;
- said he was surprised at a comment from the Chairman that this was a de novo hearing;
- did not think there should be radical change to the ward structure without a chance for a significant public input;
- members of community boards, for example, should not be expected to take on overmuch responsibility because their availability is very much on a part time basis;
- increasing the size of wards is a move along the road to an at large system;
- the Council had not looked at the question of fixing wards in order to give flexibility and to allow for varying numbers of councillors to be elected;
- a reduction in the number of members would lead almost inevitably to the suggestion that they should be full-time councillors and;

- the Council delegates a great deal of responsibility to community boards but there is no accountability from the boards to the Council.

16 At the conclusion of proceedings, the Chairman said the Commission reserved its decision and declared the meeting closed.

Matters for Determination

17 The legislation relating to the determination of appeals and counter-objections, is contained in sections 101K and 101L(2) and (3) of the Act. Section 101K provides as follows:

“(1) The Commission shall, before the 29th day of March of the year of each triennial general election, -

- (a) Consider the resolutions, objections, appeals, counter-objections, and information forwarded to it under section 101J of this Act; and*
- (b) Subject to section 101L of this Act, determine the number of wards or constituencies and their names and boundaries, and the number of members to be elected by the electors of each ward or constituency or, as the case may be, by the electors of the district as a whole.*

“(2) For the purposes of making a determination under subsection (1)(b) of this section, the Commission may, but shall not be obliged to, hold meetings with the council or any persons or organisations who have indicated a desire to be heard by the Commission.

“(3) Notice in writing of every determination under subsection (1)(b) of this section, setting out the reasons for the determination, shall be given by the Commission to the council concerned, and by public notice.

“(4) Forthwith upon the publication of a public notice under subsection (2) of this section, the Commission shall send a copy of that notice to -

- (a) The Surveyor-General; and*
- (b) The Government Statistician.*

“(5) Subject to section 37ZE of this Act, the determination of the Commission made under subsection (1)(b) of this section shall be final and shall come into force for the next triennial general election.”

18 Section 101L(2) and (3) provides as follows:

“(2) *In determining whether the council is to be elected by the electors of the district as a whole or by the electors of two or more wards and in determining (where necessary) the number and boundaries of wards, the territorial authority and, where appropriate, the Commission shall ensure-*

- (a) *That the election of members of the council by the electors of the district as a whole or by the electors of the two or more wards whose number and boundaries are determined will provide effective representation of communities of interest within the district; and*
- (b) *That ward boundaries coincide with the boundaries of current statistical meshblock areas determined by the Department of Statistics and used for Parliamentary electoral purposes; and*
- (c) *That, so far as is practicable, ward boundaries coincide with community boundaries.*

“(3) *In determining the number of members to be elected by the electors of any constituency or ward, the council and, where appropriate, the Commission shall ensure that the electors of the constituency or ward receive fair representation having regard to the population of every constituency or ward within the region or district and, if the circumstances so require, the rateable values, areas, or other relevant characteristics of the various constituencies or wards.*”

Consideration by the Commission

19 The Commission considers when deciding:

- (a) whether the election of the members of a council (other than the Mayor) be by the electors of the whole district or on a ward basis; and
- (b) if on a ward basis, the number and boundaries of the wards,

that the only criterion to be met within the terms of section 101L(2) of the Act is the provision of effective representation for the various communities of interest within the district. This can be achieved by any ward encompassing one or more communities of interest.

20 The Commission further considers that when deciding on the number of councillors to be elected by the electors of any ward, the sole criterion to be met under section 101L(3) is the provision of fair representation of the electors of the various wards within the district. In deciding this fairness of representation, the Commission must have regard primarily to

population, but if this factor alone does not, in the opinion of the Commission, achieve fairness then regard should be given to rateable value and area or other relevant characteristics of the various wards. In the opinion of the Commission, population must remain the predominant factor, but different weightings or even no weighting can be applied to all factors as are appropriate in any given circumstances. The Commission does not consider that any particular formula must be applied and consequently, any mathematical calculation should be seen only as a guide to a level of fairness which can be achieved on the basis of the factors required to be taken into account under the provisions of the Act. The final decision must be that which the Commission considers will, after having regard to the various factors set out in the Act, provide fair representation for the electors of any ward.

- 21 The City of Christchurch, although not divided by major geographic features, nevertheless contains a large number of communities of interest. The Commission is aware, from its own knowledge of the city, and from the evidence produced at the appeal hearing, that a number of these communities are sufficiently disparate to require the constitution of wards for their effective representation. The Council, in its presentation, concentrated a great deal of argument upon its view of the necessity for the retention of a ward system apparently in response to what it saw as one of the main arguments of the appellant, Mr Pearson. In fact, while Mr Pearson did say that this was his preferred option, he also said that he did not consider it to be either necessary or desirable at this stage in the city's development.
- 22 The Commission agrees that the ward system of election for the Council should continue, and therefore confirms that the city will continue to be divided into wards.
- 23 Mr Pearson, in his appeal, argued strongly for a reduction in the number of wards. He suggested that this would be best done by combining the present wards to form a structure of either 3 or 6 wards. He saw this as desirable for two reasons. These were:
 - (a) to lessen the number of communities of interest which are presently divided through the existence of a 12 ward structure; and
 - (b) to allow for the election of a different number of councillors to the only presently existing alternatives of 24 or 12.
- 24 While a Council representative did say that the present ward boundaries divide some communities of interest, there was no evidence produced either on behalf of the Council or by the appellant, to show where these divisions were, nor whether a straight combination of wards on their existing boundaries would end such a division. Nor was any evidence produced to show that any such divided communities of interest were, under the present situation, denied effective representation.

- 25 The timetable fixed for the Commission by section 101K of the Act is very tight, and even if there were only one appeal for the Commission to deal with, it would leave little time for the carrying out of in-depth investigations required to identify any changes necessary to accommodate developing communities of interest. With almost 30 appeals to decide, the Commission finds it completely impracticable to do other than deal with the most obvious inconsistencies.
- 26 The Council did set out to obtain public input to assist it in identifying any changes to ward boundaries which may be necessary. However, the method it used was to rely upon the completion of a form attached to a public discussion document. The Commission considers that prior to the next election, the Council should carry out a much more thorough investigation of its existing wards in order to ascertain what changes should be made. The next review will be particularly important because it will be carried out more than 10 years after the reconstitution of Christchurch City in 1989.
- 27 Mr Pearson produced evidence of the number of persons, both elected and appointed, who are engaged in the administration of Council functions. The number he identified exceeded 90.
- 28 The Council has not altered its membership from the number fixed by the Commission in 1989. Since that time, there have been a number of legislative changes which, in theory at least, should have reduced the workloads of the elected members, and allowed for a reduction in that number. In the Commission's opinion, the present number is probably considerably higher than is necessary but, given the constraints referred to above, the Commission has not, at this time been able to satisfy itself that 12 members would be a sufficient number. The Commission's responsibilities in determining appeals do not require it to consider and make decisions upon what may be the optimum number of elected members of the Council. Instead it is limited to ensuring that the electors of the various wards receive fair representation having regard to the factors identified in section 101L(3) of the Act. The Commission has considered the wards of Christchurch City, and is satisfied that, having regard to their respective populations, the electors of the various wards will receive fair representation.
- 29 The Commission therefore determines that Christchurch City shall continue to be divided into its existing 12 wards, subject to the alterations the Council itself had proposed, and that the electors of those 12 wards shall each be able to elect 2 members of the Council. Accordingly, Mr Pearson's appeal is dismissed.
- 30 As already stated, the Commission would expect the Council to comprehensively consider its wards prior to the election to be held in

October 2001. At the same time, if not earlier, it should thoroughly review its governing structure with a view to identifying a possible reduction in the number of elected and appointed members of the Council, community boards, and other Council operations.

Determination

- 31 Pursuant to section 101K of the Act, the Commission hereby determines that for the triennial election in 1998:
- (1) Christchurch City, as delineated on S.O. Plan No.19427 deposited with the Chief Surveyor of the Canterbury Land District, shall continue to be divided into 12 wards;
 - (2) those 12 wards shall be:
 - (a) the Burwood Ward, comprising the area delineated on S.O. Plan No.19429 deposited with the Chief Surveyor of the Canterbury Land District:
 - (b) the Fendalton Ward, comprising the area delineated on S.O. Plan No.18075 deposited with the Chief Surveyor of the Canterbury Land District:
 - (c) the Ferrymead Ward, comprising the area delineated on S.O. Plan No.18083 deposited with the Chief Surveyor of the Canterbury Land District:
 - (d) the Hagley Ward, comprising the area delineated on S.O. Plan No 18079 deposited with the Chief Surveyor of the Canterbury Land District:
 - (e) the Heathcote Ward, comprising the area delineated on S.O. Plan No.18082 deposited with the Chief Surveyor of the Canterbury Land District:
 - (f) the Papanui Ward, comprising the area delineated on S.O. Plan No.19428 deposited with the Chief Surveyor of the Canterbury Land District:
 - (g) the Pegasus Ward, comprising the area delineated on S.O. Plan No. 18080 deposited with the Chief Surveyor of the Canterbury Land District:
 - (h) the Riccarton Ward, comprising the area delineated on S.O. Plan No.19943 deposited with the Chief Surveyor of the Canterbury Land District:
 - (i) the Shirley Ward, comprising the area delineated on S.O. Plan No. 18076 deposited with the Chief Surveyor of the Canterbury Land District:
 - (j) the Spreydon Ward, comprising the area delineated on S.O. Plan No. 19944 deposited with the Chief Surveyor of the Canterbury Land District:

- (k) the Waimairi Ward, comprising the area delineated on S.O. Plan No. 18072 deposited with the Chief Surveyor of the Canterbury Land District;
 - (l) the Wigram Ward, comprising the area delineated on S.O. Plan No. 19942 deposited with the Chief Surveyor of the Canterbury Land District;
- (3) the Council shall comprise the Mayor and 24 members who shall be elected as follows:
- (a) two members who shall be elected by the electors of the Burwood Ward;
 - (b) two members who shall be elected by the electors of the Fendalton Ward;
 - (c) two members who shall be elected by the electors of the Ferrymead Ward;
 - (d) two members who shall be elected by the electors of the Hagley Ward;
 - (e) two members who shall be elected by the electors of the Heathcote Ward;
 - (f) two members who shall be elected by the electors of the Papanui Ward;
 - (g) two members who shall be elected by the electors of the Pegasus Ward;
 - (h) two members who shall be elected by the electors of the Riccarton Ward;
 - (i) two members who shall be elected by the electors of the Shirley Ward;
 - (j) two members who shall be elected by the electors of the Spreydon Ward;
 - (k) two members who shall be elected by the electors of the Waimairi Ward; and
 - (l) two members who shall be elected by the electors of the Wigram Ward.

32 As required by section 101L(2) of the Act, the boundaries of the above wards coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

33 As required by section 101M(3) of the Act, plans of the Riccarton, Spreydon, and Wigram Wards have been sent to the Chief Surveyor of the Canterbury Land District, and the Chief Surveyor has certified the plans are sufficient to render the boundaries of each ward capable of identification.

The Local Government Commission

Ian Lawrence (Chairman)
Barbara Durbin (Commissioner)
Robin Wilkins (Commissioner)

27 March 1998