



LOCAL GOVERNMENT COMMISSION

Determination

of the membership and basis of election for the
general election of the North Shore City Council to be
held on 13 October 2001

BACKGROUND

1 The North Shore 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 the election of the Council to apply for the general election of the Council to be held in October 2001.

2 The North Shore City Council elected at the 1998 general election comprises 15 members and the Mayor. The 15 members were elected as follows:

Northern Ward	5 members
Central Ward	5 members
Harbour Ward	5 members.

The current electoral arrangements of the City were prescribed by the Local Government (North Shore City Council) Reorganisation Order 1998.

3 Following its review, the Council proposed to retain its current system of wards and membership.

4 The Council received 9 objections to its proposal by the publicly notified closing date for objections. The objections were from:

- Trevor Courtier
- Vivienne Keohane
- John Shears
- Bill Rayner
- Grey Power North Shore
- Beach Haven & Birkdale Residents & Ratepayers Association Inc

- David Thornton
 - Castor Bay Ratepayers & Residents Association
 - Ray Clarke.
- 5 A late objection, from Mr George Wood, the Mayor of North Shore City, was received by the Council seven days after the closing date for objections. This late objection was considered by the Council, along with those received by the publicly notified closing date for objections.
- 6 The subject matter of the objections may be summarised as follows:
- the Council’s proposal does not achieve fair representation for the electors of each ward, taking into account the population differences between the wards;
 - the ratio of councillors to population should be approximately the same in each ward, providing for four members in the Northern Ward, 5 members in the Central Ward and 6 members in the Harbour Ward;
 - on a population basis the Harbour Ward should have one more councillor, while the Northern Ward should have one less councillor;
 - the variation in representation ratios between the Northern Ward and the other wards is too great, and this should be addressed through a reduction in the number of Northern Ward members to four;
 - fairness in representation would be enhanced with the allocation of a sixth member to the Harbour Ward;
 - local democracy would be enhanced with 16 single member wards; and
 - a 12 member Council elected at large would provide a more optimal level of representation and provide more unity of purpose.
- 7 Following consideration of the objections, the Council confirmed its original proposal. The Council’s public notice outlined the reasons for the rejection of the objections and stated that:
- “the Council has decided that greater fairness will continue to be achieved with a membership of 15 councillors, 5 from each ward, in recognition of the continuing development and growth in the Northern Ward”; and
 - with respect to the proposal for elections at large - “the ward system provides a fairer system of geographical representation for the electors of North Shore City”.
- 8 Each of the objectors appealed the Council’s decision. The subject matter of the appeals was based on the matters raised in their objections to the Council’s initial proposal.

Preliminary Matter for Determination

- 9 The Commission, on receiving advice of the appeals, resolved that before making a determination of the electoral arrangements of the Council, it would meet with the

Council and the appellants if they wished to be heard. The Commission resolved to meet the Council and the appellants in North Shore City on 10 November 2000.

The Hearing

- 10 The Council was represented by the Deputy Mayor (Cr Dianne Hale) and Councillor Jenny Kirk. Councillors Miles, Holmes, Lilly, Cornish, Tafua and Brown made submissions in support of the Council's proposal, along with the Birkenhead-Northcote Community Board. Each of the appellants was represented.

The Council: Cr Kirk spoke to a submission. The content and her comments may be summarised as follows:

- the Council's proposal provides a representational structure for North Shore City that is reasonable and fair, based on population, areas and rateable values;
- councillor workload is considerable, and is more pronounced than ever;
- the reduction of Council committees to three has contributed to the increase in councillor workload;
- the Council is currently involved in a considerable amount of public consultation on major infrastructural projects - this consultation and other initiatives require councillor input and additional councillor work; and
- elections at large may reduce the geographic representation on the Council.

The Deputy Mayor, Cr Hale, spoke to a submission. Its contents and her comments may be summarised as follows:

- the Council's reasoning was consistent with the Commission's 1997 determination relating to the current electoral arrangements of the City;
- the 3 ward system has worked well in the current term;
- there is a good spread of representation at the Council table;
- elections at large may result in poor geographical representation; and
- the Council is a large business with more than \$150 million turnover, requiring good representation from across the City to work effectively.

Cr Miles spoke to a submission. Its contents and her comments may be summarised as follows:

- the current electoral arrangements provide appropriate representation for the residents of North Shore City;
- the ward based system has much merit compared to elections at large;
- the Council structure should remain unchanged to allow consolidation to occur;
- parochialism on Council has reduced, with the Council now generally looking at issues in a city-wide manner;
- the 3 ward structure has significantly increased councillor workload, and any reduction in councillor numbers would put further pressure on elected members; and
- ward representation should remain unchanged.

Cr Holmes spoke to a submission. Its contents and his comments may be summarised as follows:

- the suggestion of George Wood, Mayor of North Shore City, that there should be 12 councillors elected at large is opposed;
- city wide elections would remove “local representation”;
- city wide elections would remove any certainty that particular communities of interest would be represented;
- city wide elections have the potential to widen the gap between the general public and elected representatives;
- costs involved in conducting a city wide campaign may be prohibitive for many potential candidates, which would have an impact on ensuring balanced representation; and
- for local government to be effective there must be a balance between efficiency and democracy.

Cr Lilly made comments that may be summarised as follows:

- the Council is working well, and has a good balance under the current electoral arrangements;
- councillor workload is huge - 50 to 60 hours per week;
- many councillors find the work overwhelming;
- the structure of 3 Committees has significantly reduced the Mayor’s workload; and
- a reduction in councillors would lead to more fragile decision-making.

Cr Brown made comments that may be summarised as follows:

- Cr Brown is in her third term as an elected member and it is a full-time commitment;
- the current Council of 15 members plus the Mayor has a good balance; and
- the Committee structure of the Council has led to more informed councillors.

Cr Tafua made comments that may be summarised as follows:

- the Harbour Ward has a diverse community;
- if elections at large proceeded the people in lower socio-economic areas would not have a voice because they cannot afford to run for election; and
- fairness and equity in representation is important.

Cr Cornish spoke to a submission. Its contents and his comments may be summarised as follows:

- the role of the councillor is a very busy one;
- Cr Cornish attends 35 to 40 meetings a month and represents the City on 5 other organisations;
- councillor commitments can make it difficult to maintain a quorum at meetings; and
- the ward system provides local communities with a local voice.

The Council representatives responded to a number of questions from the Commissioners. Their responses to the matters raised may be summarised as follows:

- the ward system assists with local knowledge and local contact;
- weightings of 80% population, 10% rateable value and 10% area were considered by the Council in reaching its decision;
- Community Boards have extensive delegations relating to parks but limited financial delegations, with major policy decisions made by Council;
- the increasing population is putting pressure on the Council's ability to deal with issues; and
- Community Boards are used extensively as sounding boards for the Council.

Beach Haven & Birkdale Residents & Ratepayers Association Inc: Angela Armitage addressed the Association's appeal. Her comments may be summarised as follows:

- each ward should be fairly represented on the basis of population;
- equal representation is a fundamental principle of democracy;
- for fairness of representation, the Harbour Ward requires 6 members; and
- population should be the only basis for determining representation.

John Shears spoke to a submission. Its contents and his comments may be summarised as follows:

- the Council's proposal does not achieve fair representation;
- the population of the Northern Ward is not increasing at a faster rate than that of the Harbour Ward;
- the Council's public notice gave no indication that factors other than population were taken into account; and
- on the basis of population alone, the Council's proposal is unfair.

Castor Bay Residents & Ratepayers Association: Ken McKay and John Murray addressed the Association's appeal. Their comments may be summarised as follows:

- the Association supports a reduction in the number of councillors and elections at large;
- elections at large would reduce parochialism around the Council table; and
- reducing the number of councillors would reduce the cost of democracy of the Council.

Trevor Courtier addressed his appeal. His comments may be summarised as follows:

- the Council accepted the objection of the Mayor to the Council's initial proposal after the publicly notified deadline;
- fair representation for the Harbour Ward is sought; and
- the ratio of councillors to population should be similar for all wards.

George Wood, Mayor of North Shore City, addressed his appeal. His comments may be summarised as follows:

- Papakura District and Waitakere City are both giving consideration to reducing the number of elected representatives on their Councils;
- North Shore City has about 40 elected representatives, when the members of the 6 Community Boards are taken into account;
- the current ward boundaries divide a district-wide community of interest, as North Shore City is a fairly homogeneous residential area;
- the ward system is a factor against people putting themselves forward for election;
- the 3 ward system is not based on communities of interest, and it does not reflect the development of the City in recent years; and
- local decisions should be made by Community Boards and City-wide decisions by Council.

Vivienne Keohane addressed her appeal. Her comments may be summarised as follows:

- parochialism is alive and well in the Council with voting being done in blocks on some issues;
- favours an additional councillor for the Harbour Ward; and
- councillors have a heavy workload and any reduction in Council numbers would be unwarranted.

David Thornton spoke to a submission. Its contents and his comments may be summarised as follows:

- the Harbour Ward is under-represented and needs a further member ;
- local authorities have a heavy and increasing workload, in participating in the reviews of local government legislation that have been initiated by the Government;
- local government is being asked to become more involved in economic development and social welfare issues, which would further increase councillor workload; and
- while his objection and written appeal proposed 16 single member wards, Mr Thornton now considered that fair representation would be achieved by population alone with the addition of one extra member for the Harbour Ward.

Grey Power North Shore and WW Rayner: Bill Rayner addressed his appeal and the appeal of Grey Power North Shore. His comments may be summarised as follows:

- the North Shore is a dynamic environment, which is experiencing significant urban growth;
- the Northern Ward residents have a huge advantage in representation over the residents of the Harbour Ward;

- there are tremendous cost pressures being faced by the ratepayers of the City;
- a reduction in councillor numbers would reduce one of the significant costs of the Council;
- the ward structure is reasonably fair; and
- the concept of part-time councillors is diminishing.

Ray Clarke addressed his appeal. His comments may be summarised as follows:

- the Council should retain 15 councillors, but the Northern Ward should have four councillors, the Central Ward five councillors and the Harbour Ward six councillors; and
- in the 1998 elections many councillors chose to stand for both the Council and Community Boards - the workload of councillors also elected to the boards is self-inflicted.

Birkenhead-Northcote Community Board: Jennifer Yorke, Chairperson, appeared before the Commission in support of the Council's proposal. Her comments may be summarised as follows:

- the Community Board supports the Council's proposal;
- the ward system is fair, providing a good spread and mix of people;
- under elections at large the public would feel that their access to Council members is further limited; and
- councillor numbers should remain the same.

The Council in reply: The comments of the Deputy Mayor may be summarised as follows:

- the Mayor had the right to make an objection and the Council elected to accept his late submission as a matter of natural justice;
- most submitters have not sought a reduction in councillor numbers, while some have sought a reallocation between wards;
- if the Council was to be elected at large the current councillors would have an advantage because of their exposure in the City;
- the Council does not concur with proposals to realign the number of councillors between wards; and
- the existing wards do reflect communities of interest.

In addition, Cr Kirk made the following comments:

- there were few submissions on the wards - the people of North Shore City feel comfortable with three wards;
- councillor workload is real, not self-inflicted; and
- the current electoral arrangements do work for North Shore City and there is a need to consolidate the gains that have been made.

MATTERS FOR DETERMINATION

11 The statutory provisions in respect of these appeals are contained in sections 101K and 101L of the Act. Section 101K(1) states:

“(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.”

12 The relevant provisions of section 101L are subsections (2) and (3) which state:

“(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 2 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 Statistics New Zealand 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

13 The Commission considers that 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) is the provision of effective representation of the various communities of interest within the district. This can be achieved by any ward encompassing one or more communities of interest. What the Commission has to do then is determine which communities of interest or groupings of communities of interest require representation.

- 14 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 for 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 constitute the predominant factor, but if other factors are applied, different weightings 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. In the end though, the final decision must be that which the Commission considers will, after having regard to the various factors set out in the Act, provide the fairest representation on balance for the electors of each ward.
- 15 In the Commission's opinion, its first responsibility, which also applied to the Council, was to decide whether or not the City should be divided into wards, and if so the number and boundaries of those wards to provide effective representation of communities of interest within the City.
- 16 The Commission is satisfied that at this time, distinct communities of interest continue to exist in North Shore City, and that effective representation for electors would best be achieved by continuing to divide the City into wards for electoral purposes.
- 17 While two appellants argued for elections at large, the Commission considers that at this time elections at large would not provide effective representation for the communities of interest in the City. However, if the rapid growth of the City continues in the period leading up to the next statutory review, the Council will need to consider whether the distinction between communities has blurred to such a degree that elections at large is an appropriate electoral option.

Appropriate Ward System

- 18 A large majority of the appeals did not seek a change to the existing structure of the three wards in North Shore City.
- 19 The Commission is of the view that the existing wards and their boundaries continue to provide an appropriate means of ensuring effective representation of communities of interest in the City.

Number of Members

- 20 Having decided that there will be 3 wards, the Commission is then required to determine what would be fair representation for the electors of the various wards.
- 21 As noted above, the number of members to be elected by each ward is to be determined on the basis of providing fair representation for the electors of the various wards having regard to population and, if the circumstances so require, the rateable value and area of every ward.
- 22 Set out below are two tables. Table 1 shows the number of members that each ward would be entitled to, taking into account population only, with a total membership of 14, 15, or 16 members. Table 2 shows the same information taking into account the three factors of population weighted at 80%, rateable value weighted at 10%, and area weighted at 10%. The population information utilised for both tables is estimated resident population as at 30 June 1999 as supplied to the Commission by Statistics New Zealand.

Table 1

Ward	Population	14 members	15 members	16 members
Northern	56,400	4.21	4.51	4.81
Central	60,500	4.51	4.83	5.16
Harbour	70,800	5.28	5.66	6.03
TOTAL	187,700	14	15	16

Table 2

Ward	Factor Value	14	15	16
Northern	32.84	4.60	4.92	5.25

Central	32.19	4.51	4.83	5.15
Harbour	34.97	4.89	5.25	5.60
TOTAL	100	14	15	16

- 23 While reasonable fairness in representation for each ward can be achieved on the basis of population alone, the Commission is of the view that the additional factors of rateable value and area should be applied to reflect the changing and developing nature of the Northern Ward.
- 24 The Northern Ward contains areas of peri-urban land as well as significant areas of rural land and lifestyle blocks. Reflecting these land uses, the Northern Ward is less densely populated than the Central and Harbour Wards, which are principally urban - it comprises 55% of the area of the City and is resident to 30% of the City's population. While the Northern Ward is less densely populated than the other wards, it is experiencing rapid development, particularly in the urban periphery, and this development is likely to continue to place heavy requirements on the resources of the Council over the next triennium.
- 25 The application of the factors of rateable value and area enable recognition to be given to two measures of Council activity. The use of area as a factor enables recognition to be given to the fact that land-based activities over less densely populated areas are an important part of the responsibilities and expenditure of the Council. The use of rateable value enables due regard to be given to people-based activities which require the provision of services and infrastructure, and regulation of development in more closely settled areas.
- 26 The weightings applied by the Commission are those commonly applied to districts with a significant proportion of rural and semi-rural land. Taking the weightings into account, the Commission is satisfied that fairness between the electors of each ward is achieved with a 15 member Council (excluding the Mayor), with five members elected from each of the three wards.
- 27 In making its determination taking into account population, rateable value and area, the Commission acknowledges that the population of the Northern Ward is increasing at a faster rate than for the Central and Harbour Wards. If this trend continues into the future, the Council may need to consider other models for achieving effective and fair representation when undertaking its next statutory review.

DETERMINATION

- 28 Under section 101K of the Act, the Commission, determines that for the general election of the Council to be held on 13 October 2001-

- (1) North Shore City, as delineated on S.O. Plan 57988 deposited with the Chief Surveyor of the Auckland Land District, shall be divided into 3 wards;

- (2) Those 3 wards shall be -
 - (a) The Northern Ward, comprising the area delineated on S.O. Plan No. 69284 deposited with the Chief Surveyor of the Auckland Land District;
 - (b) The Central Ward, comprising the area delineated on S.O. Plan No. 69283 deposited with the Chief Surveyor of the Auckland Land District: and
 - (c) The Harbour Ward, comprising the area delineated on S.O. Plan No. 69282 deposited with the Chief Surveyor of the Auckland Land District;

- (3) The Council shall comprise the Mayor and 15 members who shall be elected as follows -
 - (a) five members shall be elected by the electors of the Northern Ward;
 - (b) five members shall be elected by the electors of the Central Ward;
 - (c) five members shall be elected by the electors of the Harbour Ward.

29 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.

THE LOCAL GOVERNMENT COMMISSION

Sir Ross Jansen (Chairman)
Barbara Durbin (Commissioner)
Bruce Anderson (Commissioner)

27 March 2001