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Committee Representation Review Subcommittee
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Final representation proposal

1. Purpose

The purpose of this paper is to:

- a) analyse the written and oral submissions Greater Wellington has received on its initially proposed representation arrangements, and
- b) discuss the final representation arrangements the Representation Review Subcommittee (Subcommittee) will recommend to Council.

2. Significance of the decision

The Local Electoral Act 2001 sets out the process the Council must follow when reviewing its representation arrangements.

3. Background

As required by the Local Electoral Act 2001 (the “LEA”), the Council recently decided on its proposed representation arrangements for public consultation. The report outlining the Council’s proposal and reasons for it is provided in **Attachment 1**.

The Council’s proposal, which consists of four constituencies and 14 councillors, differs from the Council’s current representation arrangements. The requirements of the new LEA, which mean that the Council’s current representation arrangements of six constituencies and 13 councillors do not comply with the +/- 10% population formula, were the impetus for the change from the Council’s current arrangements.

On 21 August 2006, the Subcommittee received and noted 84 written submissions, and heard 12 oral submissions, on the Council’s proposed representation arrangements. At its meeting on 1 September 2006 the Subcommittee must consider the points raised in these submissions and decide on the final proposal to recommend to Council on 12 September 2006.

The Council's final proposal and the objection and appeal process that follows will be publicly notified. If Greater Wellington receives any objections or appeals, or the proposal does not comply with the population formula set out in the LEA, then the Council's representation arrangements will be determined by the Local Government Commission. The Commission will definitely be determining this Council's representation arrangements, as none of the options comply with the population formula because of the Wairarapa. This is the case regardless of whether there are one or two representatives elected from the Wairarapa constituency.

4. Comment

The LEA and the Local Government Commission's guidelines state that a council must be able to demonstrate that:

- it has considered all the submissions it has received on its initial proposal by providing reasons for the acceptance or rejection of submissions, and
- its final proposal is made in light of the submissions it received on its initial proposal.

The sub-sections below analyse the points raised by submitters. Details of the points raised by submitters are set out in the report provided to the Subcommittee at its meeting on 21 August 2006 (**Attachment 2**).

When deciding on the final proposal to recommend to Council, it is important that the Subcommittee gives weight not only to the number of submissions raising a particular point, but also to the strength of the arguments made by submitters.

4.1 Analysis of submissions

All but three submissions were opposed to the Council's proposed arrangements. Submitters' comments fell into the following categories:

- Support for separate constituencies for Upper Hutt and Lower Hutt (51 submissions)
- Support for separate constituencies for Kapiti and Porirua (18 submissions)
- Support for proposed representation arrangements (three submissions)
- Support for status quo (four submissions)
- Fewer councillors from more constituencies (five submissions)
- Support for Wairarapa and Upper Hutt being one community of interest (three submissions)

- Support for two councillors from the Wairarapa (four submissions)
- Opposition to two councillors from the Wairarapa (four submissions)
- Other proposals which included electing “at large” (four submissions)
- Request to change name of “Kapiti-Mana” constituency (one submission)

4.1.1 Merging of current constituencies

The majority of submitters were concerned with the merging of Upper Hutt with Lower Hutt, and Kapiti with Porirua. Fifty-one submissions opposed merging Upper Hutt with Lower Hutt to form one large constituency. Eighteen submissions opposed joining Kapiti and Porirua to form one large constituency.

All submitters argued strongly that all four areas were separate communities of interest. While the Council had identified many aspects that align Kapiti and Porirua, and Lower Hutt and Upper Hutt, in a regional council context when deciding on its initial proposal, submitters pointed out numerous differences between the communities (**pages 2-5 of Attachment 2**).

Submitters reasoned that they needed a representative from their community to ensure that their unique needs would be heard in the regional context, that is, that they got the required attention and action. Many submitters were concerned that the merged constituencies would result in members being elected from one area of the constituency. They felt that the only way to have guaranteed representation was to have separate constituencies.

What is the likelihood of not having a representative from each community?

Voting is determined by a number of factors, many of which cannot be known in advance of an election and can change from election to election. These factors include:

- The voting population.
- The number of candidates. If there are a large number of candidates then voters have more choice. This means voters from a particular community could split their votes between the several candidates and not elect anyone from their area.
- Who stands for election. A candidate who is well-known could receive the majority of votes regardless of where they live in the constituency.
- Voter turnout. This can change depending on a variety of factors, including voters’ level of interest and the demographics of a community e.g. younger people are less likely to vote than older people.
- How strategically people vote.

All these uncertainties make it difficult to predict the outcome of elections should Upper Hutt and Lower Hutt be merged, and Kapiti and Porirua be combined, so we can only deal in very loose levels of probability.

Submitters were particularly concerned that the population imbalances across the constituencies would result in communities with smaller populations of Kapiti and Upper Hutt losing a direct representative. This is less likely to be the case with Kapiti, than Upper Hutt.

While Porirua has a larger voting population than Kapiti, Kapiti generally has a higher voter turnout. This was reflected in the voter turnout at the 2004 elections. Information provided by Porirua City Council shows that in Porirua, only 13,398 residential voters turned out to vote, compared to 16,869 in Kapiti. Given the populations are not significantly different this could mean that similar numbers of people vote from each area.

Upper Hutt has only 28% of the voting population in the Hutt Valley. While a well-known person standing for election from Upper Hutt could ensure an elected member came from Upper Hutt, it is harder for the voting population imbalance to be overcome by such factors.

Do Kapiti, Porirua, Upper Hutt and Lower Hutt need a smaller constituency and direct representation to ensure each community is effectively represented?

Submitters talked in terms of the need to have a “guaranteed, direct representative” and said that failure to provide for this by having larger constituencies would lead to a “loss of representation”. But does it necessarily follow that no representative elected from a particular community equals no representation for that community?

It is the Council’s role to make decisions that are in the best interests of the region as a whole. Each councillor signs a declaration to say they will do this when they are sworn in at the beginning of each triennium. Our councillors are often working on issues that cross several communities of interest (and TA boundaries) e.g. water supply, roads, passenger transport, flood protection and catchment management.

Almost without exception, however, submitters are of the view that their needs would not be effectively represented if they did not have a representative that lived in their area. They stated that someone who lived elsewhere would naturally be more interested in, exposed to, or understand the issues arising from the community in which they live.

Submitters also considered that elected members would not be easily accessible in a bigger constituency. They said they would be less likely to have face-to-face meetings, casual meetings and attend events because of the great deal of travel and diversity across a large area.

It is difficult to find concrete analysis of such matters. It follows that a bigger constituency area and living outside of a community may lead to diluted

opportunities for direct interaction and result in the elected member(s) having less accountability to the public. As argued previously, however, how effective a councillor is at representing the area they are elected from is largely dependent on the person who is elected, that is, how dedicated they are, how much effort and time they put in, how open they are to others' views.

4.1.2 Two councillors from the Wairarapa constituency

Four submissions supported two councillors in the Wairarapa while four submissions opposed it.

As noted in Porirua City Council's submission, two members in the Wairarapa would create hugely disproportionate representation across the region in terms of the number of people per councillor. The Subcommittee needs to consider whether it is necessary to depart from the population formula in order to ensure effective representation of the Wairarapa community.

When deciding on its initial proposal the Council determined that a second representative was required because it a large land area (74% of the region) that is sparsely populated and has a high number of meetings because of the river and catchment schemes.

Effective representation for farmers

The Council's reasons for proposing two representatives in the Wairarapa were strongly supported by Federated Farmers. They made the point that the population formula does not account for geographical size or corresponding rating capital value and that it disadvantages rural communities. They stated that "it is extremely important that councillors are able to communicate their knowledge, concerns, and experience and are given the best possible opportunity to engage with the ratepayers who they represent . . . elected councillors from Wellington city wards (excluding rural areas) can achieve this just as effectively when representing a higher population per councillor, simply because of the logistical ease of attending meetings, functions, and meetings with groups of constituents."

The role of the Masterton office and the Rural Services and Wairarapa Committee

One submitter commented that the Wairarapa issues that were relevant to Greater Wellington were covered by Greater Wellington's Masterton office and the Rural Services and Wairarapa Committee.

Greater Wellington's Masterton office is a service centre, which provides regional services that have a Wairarapa focus. While the staff in the Masterton office are responsible for implementing policies at an operational level and providing advice to relevant committees on areas of expertise, they do not set the policy or outcomes – that is the responsibility of elected members.

The Rural Services and Wairarapa Committee certainly has input into the policies and outcomes. It also provides an opportunity to interact with the public. Not only do its appointed members bring the views of those they

interact with in the community to the committee table, the meetings are generally open to the public and provide for public participation.

The final decision-maker is, however, the Council which is the body of elected members. The Council has ultimate decision-making power and sets the rates and overarching policy and outcomes of the Council e.g. the Long-term Council Community Plan and Annual Plan. The Wairarapa councillors are elected by the community and therefore have the mandate to make such decisions, along with the other councillors.

Comparison with parliamentary electorates

Another submitter said that effective representation could be achieved with one councillor and provided parliamentary electorates as an example of large areas covered by one representative. This is debateable, as there is little information which assesses whether or not such electorates are effectively served. In fact there have been concerns expressed about the size of these electorates too.

It is also difficult to compare parliamentary electorates with regional council constituencies, as constituency Members of Parliament usually have at least one office in their electorate and two full time staff members to help with their local duties. In addition, they often have help from list members, who also work to represent local communities or special communities.

River and catchment scheme meetings

There is no requirement for Wairarapa elected members to attend river and catchment scheme meetings and one of the current Wairarapa members of this Council has attended only four such meetings in the last 18 months alone. One submitter said that this demonstrates that there was no need for two Wairarapa representatives.

While there is no statutory requirement to attend these meetings, it is the point at which the elected members can engage face-to-face with the people that are being rated. These people pay relatively high rates because there are a small number of ratepayers in the area for significantly costly activities, for example, flood management and soil conservation.

Relationship with Wairarapa ratepayers

The importance of a close relationship, given the relatively high rates paid by individuals in the Wairarapa, is reflected in the comments made by Federated Farmers. The kind of activities the Council carries out in the Wairarapa, such as flood protection, biosecurity (1080) and soil conservation (planting and land retirement) directly impacts on many individual landowners to a great extent.

4.1.3 Fewer councillors from more constituencies

Thirteen submissions supported the status quo which provides for 13 elected members, three supported the proposal which provides for 14 councillors and five submissions (7, 10, 61, 37, 83) supported a reduction to ten councillors. It

is interesting that those who supported a reduction were based on proposals that had more than four constituencies.

Some submitters said that the workload did not require more than ten representatives and that this would save money. The pool of money allocated to pay elected representatives is determined by the Remuneration Authority. This pool is not influenced by the number of elected representatives, so having less councillors would not result in less money in terms of the total remuneration pool. However, a smaller number of representatives could possibly result in a smaller number of committees and meetings which may reduce the costs a little, that is, catering costs, printing of agendas and staff time to service meetings.

Of course, a smaller number of councillors is likely to result in a higher workload in terms of number of community meetings to be attended etc. However, the impact this has on effective representation, especially when talking about the difference between 10 and 14, is unclear.

One submitter stated that many Council and committee meetings over the past few years have had little business and that this was not surprising given that councillors' true business is the development and monitoring of the ten-year plan. The business of the Council ebbs and flows. While some committees have had less work to do at times, the workload of others have increased, for example, to consider urgent transport matters.

The submitter also noted that when the Council moved from 14 to 13 councillors there was no sense of extra workload. There is no concrete evidence which assesses this. It is difficult to judge as it depends on what activities the council is undertaking at the time, changes to legislative requirements, prioritisation of tasks, and the level of input of individual councillors.

4.1.4 Wairarapa and Upper Hutt as one community of interest

While the submitters are correct in saying that Upper Hutt and the Wairarapa have some similarities which link them, there are also a number of key differences. It is true that both communities share a rural flavour and are joined by key roads and rail routes. There are also some similarities in terms of the Council's activities e.g. biosecurity and flood protection are important to both. There are also a number of key differences, which officers believe clearly define these two areas as separate communities of interest, including:

- The areas are physically divided by a mountain range.
- They have different natural features. Upper Hutt is in a valley and is land-locked. The Wairarapa comprises wide, open plains which end at the coast.
- Upper Hutt is predominantly urban, and while it has a rural flavour, there are a high proportion of life-style blocks. Unlike the Wairarapa, a large part of Upper Hutt's economy does not rely on its rural sector.

- The Wairarapa has other aspects that differentiate it further from Upper Hutt, such as its viticulture. It is also marketed as a holiday destination and there are a growing number of boutique hotels, eateries and shops to support this industry.

4.1.5 Other proposals which included electing “at large”

A few submitters suggested some alternative arrangements, which included a mix of constituency and at large elections for parts of the region. Under the Local Electoral Act 2001 there is no provision for regional councils to hold at large elections, either within a single constituency or for the Council as a whole.

4.1.6 Constituency name

One submitter recommended that the name of the Kapiti-Mana constituency be changed to Porirua-Kapiti because:

- most people know the area as Porirua not Mana, and
- Porirua should go first as they have the largest population.

While the Council had its reasons for proposing the name Kapiti-Mana, officers suggest that the Subcommittee re-consider the constituency name, should the Council go ahead with a proposal that merges the current Porirua and Kapiti constituencies.

Mana is the island that many parts of Porirua look to and it is well-known in the area. It is also the name of a small suburb of Porirua. However, Mana would not often be used by locals to describe the much larger area. The area is more likely to be referred to as Porirua. Porirua would be seen to include Mana, but Mana would not include Porirua.

The name Porirua-Kapiti would be an appropriate alternative, as it is more reflective of the full breadth of the area and the communities the constituency encompasses. This is also the case with the name West Coast. This name was previously discussed by Subcommittee members.

4.2 Representation options

The Council can only amend its proposal in light of what was said in the submissions it has received. Having considered the reasons for choosing its initial proposal (**Attachment 1**), the members of the Subcommittee need to ask themselves: is there anything compelling enough in what submitters have said that requires an amendment to our initial proposal?

Officers feel that submitters make some strong arguments in relation to:

- The number of representatives in the Wairarapa, for example, representation for farmers, representation already provided through the Masterton office and Rural Services and Wairarapa Committee, river

and catchment scheme meetings, and the need for a close relationship with ratepayers.

- Separate communities of interest for Kapiti and Porirua e.g. unique needs, loss of direct representative, and the need for a direct representative to ensure effective representation.
- Separate communities of interest for Upper Hutt and Lower Hutt e.g. unique needs, loss of direct representative especially due to population imbalance, and the need for a direct representative to ensure effective representation.

Other points were made in relation to the total number of councillors in total, for example, the impact on workload and the effectiveness of representation when numbers reduced, which may also be worth considering.

The dilemma for the Council is that no option that is reasonably available to Council can meet all of the submitters' requests. The final proposal will, therefore, depend on the weighting the Subcommittee gives to each of the above factors. As there is limited concrete evidence to measure the impact of these factors on effective representation councillors will have to make judgements based on their experience and that of the submitters.

The Subcommittee could recommend that Council remain with its initial proposal, or it could recommend one of the following options:

- **Option 1** - Ten councillors and six constituencies, where the constituency boundaries remain the same as they are currently (**Attachment 3**). In this option Upper Hutt falls outside the +/-10% population formula (over-represented by 17.7%). The Council would be required to put forward a compelling argument in terms of the effective representation of the Upper Hutt community to the Local Government Commission.
- **Option 1a** – The same as 1 above, but with an additional representative in the Wairarapa (**Attachment 4**). The Council would be required to put forward a persuasive argument in terms of the Wairarapa and the corresponding under-representation in Wellington, Porirua, Upper Hutt Kapiti.
- **Option 2** - Thirteen councillors and five constituencies, where the current Upper Hutt and Lower Hutt constituency remain separate (as they are currently), but Kapiti and Porirua are merged to form one large constituency (**Attachment 5**).
- **Option 2a** – The same as 2 above, but with an additional representative in the Wairarapa (**Attachment 6**). The Council would be required to put forward a persuasive argument in terms of Wairarapa.

- **Option 3** - Ten councillors and five constituencies which keep Kapiti and Porirua separate, but Lower Hutt and Upper Hutt are merged to form the Hutt Valley constituency (**Attachment 7**).
- **Option 3a** - The same as 3 above, but with an additional representative in the Wairarapa (**Attachment 8**). The Council would be required to put forward a persuasive argument in terms of the Wairarapa and the corresponding under-representation.
- **Option 4** - Four constituencies and 13 councillors (**Attachment 9**).

4.2.1 One or two representatives in the Wairarapa

If Council decides it is essential to have two representatives in the Wairarapa, then the Council should opt for a scenario that consists of 14 councillors, that is, the current proposal or option 2a. This is because there would be significant discrepancies between the under-representation and over-representation in options that consist of 11 councillors in total. Officers feel that it is highly unlikely that the Local Government Commission would support such a proposal.

The current proposal aims to be consistent in approach across the region in terms of communities of interest. Option 2a provides for separate constituencies for Upper Hutt and Lower Hutt, while Kapiti and Porirua remain joined together as one constituency. Option 2a pits the needs for two representative of Wairarapa against the requests for separate constituencies for Kapiti and Porirua.

If the Subcommittee recommends only one representative in the Wairarapa then the Subcommittee could choose between options 1, 2, 3 or 4.

4.2.2 More councillors or direct representation?

When considering options 1, 2, 3 and 4, the preferred option will depend on whether the Subcommittee thinks representation is going to be more effectively served by:

- more councillors or direct representation, and
- whether separate representation is required for Kapiti, Porirua, Upper and Lower Hutt or there is a higher need for direct representation in Upper Hutt and Lower Hutt, or Kapiti and Porirua.

Options 2 and 4 provide for 13 councillors. Option 2 also provides for separate representation for Upper Hutt and Lower Hutt, but not Kapiti and Porirua. This begs two questions: Is direct representation necessary (if not option 4) and does Upper Hutt and Lower Hutt need direct representation more than Kapiti and Porirua (if yes option 2)?

Options 1 and 3 provide for ten councillors. Option 1 provides for separate constituencies for Upper Hutt, Lower Hutt, Porirua and Kapiti. Option 3

provides for separate constituencies for Porirua and Kapiti, but Upper Hutt and Lower Hutt are joined together to form one constituency.

Officers believe that the only difference between the submissions for Kapiti and Porirua and Upper Hutt and Lower Hutt is the discrepancy in voting population between Upper Hutt and Lower Hutt. However, this is not enough to know what the outcome of an election will be. As stated earlier, it would only take someone who was well-known to stand in Upper Hutt or for several people from Lower Hutt to stand and only one from Upper Hutt for a representative from Upper Hutt to be elected.

5. Communication

5.1 Public notice of final proposal

Once the Council has made its decision a public notice will be placed in the region's main newspapers. Section 19N of the LEA states that this public notice must:

- Incorporate any amendments resolved
- State both the reasons for the amendments and the reasons for any rejection of submissions
- Specify the right of appeal and objection, including the place and closing date for the receipt of appeals.

5.2 Replies to submitters

Formal replies will also be sent to submitters once the Council has decided on its final representation arrangements. These will be signed by the Council Chairman. The replies will make it clear why the Council proposed a change to the current arrangements in the first place and why the final proposal was decided upon.

6. Recommendations

That the Subcommittee:

1. ***Receives the report.***
2. ***Notes the content of the report.***
3. ***Makes a decision on which option it will recommend to the Council for its final representation proposal.***
4. ***Notes that the Council's final proposal will be forwarded to the Local Government Commission for its determination.***

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Attachment 1: Report 06.221 – Proposed representation arrangements

Attachment 2: Report 06.401 – Summary of submissions on proposed representation arrangements

Attachment 3: Map of Option 1

Attachment 4: Map of Option 1a

Attachment 5: Map of Option 2

Attachment 6: Map of Option 2a

Attachment 7: Map of Option 3

Attachment 8: Map of Option 3a

Attachment 9: Map of Option 4