

Agenda Memorandum

Date 26 June 2018



**Memorandum to
Chairperson and Members
Taranaki Regional Council**

**Subject: Representation Review for the 2019
Local Authority Elections**

Approved by: M J Nield, Director-Corporate Services

B G Chamberlain, Chief Executive

Document: 2041349

Purpose

The purpose of this memorandum is to commence the Taranaki Regional Council's representation review for the 2019 local authority elections as per the requirements of the *Local Electoral Act 2001*.

Executive summary

Representation reviews are a requirement of the *Local Electoral Act 2001* (the Act). They are reviews of the representation arrangements for a local authority. Local authorities are required to review their representation arrangements at least every six years. This Council's determinations on *proposed* representation arrangements must be made by 31 August in the year prior to election year (31 August 2018).

The last representation review was in 2012 for the 2013 local authority elections. The outcome of the 2012 representation review was the retention of four constituencies and eleven elected members. The Council's proposal did not fully comply with the Act and the Council applied to the Local Government Commission (LGC) for approval for the North Taranaki (two members +15.84%) and South Taranaki (three members -10.07%) constituencies that did not comply with the $\pm 10\%$ rule.

The Local Government Commission upheld the decision of the Council for the 2013 local authority elections.

At the 27 June 2017 Ordinary Meeting and a Councillor Workshop on the *2018/2028 Long-Term Plan*, information was provided on the representation review. Various constituency scenarios were noted and discussed and views were sought to guide the undertaking of the representation review. The preference was to retain 11 members with four constituencies, with the New Plymouth District Council City Ward boundary (mainly around west New Plymouth) aligning with the New Plymouth Constituency to improve compliance with the $\pm 10\%$ rule.

Recommendations

That the Taranaki Regional Council:

1. receives this memorandum on the representation review for the 2019 local authority elections
2. agrees to retain four constituencies, being North Taranaki, New Plymouth, Stratford and South Taranaki to comply with Section 19 of the *Local Electoral Act 2001*
3. agrees to include the following meshblocks from the New Plymouth District City Ward into the New Plymouth Constituency resulting in an increase in population in the New Plymouth Constituency (2,200) and a decrease in population in the North Taranaki Constituency (2,200):

Meshblocks – 1555001, 1555302, 1555303, 1555304, 1555400, 1555500, 1555602, 1555606, 1555607, 1555702, 1555703, 1555800, 1555900, 1556001, 1556100, 1557001, 1557002, 1557100, 4007886, 4007887, 4008025, 4008026, 4008728, 4008729
4. agrees to retain the number of elected members at eleven (11), being:
 - two (2) elected members for the North Taranaki constituency
 - five (5) elected members for the New Plymouth constituency
 - one (1) elected member for the Stratford constituency
 - three (3) elected members for the South Taranaki constituency
5. notes the procedural steps and timeline for the representation review process
6. agrees to publicly notify the representation review proposal within fourteen (14) days to comply with the *Local Electoral Act 2001*, being no later than 2 July 2018
7. notes that this proposal does not fully comply with the *Local Electoral Act 2001* but that the proposal is considered the most appropriate solution for Taranaki
8. applies to the Local Government Commission for approval for the Stratford and South Taranaki constituencies to be retained as they do not comply with the $\pm 10\%$ rule and seek approval for the inclusion of part of the New Plymouth District City Ward into the New Plymouth Constituency and the changes in boundaries for the New Plymouth and North Taranaki Constituencies to comply with the $\pm 10\%$ rule.

Background

At the 27 June 2017 Ordinary Meeting, and a Councillor Workshop on the *2018/2028 Long-Term Plan*, information was provided on the necessity to undertake a representation review. Various constituency scenarios were noted and discussed and views were sought to guide the undertaking of the representation review.

The last representation review was in 2012 for the 2013 local authority elections. The outcome of the 2012 representation review was the retention of four constituencies and eleven elected members (status quo). The proposal did not fully comply with the Act and the Council applied to the Local Government Commission (LGC) for approval for the North Taranaki (two members +15.84%) and South Taranaki (three members -10.07%) constituencies that did not comply with the $\pm 10\%$ rule.

The LGC upheld the decision of the Council to retain the proposal for the 2013 local authority elections.

The key components to undertaking a representation review are:

- The number of members – a regional council is required to have between six and 14 members elected from constituencies
- The number of constituencies
- The area of each constituency by ensuring, as far as practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards
- The ratio of population to members $\pm 10\%$
- Proper consideration to and identification of communities of interest

Historically the Council has had a range of representation arrangements:

- 1989 to 1991 – 11 members (4 New Plymouth, 3 North Taranaki, 1 Stratford and 3 South Taranaki)
- 1991 to 2007 – 10 members (4 New Plymouth, 2 North Taranaki, 1 Stratford and 3 South Taranaki)
- 2007 to current – 11 members (5 New Plymouth, 2 North Taranaki, 1 Stratford and 3 South Taranaki)

The increase from 10 to 11 members in 2007 was the result of the 2006 representation review, which required an additional member in the New Plymouth Constituency to meet the $\pm 10\%$ requirement.

The Taranaki constituency boundaries currently align with district council boundaries in all but the Stratford Constituency – the area around Whangamomona is part of Horizons Regional Council. Specifically:

- New Plymouth and North Taranaki constituencies align with New Plymouth District Council boundaries other than in the west of New Plymouth where there is no alignment with the City Ward of the New Plymouth District Council
- Other than Whangamomona, the Stratford Constituency boundaries align with Stratford District Council
- South Taranaki constituency boundaries align with South Taranaki District Council.

This provides logical, consistent representation as well as being administratively efficient. It is recommended, that as far as possible, the alignment of constituency and district council boundaries should be retained.

Representation Review – process and procedural matters

In addition to the above representation arrangements, local authorities and communities have the opportunity to consider electoral systems to be used for their elections (first past the post or single transferable vote) and the establishment of Māori wards or constituencies.

The Council has made decisions in relation to electoral systems and Māori constituencies. At the Ordinary Meeting held 15 August 2017, it was resolved to use first past the post (FPP)

electoral system. At the Ordinary Meeting held 31 October 2017, it was resolved not to have a Māori constituency. The Council is now required to adhere to the remaining statutory requirements in relation to the review of its representations arrangements.

At the workshop on the Council's 2018/2028 Long-Term Plan, the current representation arrangements using population figures as at 30 June 2016 were discussed. Councillors recognised that the current constituency to population ratio did not meet the requirements of the Act in the North Taranaki, Stratford or South Taranaki constituencies. The only constituency that met the $\pm 10\%$ criteria was New Plymouth. As Councillors wished to retain 11 members with four constituencies, the following scenarios were considered:

Total Population	116,650 as at 30 June 2016
Number of Members	11
Ratio of Members to Population	10,605
Plus 10%	11,665
Less 10%	9,438

Current Constituencies (Status Quo)

Constituency	Population	Members	Ratio	Difference From Ratio	$\pm 10\%$
New Plymouth	54,800	5	10,960	355	3.35%
North Taranaki	25,000	2	12,500	1,895	17.87%
Stratford	9,150	1	9,150	-1,455	-13.72%
South Taranaki	27,700	3	9,233	-1,371	-12.93%

Change the New Plymouth District Constituency boundary to the New Plymouth City Ward boundary (preferred option).

Taking into account the preference to keep constituency boundaries closely aligned with territorial authority boundaries, Members considered the possibility of aligning the New Plymouth City Ward to the New Plymouth Constituency. Under the current boundaries, approx. 2,200 people reside in the Kaitake community, including the township of Oakura and Omata, and form part of the North Taranaki Constituency. By making a boundary change to make the New Plymouth Constituency the same as the New Plymouth City Ward, it makes the New Plymouth and North Taranaki constituencies adhere to the $\pm 10\%$ ratio in the Act. The table below outlines the new percentages under this proposed option.

Constituency	Population	Members	Ratio	Difference From Ratio	$\pm 10\%$
New Plymouth	57,000	5	11,400	795	7.50%
North Taranaki	22,800	2	11,400	795	7.50%
Stratford	9,150	1	9,150	-1,455	-13.72%
South Taranaki	27,700	3	9,233	-1,371	-12.93%

Compliant

Non-Compliant

In November 2017, Statistics New Zealand released population estimates as at 30 June 2017 for wards, communities, local board areas, subdivisions and constituencies. Based on updated population data, the above tables have been recalculated as follows:

Total Population	1167,970 as at 30 June 2017
Number of Members	11
Ratio of Members to Population	10,725
Plus 10%	11,797
Less 10%	9,545

Current Constituencies (Status Quo)

Constituency	Population	Members	Ratio	Difference From Ratio	±10%
New Plymouth	55,500	5	11,100	375	3.50%
North Taranaki	25,200	2	12,600	1,875	17.49%
Stratford	9,270	1	9,270	-1,455	-13.56%
South Taranaki	28,000	3	9,333	-1,391	-12.97%

Change the New Plymouth District Constituency boundary to the New Plymouth City Ward boundary (preferred option)

Constituency	Population	Members	Ratio	Difference From Ratio	±10%
New Plymouth	57,700	5	11,540	795	7.60%
North Taranaki	23,000	2	11,500	795	7.23%
Stratford	9,270	1	9,270	-1,455	-13.56%
South Taranaki	28,000	3	9,333	-1,391	-12.97%

Compliant

Non-Compliant

The difference in the ratios between the 2016 and the 2017 figures are minor and do not present a quantum change to the options considered last year.

Under section 19V of the Act, where a regional council's final proposal does not comply with the ±10% rule, the regional council must refer the proposal to the Local Government Commission.

The Act also contains requirements for the public notification of the representation review proposals. The public notification invites public submissions on the initial proposal, whether the proposed determination does or does not comply with the Act. Any public notification must contain the grounds for any proposed non-compliance. Public submissions are open for a at least a four-week period from the date of public notification.

The timetable for its representation review process is as follows. Dates in red apply to the Taranaki Regional Council.

Procedure	Legislative Provision Local Electoral Act 2001	Deadline
Local authority determines <i>proposed</i> representation arrangements	Section 19I of the Act for regional councils	Determination must be made by 31 August in the year prior to elections 26 June 2018
Local authority gives public notice of 'initial' proposal and invites submissions	Section 19M(1)	Within 14 days of resolution and not later than 8 September in the year prior to election By 4 July 2018
Submissions close	Section 19M(2)(d)	Not less than one month after public notice 10 August 2018
If no submissions than proposal becomes final ¹	Section 19Y(1)	Public notice to be given when there are no submissions but no fixed date for doing this At Ordinary Meeting 18 September 2018
Local authority considers submissions and may amend proposal	Section 19N(1)(a)	Within 6 weeks of closing date for submissions At Ordinary Meeting 18 September 2018
Local authority gives public notice of 'final' proposal	Section 19N(1)(b)	Within 6 weeks of closing date for submissions By 21 September 2018
Appeals and objections close	Sections 19O and 19P	Not less than 1 month after the date of the public notice issued under section 19N(1)(b) and not later than 20 December in the year prior to election By 24 October 2018
If no appeals or objections then proposal becomes final ²	Sections 19Y(1)	Public notice to be given when there are no appeals/ objections but no date fixed for doing this At Ordinary Meeting 30 October 2018
Local authority forwards appeals, objections and other relevant information to the Commission ³	Sections 19Q and 19V(4)	As soon as practicable but not later than 15 January in election year Directly after 30 October 2018
Commission considers resolutions, submissions, appeals and objections and makes determination	Section 19R	Before 11 April in election year

Determination subject to appeal to the High Court on a point in law*	Clause 2, Schedule 5, Local Government Act 2002	Appeals to be lodged within 1 month of determination
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¹Under section 19V(4) regional council proposals that do not comply with the +/- 10% fair representation requirement are subject to confirmation by the Commission

²Under section 19V(4) regional council proposals that do not comply with the +/- 10% fair representation requirement are subject to confirmation by the Commission

³Includes any regional council proposal that does not comply with the +/- 10% fair representation requirement

*Commission determinations may also be subject to judicial review

Decision-making considerations

Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 1878550: Local Government Commission Guidelines for local authorities undertaking representation reviews

Document 2069591: 2019 Representation Review Maps and Data