

## Super sizing local boards

Friday 20<sup>th</sup> of November gave Aucklanders two different visions of the nature of local boards and the communities they will serve. The Minister of Social Development, Paula Bennett, in her speech to the Passing Go Conference (<http://www.raeburnhouse.org.nz/community-development-action/passing-go-conference>) presented an intimate village style view of the type of community which the typical local board might serve:

- [Auckland is] likely always going to be interconnected and intersecting smaller village-style communities with their own style and feel.
- And that will work - I will ALWAYS be a Westie first and an Aucklander second. With all respect to my local council who I personally think have done a fantastic job in many respects for West Auckland - they don't define my identity. The people, the place, the vibe - actually, I do.
- Local Boards representing these diverse areas will know what's best for the people living in their own communities.

It's a view about scale; of local board areas being small enough that the board's elected members will have an intimate understanding of their communities' needs and aspirations.

At the same time the Local Government Commission was presenting its vision of local boards. Leaving aside the two small boards they were required by statute to establish (Waiheke and Great Barrier), the Commission proposes 17 local boards. Two of these are essentially based on the single wards which the Commission is required to establish for the rural part of Rodney district, and that part of Franklin district coming within the Auckland Council area respectively. Those can be seen as special cases in considering the Commission's overall proposal. To do that we concentrate on the 15 local boards proposed for the balance of the Auckland region.

The Commission has considerable discretion in the number of local boards it could propose. Section 32 (2) (a) of the Local Government Auckland Council Act required the Commission to ensure that there are no fewer than 20 but no more than 30 local boards but the section then went on to provide "However, if the Commission considers that effective representation of communities of interest so requires, the number of local board areas may be set in a way that does not comply with subsection (2)(a)."

The fact it has decided to propose fewer than the minimum number of local boards contemplated by the legislation is of particular interest when thinking about the role of local boards in promoting local democracy. The Commission's proposal document, *Auckland Governance Arrangements: Proposals for Wards, Local Boards and Boundaries for Auckland*, explains the Commission's reasoning. Generally, it is expressed in terms of the Commission's normal approach in dealing with the constitution or reconstitution of local governance arrangements, such as recognition of communities of interest and good governance.

Significant weight is attached to the specific requirements of the Auckland Council Act including the Commission's views on matters such as the role of the mayor in establishing processes and mechanisms for engagement, and what the allocation of decision-making responsibility between the Council and local boards will mean in practice. The Commission appears to have taken the view local boards, and by definition local democracy, should be shaped to meet the administrative needs of the Auckland Council rather than the other way around. It prefaces its comments on the Council's functions by asking "Will the total number of boards impact on the ability of the Auckland Council to meet its responsibilities?" and then comments "clearly a particularly large number of boards will

affect the Council's ability to carry out these tasks efficiently and effectively" (local board agreements, LTCCP etc).

The proposals themselves are summarised in the following table:

Council -lors	Ward	Local Boards (total no. of members)	Pop.	Subdivisions	Pop.	Number of members (% deviation)	Ratio
1	Rodney	Rodney (7)	53,590	Wellsford-Warkworth Central Helensville-Kumeu	21,600 7,990 24,000	3 (-6.0%) 1 (+4.4%) 3 (+4.5%)	1:7,200 1:7,990 1:8,000
2	Hibiscus-Albany- East Coast Bays	Hibiscus-Albany-East Coast Bays (9)	120,400	Hibiscus Albany East Coast Bays	41,800 36,100 42,500	3 (+4.2%) 3 (-10.0%) 3 (+5.9%)	1:13,933 1:12,033 1:14,167
2	North Shore	Glenfield-Birkenhead (6) Takapuna-Devonport (5)	85,000 59,600	Glenfield Birkenhead Takapuna Devonport	40,800 44,200 35,800 23,800	3 (-4.0%) 3 (+4.0%) 3 (+0.1%) 2 (-0.2%)	1:13,600 1:14,733 1:11,933 1:11,900
2	Waitakere	Waitakere (9)	166,150	Massey Henderson Glen Eden-Titirangi Waitakere Ranges	39,800 81,100 33,400 11,850	2 (+7.8%) 4 (+9.8%) 2 (-9.5%) 1(-35.8%)	1:19,900 1:20,275 1:16,700 1:11,850
1	Whau	Whau (7)	80,900	New Lynn Avondale	36,300 44,600	3 (+4.7%) 4 (-3.5%)	1:12,100 1:11,150
2	Mt Albert-Mt Roskill	Mt Albert (7) Mt Roskill (6)	84,600 59,400	Pt Chevalier-Morningside Epsom-Balmoral Waikowhai Three Kings	47,700 36,900 30,500 28,900	4 (-1.3%) 3 (+1.8%) 3 (+2.7%) 3 (-2.7%)	1:11,925 1:12,300 1:10,167 1:9,633
1	Maungawhau-Hauraki Gulf (Auckland Central)	Maungawhau (5) Waiheke (5) Great Barrier (5)	78,860 8,300 840	Not applicable Not applicable Not applicable		5 5 5	1:15,772 1:1,660 1:168
2	Orakei-Maungakiekie	Orakei (7) Maungakiekie-Tamaki (6)	87,200 74,200	Remuera Kohimarama Maungakiekie Tamaki	52,900 34,300 24,000 50,200	4 (+6.2%) 3 (-8.2%) 2 (-3.0%) 4 (+1.5%)	1:13,225 1:11,433 1:12,000 1:12,550
2	Manukau	Mangere (5) Otarā-Papatoetoe (7)	60,600 81,800	Not applicable Otarā Papatoetoe		5 3 (+6.1%) 4 (-4.6%)	1:12,120 1:12,400 1:11,150
2	Howick-Pakuranga-Botany	Howick-Pakuranga-Botany (9)	121,700	Howick Pakuranga Botany-Flat Bush	42,100 41,200 38,400	3 (+3.8%) 3 (+1.6%) 3 (-5.3%)	1:14,033 1:13,733 1:12,800
2	Papakura-Manurewa	Papakura (5) Manurewa (7)	44,000 85,400	Not applicable Not applicable		5 7	1:8,800 1:12,200
1	Franklin	Franklin (9)	63,650	Clevedon Pukekohe Waiuku	20,500 29,800 13,350	3 (-3.4%) 4 (+5.3%) 2 (-5.6%)	1:6,833 1:7,450 1:6,675
<b>20</b>	<b>12 wards</b>	<b>19 boards</b>	<b>1,416,190</b>		<b>32 subdivisions</b>	<b>126 members</b>	<b>1:11,240</b>

\* '+' denotes under-representation and '-' denotes over-representation

Leaving aside the Great Barrier, Waiheke, Rodney and Franklin boards, the Commission's proposals produce local boards with an average population per elected member of 12,740. It is intriguing to wonder how this fits with Paula Bennett's vision of smaller village-type communities and local boards knowing what's best for people living in their communities.

A closer look at the Commission's proposals suggests that it may have yet to think through the way in which local boards and the council respectively will actually function. It set out three key criteria which it thought would contribute to effective local governance and allow all parties to meet their statutory responsibilities. The criteria are:

- The capacity of local board areas to generate resources for local decision-making.
- The ability of boards to engage effectively with the Auckland Council.
- An appropriate area for the boards to perform their functions, duties and powers.

In addition, the Commission was also concerned "that boards will need to be a sufficient size to ensure that they can attract capable people to stand for the board".

The Commission rightly recognised that local boards might wish to recommend a targeted rate to pay for local services over and above those which would be funded by the Auckland Council. It does not however seem to have realised that core funding from the Auckland Council is intended to meet the cost of the full range of local services which the Council provides as its standard service package for Auckland as a whole, and with the added dimension that the allocation of funding is intended to provide "an equitable capacity for the local boards to enhance the well-being of the communities in each of their local board areas." Any targeted rate will be at the margin. It is extremely difficult to understand how the Commission could have concluded that local boards significantly smaller in size than those currently proposed would face any difficulty in raising a targeted rate for a different or enhanced service which the community was prepared to support (which is the essential precondition for such a rate).

The average population of the 15 'core' local boards is in excess of 80,000. Even if the Commission recommended double the number of local boards, the average population would still exceed 40,000. It is hard to understand the reasoning which suggests that an average population of this level would present a serious risk that capable people would be unwilling to put themselves forward, or that the community itself lacked sufficient numbers of capable people for the task. Rather, it raises the question of whether the Commission's unspoken agenda is one of reducing representation, running contrary to the strong public arguments put forward both to the Royal Commission, and to the select committee, in support of strengthening local democracy.

There is some substance in the suggestion that a much larger number of local boards would create operational challenges for the Auckland Council and its mayor. However to accept this justification for a smaller number of local boards implies placing administrative convenience, and the presumed lack of capability of a future Auckland Council to discharge its statutory responsibilities, ahead of the importance of strengthening local democracy. This is especially unfortunate when government, through the Minister of Social Development, is clearly looking to Auckland's communities as an important partner in the better targeting and delivery of centrally funded social services. Arguably the Commission is undermining the potential for greater community engagement just at the time that the government itself is emphasising its importance.

The Commission's arguments should also raise concern in other parts of New Zealand. It suggests a preference for significantly reducing the number of councils currently in place, and resisting the further development of community boards despite the success of the few which have really been given the power they need to work on behalf of their communities, for example Wanaka; Southland District's community boards. All of these examples are an order of magnitude smaller than the average Auckland local board could be under any feasible scenario, and all have demonstrated that capable people will put themselves forward, and add value for their communities.

To quote from the Southland District Council website, "Council actively promotes local input into decision-making through its 12 Community Boards, 16 Community Development Area Sub-Committees and various other committees." and "Community Boards can make decisions on water supply, sewerage, drainage, reserves, footpaths, street lighting, camping grounds, traffic management, waste management and many other local activities. They are also involved in the preparation of and recommendations on local rates."

Local government is more than just the efficient delivery of services. It is also a critical element in governance; a means whereby local people engage in making decisions about their communities' preferred futures and how those are best pursued. This places a strong premium on the value of ensuring that communities have an adequate level of representation - elected members who understand the intimate details and drivers of local neighbourhoods, and who are readily accessible for the many conversations that collectively produce a shared vision of what individual communities need, aspire to and can achieve. As well, increasingly local government is the enabler/facilitator between higher tiers of government, and communities, in improving the design, targeting and delivery of centrally funded services, and helping build the local networks and commitment to make those more effective. It is this which lies behind Paula Bennett's interest in the Auckland Social Policy Forum. It also reflects developments elsewhere. One elected representative to 12,740 offers no prospect of achieving this.

Contrary to popular belief, New Zealand is significantly under-governed at the local level, a situation which the Commission's recommendations will exacerbate. The Local Government Centre in its submission to the Royal Commission provided some background on international experience. It included a passionate commentary from one of England's most respected commentators on local government, Sir Simon Jenkins, who had this to say in comparing Britain's situation with that of continental Europe:

In my London borough, not only have we no neighbourhood council but we are not allowed to elect our own councillor lest he or she "represents" us alone. We are merged with neighbourhoods elsewhere. This is no incentive for civic leadership.

In France there is an elected official for every 120 people, which is why French micro-democracy is alive and kicking. In Germany the ratio is 1:250; in Britain it is 1:2,600. In France the smallest unit of discretionary local government (raising some money and running some services) is the commune, with an average population of 1,500. In Germany that size is 5,000 people. In Britain the average district population is 120,000, and even that body can pass the blame for any service deficiency to central government.

Cynics sneer at the "calibre" of local councillors. Yet nobody will exercise leadership in a community if denied the power to make it effective. I do not believe that British citizens are unique in Europe in being incapable of taking responsibility for their communities. They may prefer to sit at home and blame others but **if you reduce local institutions to consultative status, consultation is all you get, not leadership.**

Last year's English White Paper on Local Government, *Communities in Control; real people, real power* picked up on some of the concerns expressed by Simon Jenkins. It proposed further delegation of power to the local or neighbourhood level. The White Paper comments include:

There are already about 8,900 parish or town councils in England, with about 70,000 elected parish councillors, covering roughly 90 per cent of the geographical area of England. These parish and town councils can generate local income to fund their

activities through a supplementary charge (called a 'precept') which is added to the council tax bill for the residents of their area.

Residents in every part of England can now seek to establish this form of local council, including in major cities such as London....We want to encourage the creation of more local councils especially in major cities, where there is local demand for them, and where they can be managed in a financially sustainable way, which is acceptable to local taxpayers. We intend to introduce a **right of appeal to the Secretary of State** where a community's proposal for a local council is denied by the local authority.

More recently, in a consultation paper, *Strengthening Local Democracy*, the English government has proposed further delegation to local government with the intention of ensuring more community engagement with the delivery of centrally funded social services.

The number of local boards, and the ratio of elected members to the local population is more than just a matter of democratic niceties. It also and crucially an essential issue in holding the Auckland Council itself to account (a matter which the Commission itself appears not to have considered). As the sole employer, asset owner and local government service provider across the whole of the Auckland region, it will be a major non-contestable monopoly. It is imperative that the arrangements for local representation provided some measure of assurance that local boards will have the capacity and capability to hold the Auckland Council to account.

In this respect, one of the most important roles of local boards will be representing the interests of individual residents and ratepayers who may believe that they have not been fairly treated by the Auckland Council. An average ratio of elected members to population of 1:12,740 is clearly inadequate for this purpose.

Submissions to the Commission are due by 11 December. There is still time to call the Commission itself to account and ask it to revisit its proposals in order to strengthen local democracy as envisaged in the many public submissions and, now apparently, by government itself. There is an immediate and pragmatic solution available. Within most local boards, the Commission has provided for subdivisions, in each case justifying its proposal on the basis of distinct communities of interest within the local board itself. The concerns expressed in this article would be mitigated by the Commission determining that those subdivisions themselves should each be local boards, and with a sufficient number of elected members to produce a significantly more favourable member to population ratio - the outcome will still not be ideal in terms of local democracy, especially when compared with overseas practice, but that is an inevitable consequence of the legislation under which the Commission is operating.

**Peter McKinlay**

Director, Local Government Centre, Institute of Public Policy, AUT University  
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