

8. Supplementary Item on Local Government in Northland

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Date of meeting 27 February 2013

Vision, mission and values

This item is in accord with Council's vision, mission and values.

Background

As outlined in item 8 of the Council Agenda the Local Government Commission (the Commission) visited all four Northland local authorities in the week beginning 18 February to gauge 'evidence of community support across Northland for change to existing local government arrangements'. During that visit the Commission provided an indicative timeframe for the next stages of the process for the Far North District Council (FNDC) Unitary Authority application.

The visit made it possible to consider the extent and timing of community engagement that will be feasible given the timeframes that are likely to be imposed by the Commission. As a result, this supplementary item will briefly discuss the visit of the Commission, including the likely timeframes for ongoing processing of the FNDC application, before outlining a proposed engagement programme for adoption by Council.

Visit of the Commission

As discussed above the purpose of the Commission's visit was to gauge demonstrable community support for local authority reorganisation in each district affected by the FNDC application. If the Commission is not satisfied that this support is present it can; decline the application, require more evidence or undertake its own investigations.

Should the Commission find demonstrable community support it will notify the FNDC application and seek alternative applications. While the FNDC application was silent on potential arrangements for local government in the rest of Northland, the Commission has determined that the FNDC application has 'triggered' a review of local government arrangements for the whole of Northland.

A definitive timeframe for submitting alternative applications is not yet known, although the minimum statutory timeframe for alternative applications is 20 working days. Having said that the following 'indicative timeframe' for the immediate next steps in the process was provided by the Commission:-

- **14 March:** decision on demonstrable community support for local government reorganisation.
- **29 March:** if demonstrable community support notify application and invite alternative applications.
- **30 April:** deadline for alternative applications to be submitted to the Commission.

This effectively makes it impractical for Council to complete the previously envisaged comprehensive public consultation program with the people of the Whangarei District before forming a position on local government structure for an alternative application. The intent of the resolution of 24 October was to discuss a range of options with our community and form a position after that feedback was received. However, this process has been superseded by the statutory process that the Commission will now be conducting.

At this stage the Commission is indicating that should the process run its full course (i.e. it is not abandoned due to lack of support on the way through), it would take until late 2014 to complete. (Refer to item 8 of the Council Agenda for a summary of the full process that will be applied by the Commission).

As discussed above, these timeframes are indicative only and may change slightly once a decision on demonstrable community support is made. It should be noted however that the Commission currently proposes to notify the FNDC application and invite alternative applications on 29 March with the deadline for alternatives 30 April. This represents the minimum 20 working day timeframe required under the Act and would provide Council limited time in which to prepare any alternative application.

Need for an alternative application

The FNDC application focussed specifically on the current Far North District i.e. it did not propose any structure/s for the rest of Northland. However, the Commission determined that if their application was to progress any further, local government organisation across Northland would need to be reviewed.

Assuming the process continues to the next stage (and/or beyond that), Council could choose to respond in several different ways:

(i) Do nothing

Council could simply respond to any enquiries the Commission makes and subsequently accept whatever they decide

(ii) Do nothing until the Commission issues a 'draft proposal'

Under the legislative process, the Commission will review all applications (and the status quo) and then develop a draft proposal that will go through a formal public consultation process. Council could wait until that stage before forming a position.

(iii) Submit an alternative proposal

By submitting an alternative application by the end of April Council can help to inform the Commission's thinking about potential structures and their pros and cons at the start of the process, rather than partway through it i.e. before they prepare a draft proposal for consultation.

Assuming the first option is not acceptable to Council, there is a trade-off between the second and third options between having time to engage with the community before forming a position, versus the time taken before getting relevant information in front of the Commission. On balance, it is recommended that early engagement with the Commission is preferable i.e. Council should submit an alternative application.

On the basis that Council wishes to submit an alternative application, Schedule 3 of the Local Government Act specifies the required contents of a reorganisation proposal, as shown below. An 'alternative application' must include all this information, with the exception of s5(1)(f) i.e. evidence of demonstrable community support (as the Commission will have already determined that exists).

5 Contents of reorganisation application

(1) A reorganisation application must include the following:

- (a) the name and address of the person making the application; and*
- (b) if more than 1 person is making the application, the name and address of the person who is the representative of the applicants; and*
- (c) a description of the proposed changes, including (but not limited to)—*
 - (i) which of the matters listed in section 24(1) is being sought; and*
 - (ii) a plan or other description sufficient to identify the affected area or affected areas concerned; and*
- (d) a full and detailed explanation of what the proposed changes are seeking to achieve and how the changes would be achieved by the approach proposed in the application; and*
- (e) a description of the potential improvements that would result from the proposed changes and how they would promote good local government as described in clause 12; and*
- (f) information that demonstrates that the application has community support in the district of each affected territorial authority.*

(2) A reorganisation application may include—

- (a) any information requested or recommended in any guidelines issued by the Commission; and*
- (b) any other information that the applicant considers relevant to the Commission's consideration of the application.*

(3) A reorganisation application may be accompanied by a petition of affected electors for the purposes of clause 8(2).

(4) If a reorganisation application is accompanied by a petition, each elector who signed the petition must state, against his or her signature, the person's name and address in sufficient detail to enable the person to be identified as an elector.

Any engagement program that is undertaken should be designed in such a way that the feedback and information received helps in the compilation of this content.

Proposed engagement programme

As outlined in item 8 of the Council Agenda the FNDC application has triggered the reorganisation provisions of the Act and Council must now comply with the process and timeframes of the Commission. This places Council in a difficult position, as there may not be enough time to complete a comprehensive engagement programme before alternative applications are due. However, in informal discussions immediately following the visit of the Commission, councillors reaffirmed their commitment to engage with the community before forming a position. It was also agreed that it would be preferable to conduct this process in tandem with the Northland Regional Council (NRC), as the same ratepayer base (in Whangarei District) is affected, and the issues affect both organisations.

In its Agenda of 19 February 2013 (which was before the Commission visited them) NRC outlined a 'phased approach' to community engagement. The methodology proposed for Phase One of that engagement programme provides for an independently facilitated process involving the development of materials and establishment of 'citizen panels'. It was proposed that a reference group then be established from those citizen panels 'to work with NRC staff and the independent facilitator to ensure consistent community input is fed into NRC's thinking'. The NRC Agenda acknowledged the uncertainty surrounding the Commission's timeframes and stated that Phase Two of engagement, which would include further engagement tools that will allow for broader and more varied engagement across Northland, be fully scoped once the outcomes of Phase One are known.

During the Commission's visit the need to tailor engagement to the timeframes of the Commission was discussed, as was the need to work alongside, and avoid duplication of, consultation being undertaken by NRC. In addition a desire to provide the opportunity for feedback across the District was expressed. While ratepayer group meetings were identified as a potential means of achieving this, challenges associated with attending meetings in the timeframes available were identified. As a result open public meetings and Hui, (as well as meetings with special interest groups where the timeframes permitted) were identified as a potential means of engaging with the community prior to submitting any alternative application.

Senior staff from WDC and NRC have subsequently met to discuss the way forward once the Commission has confirmed their process and timelines. NRC have confirmed that they intended to continue with the engagement program (outlined above), but were eager to work collaboratively with WDC on a public meeting program.

It is therefore proposed (subject to approval from Council) to undertake an engagement program (which NRC is invited to participate in) based around a series of public meetings:-

- Hold a series of meetings with groups that cover as wide a range of our community as possible, including:
 - Residents and Ratepayer Groups (where they can convene meetings in the available time)
 - Special Interest Groups e.g. University of the Third Age, WEDG
 - Public meetings
 - Hui
- Using materials developed that objectively cover relevant issues, including:
 - Governance options
 - Local representation e.g. Community Boards, Ratepayer groups
 - Maori representation
 - Service provision e.g. Shared Services, CCO's

In order to ensure good quality debate this material should include objective appraisals of the issues and options, but should not indicate a preferred outcome from the process. In order to avoid perceived political bias presentations should be made by senior staff, with elected members present to answer questions from the audience as necessary.

While these meetings will provide a valuable insight into how local government reform is viewed by our community, there are some limitations in the validity of information that can be secured from public meetings, given the low numbers who typically attend and whether their views are representative or not. However, they are still seen to provide a valuable opportunity for the wider community to participate in these early stages of the process.

Meetings would be scheduled from late March, concluding around 12 April to allow enough time to prepare an alternative application within the timeframe allowed by the Commission.

Summary

Assuming the Commission determines that there is demonstrable support for local government reorganisation in each affected area in Northland, they will impose a tight timetable for submission of an alternative to the FNDC application that will compromise Council's planned consultation programme as per the resolution of 24 October 2012

Accordingly it is recommended that parts of that resolution are rescinded and that program is replaced with the engagement plan outlined above. Staff will develop materials and implement a programme of public meetings and Hui tailored to the timeframe for alternative applications provided by the Commission.

As the public meetings are expected to start prior to the next Council meeting, it is recommended that the CEO be delegated authority to approve the material to be presented as well as the meeting schedule.

Councillors will however be kept up to date with the engagement programme and any other developments that arise.

Recommendation

- 1 That the following resolutions from the Council Meeting of 24 October 2012 (detailed below) be now rescinded:
 - *"A public consultation program and associated materials are developed.*
 - *The detailed report and consultation program are brought back to Council for approval."*
- 2 That the document "Background Report – Historic options for Local Government Structure in Northland" be received
- 3 That staff develop materials and implement a programme of public meetings and Hui tailored to the timeframe for alternative applications provided by the Commission, with all content and arrangements to be approved by the Chief Executive Officer.