



< Democracy is a fundamental value underpinning political and civil rights.>

Submission to the Justice and Electoral Select Committee's Inquiry into the "law and administrative procedures for the conduct of local authority elections" and the "petition of Andrew Judd".

Local Government New Zealand

29 June 2017

Contents

Introduction	2
Recommendations	2
Part One: The 2016 elections	3
The importance of turnout	3
Trends and their causes	3
Outcomes	5
Increasing knowledge and awareness of civic responsibilities	7
Promoting local authority elections	7
Other Issues:	9
Future proofing local authority elections – the online option	9
Conclusion	11
Recommendations	11
Part Two – The petition of Andrew Judd	12
Background	12
The existing process for establishing Māori wards/constituencies	13
The petition	14
Recommendations	14
Appendix 1: Factors influencing turnout	15

Introduction

Thank you for this opportunity to contribute to the Select Committee's inquiry into the running of the 2016 elections. Local Government New Zealand (LGNZ) has contributed to each of the Select Committee's reviews since 2004 and we value the ability to provide a local government perspective on the state of the local democratic framework.

This submission should be considered in tandem with the submission from the Society of Local Government Managers (SOLGM). SOLGM's submission addresses the operational and technical aspects of the running of the elections and makes a number of recommendations for improving those processes and procedures. In contrast LGNZ is concerned with the quality of our local democracy and the degree to which local elections provide councils with a meaningful mandate to act in the local and regional public interest.

Our submission consists of two parts. Part One concerns the 2016 local authority elections while Part Two concerns the petition of Andrew Judd, the former Mayor of New Plymouth District Council, which addressed the process for establishing Māori wards and constituencies.

Recommendations

1. That the Electoral Commission be given the mandate to work with local government to develop a coordinated communications and engagement campaign to increase the community's awareness of local elections, including information on candidates and voting systems.
2. That, in order to allow a trial of online voting to occur in 2019, the Justice and Electoral Committee agree to recommend a change to section 139 of the Local Electoral Act 2001 (LEA) to allow online voting to be offered to geographic or demographic subsets of electors.
3. That a central and local government task force is established to review the state of citizenship education and identify options for its further development in schools and the community.
4. That the Committee consider whether or not District Health Board elections should continue to be run with the local authority elections or parliamentary elections.
5. That the Government develop guidelines to assist officials assess the likely impact on voter turnout of any future proposals to amend local government's regulatory and legislative framework.
6. That where an extraordinary vacancy occurs within one month of the confirmation of election results the second placed candidate can be declared elected.
7. That the petition of Mr Andrew Judd, to remove the poll provisions applying to Maori wards (and constituencies) is supported by the Select Committee.
8. That in the event that of the select committee recommending Mr Judd's petition to parliament provision be made to enable and resource the Local Government Commission to consider appeals associated with Maori wards and constituencies.

Part One: The 2016 elections

LGNZ's submission addresses the Select Committee's focus on the following issues:

- The importance of turnout;
- Trends;
- Outcomes;
- The importance of information; and
- Future proofing local elections and online voting.

The importance of turnout

In New Zealand voting is discretionary which allows individuals to choose whether, and how, they wish to participate within the country's democracy. Although every resident has the right and opportunity to vote in the local authority elections not all will choose to exercise that right or make use of the opportunity.

Reasons vary, ranging from insufficient information to make a wise choice to choosing to participate by others means, such as joining a local advocacy organisation. Low electoral turnout by itself does not by itself indicate community apathy or disenchantment with state of our democracy, yet it is important to governments that they have a clear community mandate to act. Legitimacy, in a non legal sense, is derived from the degree to which a government is representative of its citizens.

The level of turnout is important to local government for what it says about the mandate councils have to speak for their areas. And mandate matters, especially where councils are advocating to central government for resources or for a major public investment. Advocacy is likely to be more successful where it is clear that a local or regional political leader is speaking with the clear support of his or her citizens.

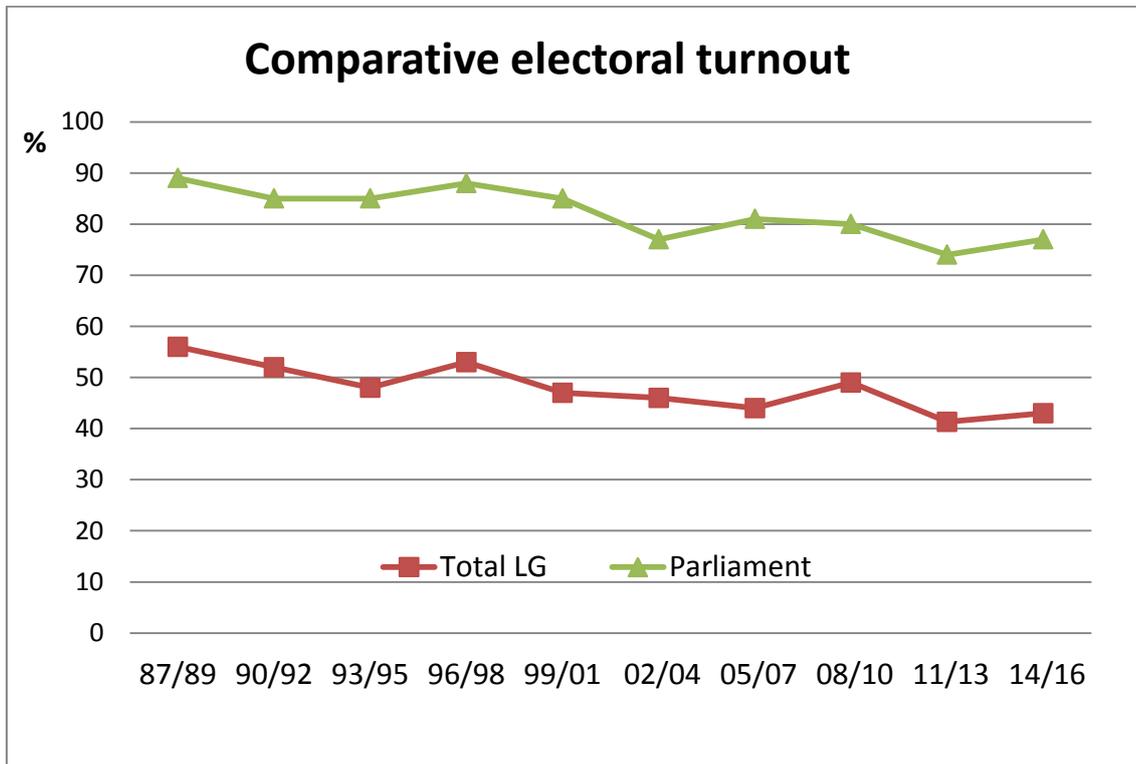
Trends and their causes

Electoral turnout in New Zealand, like many other developed nations, has been declining over recent decades. In New Zealand the decline has had a similar effect on both local and central government elections, despite recent local and general elections both showing a slight reversal of the trend, see figure 1. Interestingly the difference in turnout since 1987 has been between 33 per cent and 34 per cent.

While there is considerable debate about the causes of the decline there is yet to be an agreed explanation with most commentators putting down to changing community values. That is certainly the view taken by the Government of Denmark which has invested in a comprehensive citizenship education programme and successfully reversed the declining trend.

In local government case turnout can also be influenced by changing rules. For example, the introduction of universal postal voting in 1989 increased turnout by nearly 20 per cent while the decision to combine local authority and District health Board elections in 2001 resulted in an approximately 5 per cent drop in turnout.

Figure 1 Average and total turnout 1987 - 2016



Source: DIA StatsNZ

Figure 1 shows the general decline in voter turnout experienced in both local and general elections with the gap between the two spheres of government being remarkably consistent. As in the case with parliamentary elections the most recent local government elections also saw a small increase. This is largely explained by higher turnout in Wellington City and Auckland Council.

There are also a number of factors which influence turnout that are specific to local government which contribute to the fact that turnout is below that of parliamentary elections and why it has also been declining. These factors, such as the level of salience, electoral complexity and the move to larger councils, can be influenced positively or negatively by government policy. Ultimately, however, both spheres of government face the same issues – a general reduction of interest in the democratic process itself, particularly by younger people.

Recent research has shown that when asked to rate on a scale of 1 to 10 how “essential” it is for them “to live in a democracy,” 72 per cent of respondents born before World War II answered “10,” the highest value. So did 55 percent of the same cohort in the Netherlands. However, the millennial generation (those born since 1980) were indifferent with only 33 per cent of Dutch millennials and 30 per cent of millennials in the United States answering with a “10”.¹

¹ The Danger of Deconsolidation, Roberto Stefan Foa and Yascha Mounk Ronald F. Inglehart, Journal of Democracy, July 2016.

In relation to local government it is important to address the need for salience, that is, the importance of local government in peoples' lives, and the need for an electoral process and voting system that is not subject to frequent change. Attention therefore, needs to be given to the following:

- Reversing policy settings that diminish the salience of local government, such as policies that undermine decision-making autonomy and councillors' discretion. "Localism" has been endorsed by LGNZ as an approach that can achieve this.
- Ensuring, when re-organisation processes are under consideration, that final proposals strengthen rather than diminish representation. This means paying close attention to representation ratios, particularly of councillors but also ensuring sub-municipal bodies have meaningful roles; and
- Requiring that electoral and voting process should as much as possible be clear and diminish the risk of voter confusion. Over the last decade local voters have been faced with a number of changes to their electoral and voting systems – we suggest that such changes, such as the introduction of District Health Board (DHB) elections and STV, influenced the drop in turnout experienced between 1998 and 2004.²

The introduction of DHB elections in 2001, followed by the introduction of STV and the removal of DHB constituencies in 2004, increased the time required to review and choose candidates and thus vote; a major factor identified by survey respondents as to why they chose not to vote on local elections. Whether or not DHB elections should be run in tandem with the general elections is an issue the select committee may wish to consider.

Given that both spheres of government are experiencing turnout decline LGNZ believes that there is a shared interest in increasing the community's understanding about the way in which our democratic system and the way in which the political structure in New Zealand works.³ More information on local elections and voter turnout can be found in Appendix 1 as well as LGNZ's submission to the Justice and Electoral Committee's Inquiry into the 2013 local authority elections, available from <http://www.lgnz.co.nz/assets/Submissions/LGNZ-Submission-The-2013-Elections.pdf>

Outcomes

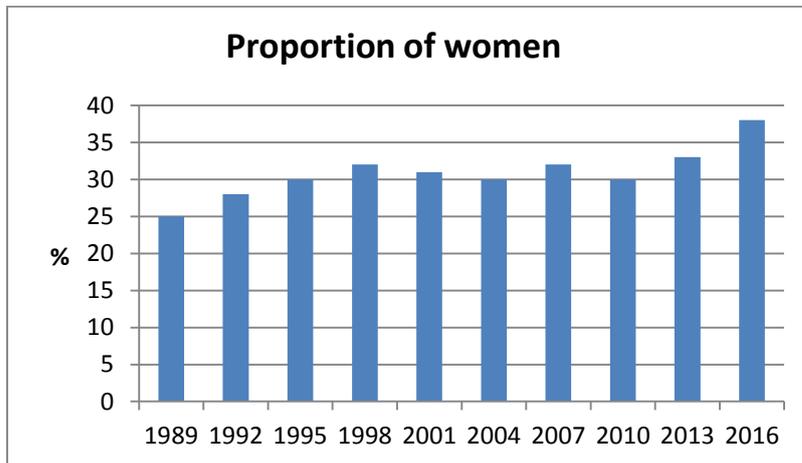
It is important to recognise that local authority elections result in an ongoing turnover, or churn, of elected members, which is important for a well functioning democracy which depends on the existence of fair contests. Approximately 35 per cent of elected members were elected for the first time and diversity is also beginning to increase.

The 2016 local authority elections saw the election of 23 new mayors, similar to previous years, the highest proportion of women elected to local government (38 per cent) and also the highest proportion of Māori elected to local government (approximately 10 per cent), see figures 2 and 9.

² LGNZ supports the decision to hold local government and DHB elections together. It does, however, mean that turnout expectations may need to be adjusted.

³

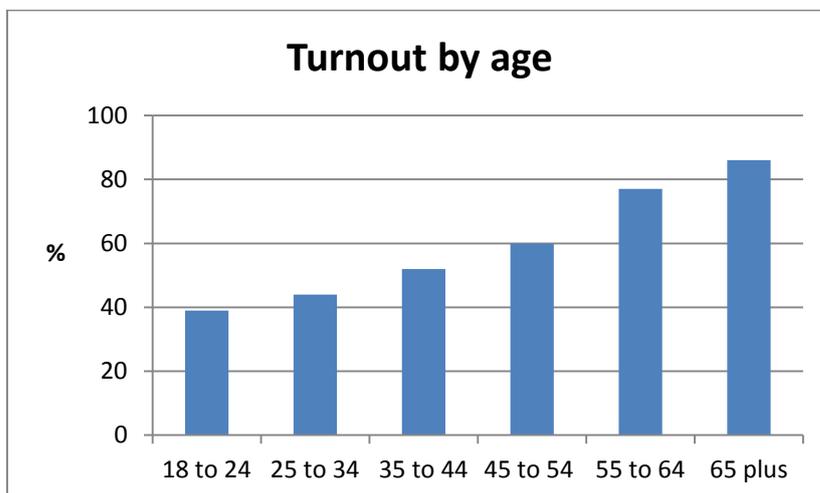
Figure 2 Proportion of women elected members



Source: DIA

Voter turnout tends to be strongly correlated with age with older voters more likely to vote than younger voters, see figure 3. It is a consistent trend that has shown up since LGNZ began surveying voters and non voters in following the 2001 elections.

Figure 3 Turnout by age cohort



Source: LGNZ/IGPS survey of voters and non voters 2016

Commentators have long held concerns about the low youth turnout in our general and local elections. Concerns based on research which suggests that if people do not get into the habit of voting at a young age they are unlikely to do so when they get older.

Consequently strategies to engage younger people in the democratic process are important for the long terms sustainability of our democracy and merit consideration by the select committee.

Increasing knowledge and awareness of civic responsibilities

It is LGNZ's view that turnout in local government elections should not be treated as solely a local government issue – it involves the general community's attitude to democracy and what some describe as our sense of civic responsibility. We believe that increasing community understanding about the importance and nature of our democracy is important if we are to reverse the decline in turnout experience over the past few decades.

At one level more needs to be done in our schools so that students better understand the nature of our system of government and therefore better prepared, as adults, to become active citizens. Civics education, from what we understand, tends to be incorporated within a number of subjects rather than a stand-alone curriculum item. LGNZ and its members have supported a number of initiatives that have contributed to increasing the community's understanding of our political system, for example:

- Developing resource kits for local schools to raise understanding about local government and what it does; and
- Promoting Kids Voting, a programme that assists year nine teachers to run a parallel council election in their class. (Auckland Council operated Kids Voting using online technology in 2013 and 2016).

We believe that the Electoral Commission and the Ministry of Education should play a critical role in the process of building citizenship and both should be resourced appropriately. A focus on young people is critical.

Strategies and tactics need to be developed that resonate with young people, in their schools, home life and work to inform and encourage them to take a greater role in the public life of their communities.

Promoting local authority elections

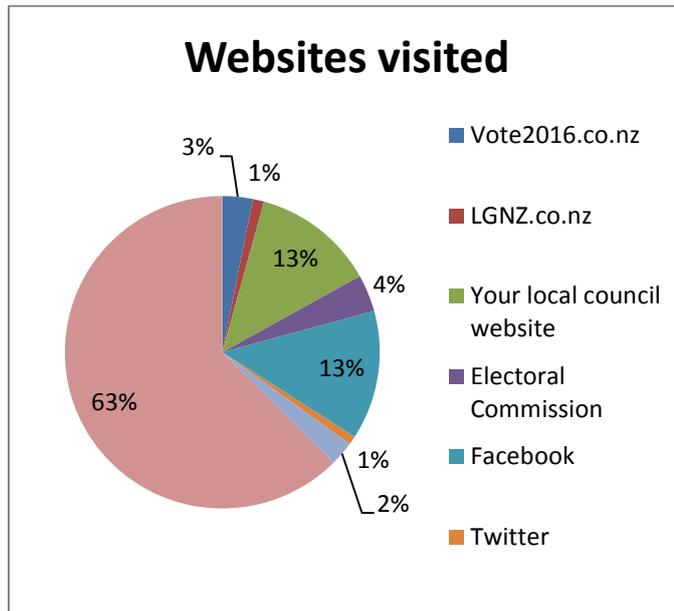
In previous submissions to Justice and Electoral Committee inquiries, LGNZ and other agencies have highlighted the need for more and better public information about local elections. Because local elections are operated on a decentralised basis and there is no agency with a statutory responsibility to promote "democracy" per se, it has been difficult to develop a communications and publicity campaign that is truly national. A coordinated approach with the Electoral Commission is required.

The need was highlighted by the experience of the 2016 local elections, for example:

- LGNZ ran a Vote 16 campaign that engaged communities on the key issues in their areas, encouraged them to stand and then encouraged people to vote. It is also committed to increasing citizens' knowledge of local government and its role generally;
- The Electoral Commission conducted a campaign to promote enrolment;
- SOLGM conducted a campaign to encourage rate payer electors to enrol based on the brand "Your Vote; Your Community";
- The Ministry of Health conducted a campaign to encourage people to stand for DHBs; and
- Some local authorities ran their own campaign, with Auckland Council developing a substantial programme to encourage candidates and turnout.

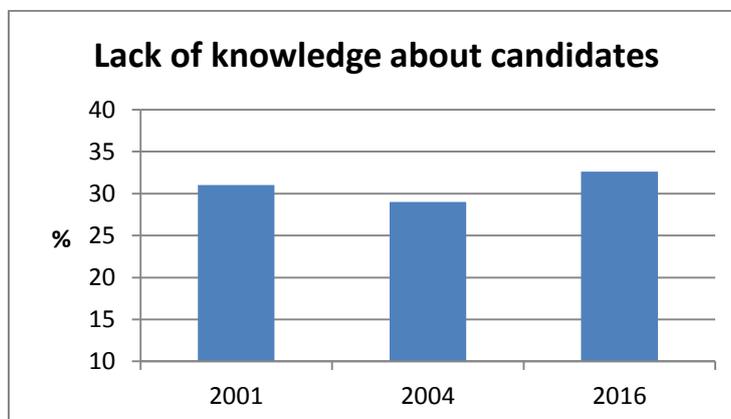
Despite these efforts LGNZ and Auckland Councils post election research found that citizens did not appear to know where to find comprehensive information n the elections. Figure 4 identifies the websites that respondents visited. It is concerning that 63 per cent did not visit a website at all, despite the fact that websites are where relevant information is generally held.

Figure 4 Choice of websites for electoral information



In addition, since 2001 surveys have consistently shown that one of the major reasons people say they didn't vote was because it was too hard to find out information on candidates. This was also the case in 2016, see figure 5.

Figure 5 Lack of knowledge about candidates given for not voting



Approximately 30 per cent of non-voters suggest they would have voted if they had been able to access information about the candidates in their areas. A number of councils attempted to address this issue by providing an online platform for candidates to place information about themselves and policies however, given the small proportion of people accessing websites it is not by itself the answer.

To make a stronger impact LGNZ supports taking a joined-up approach alongside the Electoral Commission to develop a communications and engagement campaign to build awareness of local elections, how to get information on candidates and how to vote.

Other Issues:

SOLGM has highlighted a broad range of technical and procedural changes that electoral officers have identified as helpful for the smooth running of future elections. LGNZ supports SOLGM's submission.

A recent issue brought to our attention concerns the cost to councils of running by-elections where an extraordinary vacancy is created through the resignation or retirement of a candidate within a month of the confirmation of results. While absolutely essential to ensure elected representatives have the confidence of citizens, where a vacancy occurs within a month of an election we believe it is reasonable to then confirm the second place getter as elected.

The precedent is already there as when a candidate stands for a council and the mayoralty, or for a community board and a council, and is elected to both he/she must vacate the lower of the two positions with the second placed candidate confirmed as elected.

Future proofing local authority elections – the online option

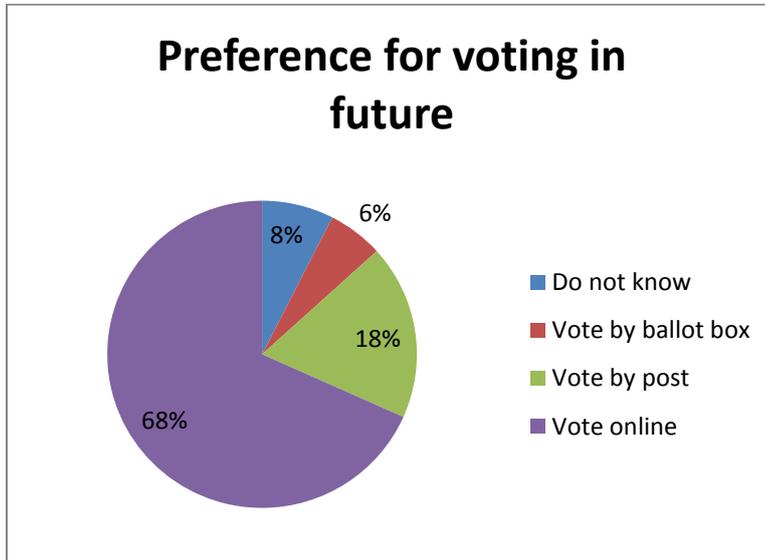
In September 2013 the Government agreed to the formation of a joint online voting working party to assess the case for introducing online voting for the local authority elections. The working party advised that a trial of online voting should be explored and as a result a group of councils sought to offer online voting as an option in the 2016 elections. The option did not proceed at the time due to the Government's concerns that there was insufficient time to ensure that the online voting process was secure and consult with communities.

It is important that the initiative of that group of councils is not lost as the ability to offer an online voting options some point in the future will be essential for the ongoing sustainability of local elections. There are two critical threats:

- The low turnout rate of young people; and
- The changing nature of the postal service.

While the evidence that online voting increases turnout remains contestable it is clear that large numbers of people, especially young people, conduct transactions of all types over their smart phones. For many voting could be one of those transactions. The post-election surveys undertaken by LGNZ and Auckland Council sought information on people's future voting preferences. These are summarised in figure 6.

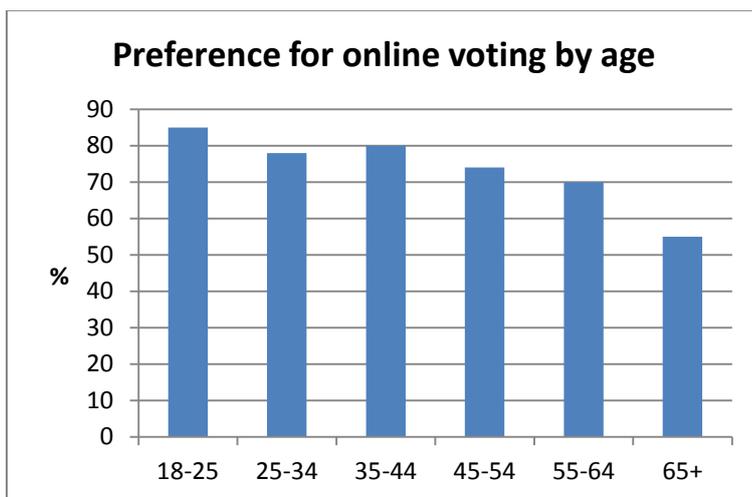
Figure 6 Future voting preferences



Source: LGNZ post election survey

It is clear from the survey that nearly 70 per cent of respondents would prefer to vote online if given the choice. The survey also provides the age of those who responded. It is important to note that support for an online option is greater than 50 per cent in all age cohorts, including those over 65 where 55 per cent of respondents were supportive, see figure 7.

Figure 7 Preference for online voting by age



Source: LGNZ post election survey

The second “threat” to the sustainability of online voting is the future direction of New Zealand Post with the decline in the number of posted items leading to a reduction in service and a reduction in the number of post boxes. Information from electoral officers indicates increasing problems with the distribution, collection and delivery of voting papers – this is only likely to get worse.

If we are to offer online voting as an option (along with post or booth voting) in 2022, then a trial must to be held in 2019 to test the technology, access and community acceptability. However, a trial in 2019 will require the support and participation of Auckland Council to ensure sufficient funding to meet security requirements.

Auckland Council has indicated a desire to offer online voting to residents who are overseas during the voting period and people with disabilities, however, for this to occur a change will be required to section 139 of the Local Electoral Act 2001 (LEA) to allow online voting for geographic or demographic subsets of electors (including parts of a district).

Conclusion

In LGNZ’s view turnout at the local government level is not in a state of crisis, although we do agree that strategies need to be developed to reverse the decline, this, however, is both a local and national issue. The level of voter turnout provides political leaders with a mandate to represent the community’s interests and potentially strengthens their leadership role, thus the higher the turnout the stronger the mandate. Turnout is related to legitimacy and the creation of what academics describe as an ‘authorising’ environment, that is creating the authority that allows officials to do their work.

LGNZ is fully committed to building a strong and sustainable system of local government. If this is to happen, participation by local voters is vital to ensure the system has a substantial and recognised mandate. We look forward to working with the committee to resolve these questions and identifying strategies which will start to increase turnout. A joint approach must be taken to improving the community’s knowledge and understanding about our political system.

Recommendations

1. That the Electoral Commission be given the mandate to work with local government to develop a coordinated communications and engagement campaign to increase the community’s awareness of local elections, including information on candidates and voting systems.
2. That, in order to allow a trial of online voting to occur in 2019, the Justice and Electoral Committee agree to recommend a change to section 139 of the Local Electoral Act 2001 (LEA) to allow online voting to be offered to geographic or demographic subsets of electors.
3. That a central and local government task force is established to review the state of citizenship education and identify options for its further development in schools and the community.
4. That the Committee consider whether or not District Health Board elections should continue to be run with the local authority elections or parliamentary elections.
5. That the Government develop guidelines to assist officials assess the likely impact on voter turnout of any future proposals to amend local government’s regulatory and legislative framework.
6. That where an extraordinary vacancy occurs within one month of the confirmation of election results the second placed candidate can be declared elected.

Part Two – The petition of Andrew Judd

The decision made in 2002 to amend the Local Electoral Act 2001 to enable councils and communities through a poll to establish Māori wards and constituencies has failed to result in either a material increase in the number of Māori wards or constructive dialogue at the local or regional level about Māori representation. Since the passage of the amendment in December 2002 no Māori wards and only two Māori constituencies have been established.

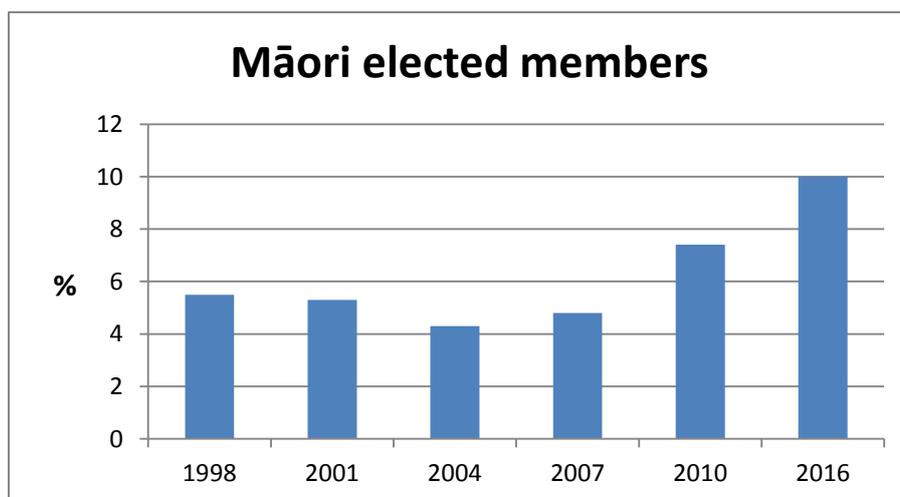
Background

The background to Mr Judd’s petition is the widespread concern that Māori are under-represented in local government, particularly at the governance level. The representation of Māori is important for a number of reasons, including the need to ensure councils are representative of their communities; the status of Māori as the indigenous people of this land, and because of the status of the Treaty of Waitangi and the degree to which it applies to local government and its activities.

The question is sometimes asked whether councils should have Māori seats on the same basis as Māori seats in Parliament. The rationale, however, would not be the same as parliament is a core part of the Crown, whereas local government is not part of the Crown at all, even though it provides some services on the Crown’s behalf, as do many organisations and Iwi. (The Crown’s Treaty obligations will apply to some of those services, particularly in relation to resource management.) Importantly, the manner in which Māori are represented in their local governments and exercise voice, including Māori wards or constituencies, must reflect the views and preferences of local Iwi and hapu.

Historically Māori have been significantly under-represented at the governance level in local authorities. As figure eight highlights, this is starting to change.

Figure 8 Proportion of Māori elected members⁴



Source: LGNZ surveys of elected members 1998 - 2016

⁴ Following the establishment of Auckland Council in 2010 survey results now include local and community board members.

It should be noted that, in addition to their status as an elected member, there are a broad range of mechanisms through which Iwi/Māori are able to have influence and take part in the decision-making processes of their local authorities. These can complement representation at the governance, although it is important to note that the responsibilities, objectives and accountabilities of appointed members will be different to those of an elected member. Engagement and participation models include:

- Iwi/Māori representatives appointed to council committees;
- Partnership agreements with iwi; and
- Co-governance arrangements.

LGNZ has recently published a stock take on the range of voluntary and statutory mechanisms currently in use. This can be downloaded from: <http://www.lgnz.co.nz/about-lgnz/governance/Māori-committee/council-Māori-engagement?stage=Stage>

The existing process for establishing Māori wards/constituencies

Parliament has set out the statutory process for establishing Maori wards/constituencies in the Local Electoral Act 2001, however, the process itself has frequently become politicised and resulted in polarised views, rather than shared learning and consensus. The process as it stands requires the following:

- A council, should it wish to establish a Māori ward/constituency, must make a resolution to that effect prior to November 23, two years before an election (and a full year before the process of establishing general wards must be concluded).
- Should a council resolve to establish a Māori ward or constituency it must “give public notice” seven days after adopting the resolution informing the public of their right to demand a poll, by petition, to countermand the resolution.
- Any elector whose name appears on the district or regional electoral roll, or rate payer roll, may sign the petition and/or vote in any subsequent poll.
- A territorial authority or regional council may at any time resolve to hold a poll on the question of whether or not a Māori ward/constituency should be established within its jurisdiction.
- The effect of a poll to either establish, or revoke a council decision to establish, Māori wards/constituencies applies for six years or two electoral terms.

To date only one council, Waikato Regional Council, has successfully used the process to establish Māori constituencies. The two constituencies were took effect with the 2013 local authority elections and were continued in the 2016 elections. The constituencies will be subject to the representation review process from now on.

Many councils have held polls, often in association with local elections, to test whether or not there is an appetite for the establishment of Māori wards. In all cases the polls failed. There is one instance, New Plymouth District Council, where a council resolution has been over turned by a district wide poll.

It should be noted that a number of councils have sought the views of hapu and Iwi about whether or not Māori wards should be established in their district only to be strongly advised that any such wards would not have the support of mana whenua. The appetite amongst Māori communities for Māori wards in particular can be strongly influenced by the strength of the relationship between iwi/hapu and the council.

The petition

The petition from Andrew Judd, the former Mayor of New Plymouth District Council, seeks to remove the poll requirements that apply uniquely to the establishment of Māori wards and require any decisions about the establishment of such wards. From LGNZ's perspective the submission should be read as also applying to regional councils and the establishment of Māori constituencies. Not doing so would unnecessarily further complicate the legislation and confuse the public. Mr Judd's petition states:

“That the House of Representatives consider a law change to make the establishment of Māori wards on district councils follow the same legal framework as establishing other wards on district councils.”

LGNZ agrees with Mr Judd's request, noting the addition of regional council constituencies. Treating Māori wards differently is discriminatory and has been very divisive in some of our communities. There are, however, some consequential issues that will need to be addressed. Some of these are timing and technical issues, for example, the relationship between the number of Māori wards/constituencies and the overall number of elected members and the approach to be taken where councils' electoral arrangements are 'at large'. Such matter can be worked out in practice and through the development of new guidance. More complex is the process for appeal.

Representation reviews involve a local authority preparing and publishing for consultation a draft representation proposal for its district or region. The proposal will include, for example, the number of elected members, whether or not there will be wards/constituencies and, if the petition succeeds, whether these will include Māori wards/constituencies, and their boundaries. Citizens have the right to appeal or object to a council's proposal and any such appeals or objections are heard by the Local Government Commission (LGC), which is responsible for ensuring the fairness and effectiveness of a council's representation arrangements.

In LGNZ's view the LGC should also be given authority to consider appeals and objections related to Māori wards/constituencies, whether the appeal concerns a proposal to establish such wards and constituencies or the lack of any such proposal. This will require the LGC to develop the capacity, including members with the necessary cultural knowledge and expertise.

Recommendations

1. That the petition of Mr Andrew Judd, to remove the poll provisions applying to Maori wards (and constituencies) is supported by the Select Committee.
2. That in the event that of the select committee recommending Mr Judd's petition to parliament provision be made to enable and resource the Local Government Commission to consider appeals associated with Maori wards and constituencies.

Appendix 1: Factors influencing turnout

The Department of Internal Affairs' triennial reports analysing local authority elections provide excellent information on the different factors that are generally recognised as influencing local electoral turnout. In their Report "Local Authority Election Statistics 2010" the Department identified a range of relevant factors which are discussed below in Table 2.

Institutional arrangements	
Nature and scale of local elections	Complexity can reduce people's willingness to vote. As Figure 2 shows, a drop of 7 per cent in average turnout in 2004 coincided with changes to DHB elections (removal of constituencies), the introduction of STV and the three week voting period.
Frequency of elections	If elections are held too frequently voters may get 'voter fatigue'. Whether this applies to a three years term or not is arguable.
Compulsory voting	Turnout is clearly higher when voting is compulsory although the number of informal votes is considerably higher and anecdotal evidence suggests that more voters engage in "donkey" voting – that is they simply vote for the candidates listed first on the voting paper.
Electoral system	People need confidence that they understand how voting systems work and a certainty that the confidentiality of their votes is guaranteed. Turnout is likely to be less where confidence is lacking. Turnout data suggests that local citizens have equal confidence in both STV and FPP electoral systems.
Voting method	Voting method can have a direct effect on turnout. Postal voting is generally understood to increase voting, at least in beginning, by 20 per cent. ⁵
Characteristics of the electorate	
Demographics	Voting has a direct correlation with age. Younger citizens vote less than older citizens.
Diversity	Turnout is often less in communities which have a high level of diversity or have large immigrant communities, often due to the previous experience of new citizens and a lack of knowledge about the way in which NZ democracy works.
Population and size	Citizens of councils with small populations vote at a higher rate than those living in councils with large populations. For example, turnout in councils with populations under 20,000 averaged 49 per cent (55 per cent in the South Island) in 2013 compared with turnout for councils with populations of over 100,000, which averaged 39 per cent.

⁵ When Hutt City reverted to ballot box voting for the 1992 elections turnout dropped from 46% to 26%.

Elector behaviour	
The salience of the election	Saliency involves the importance people place on local government and its activities. It is directly influenced by the extent of local government's powers and the level of taxation raised locally. Turnout is higher where saliency is greater (which largely explains why local government turnout is higher in many European countries where local government plays a bigger role in social service provision.)
Knowledge about elections and candidates	According to LGNZ and Local Government Commission surveys a lack of knowledge about candidates is one of the major reasons why people say they don't vote (approximately 30% of non voters cite this as a reason).
Influence of electors on outcomes	People will tend to vote more if they believe their vote is likely to count. On the other hand, as the Switzerland example illustrates, they may vote less if there are more direct ways of directing their governments.
Barriers to voting	Complexity can be a barrier to voting. Since 2004 most local voters have been faced with two voting systems and often have to rank a large number of candidates.
Local issues/role of media	
Local government re-organisation	Turnout is frequently higher in the election immediately following a re-organisation, after which it returns to the long run trend.
Performance	Voters generally turn out in larger numbers when faced with an issue of poor performance by their council.