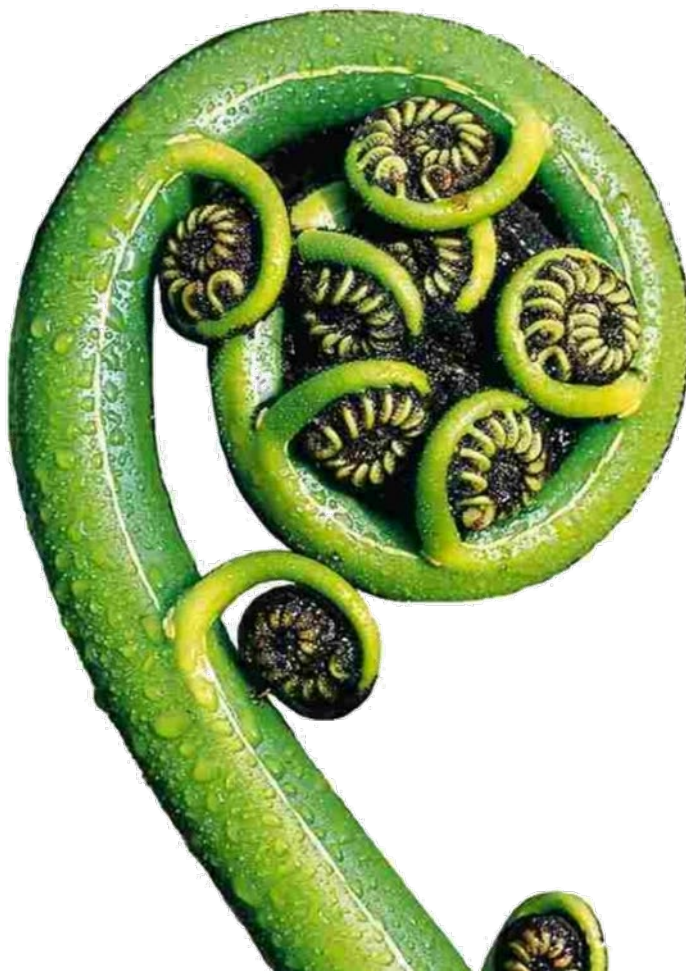


The Good Governance Guide for Community Boards



Community Boards Executive Committee (CBEC)
Local Government New Zealand

October 2019

Preface

Welcome to the Good Governance Guide for Community Boards (the Guide). When community boards were established in 1989 not everyone was confident that they would be a lasting element of our local government system. After more than twenty five years I believe we can say that we have proved the doubters wrong and that community boards are now a valuable and permanent part of the local governance landscape.

The strength of community boards is their connection to neighbourhoods and their ability to bring decision-making down to a level where citizens can have real influence. This is difficult for many local authorities as they may be too large or simply have too few elected members to provide the effective representation to achieve meaningful connection with their citizens. It is an issue that has been highlighted at the national level with recent electoral trends, such as a Brexit vote which is often explained as representing disenchantment with established political structures.

Through their ability to reconnect communities with governments, community boards make a positive contribution to the underpinning fabric of communities through the opportunities they provide for participation in decision-making about local and neighbourhood matters. Boards are a mechanism through which individuals can practice and learn the skills necessary to be effective and active citizens.

This Guide has been commissioned by the Community Boards' Executive Committee to assist boards and their members understand what it takes to make a great community board and how to make a difference in your community.

On behalf of the Executive we hope that this Guide will help your board achieve its goals, objectives and make a real difference to the quality of life in your community.

Mick Lester

Chair of the Community Board Executive Committee 2010 - 2019

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The Community Boards' Executive Committee (CBEC)

In 1997, eight years after the introduction of community boards, the first national Community Boards Conference was held in Christchurch. The conference resolved to establish a working party to further a number of resolutions which included the resolution “that conference supports the establishment of a National Association of Community Boards”. The working party met with the then President of Local Government New Zealand (LGNZ), Kerry Marshall, to look at options, including how any association would relate to LGNZ. LGNZ agreed to provide administrative support to the working party.

Establishment

Following the second Community Boards Conference, which was held in 1999 and hosted by Taupo District Council, the working party was formalised into the New Zealand Community Board Conference Liaison Team and tasked with organising future conferences and promoting the national interests of community boards. On 4 August 2001, the Liaison Team formally resolved that it be re-named as the New Zealand Community Boards' Executive Committee (CBEC). In the same year a draft Memorandum of Understanding (MoU) was agreed with LGNZ which included the decision to give a member of LGNZ's National Council a community board portfolio as well as provide a level of analyst and administrative support within set budgetary constraints.

Role

Today CBEC is an advisory committee of LGNZ's National Council. In addition to advising the National Council on matters involving community boards CBEC's role is to:

- Conserve, protect, promote and advance the role and interests of community boards in local government;
- Advocate, when necessary, for community boards with their territorial authority and central government;
- Encourage the establishment of community boards to ensure grassroots participatory democracy and community involvement;
- Build the capacity and enhance the effectiveness of community boards and their members by identifying and promoting issues of national significance and sharing experiences; and
- Promote and facilitate good working relationships between territorial authorities and community boards for the benefit of their communities.

Membership

The members of CBEC are elected immediately after the triennial local body elections on the basis of the six LGNZ Zones, with one member elected by the boards within each zone. Any community board member (elected or appointed) may stand for the executive. The chair is elected by members of the committee at their first meeting after the elections. The term of office is three years and the committee normally meets four times a year at the LGNZ office. The President of LGNZ and the National Council community board portfolio holder are ex officio members.

Activities

Since its establishment CBEC's activities have fallen into six broad categories.

- **Advocacy:** The advocacy role has involved regular meetings with Ministers of Local Government, senior staff at the Department of Internal Affairs (DIA) and correspondence on topical issues, such as community board remuneration and promoting the establishment of new community boards.
- **Conference:** CBEC has organised a biennial conference for community board members and others from the sector since the inaugural conference in 1997. The 2017 Community Boards conference is scheduled to take place from 12-13 May 2017 in Methven, hosted by the Methven Community Board and Ashburton District Council. Conferences have a strong training focus and promote good practice through the Community Board Best Practice Awards.
- **Awards:** Since 2003, CBEC has sponsored the Community Board Best Practice Awards to celebrate excellence in the implementation of projects in local government. The awards aim to:
 - Recognise significant contributions made by community boards to the process of achieving excellence in local government;
 - Build a toolbox as a base for improving the effectiveness and function of community boards; and
 - Foster the exchange of best practice and innovative ideas.

Information on the awards can be found on the LGNZ website (www.lgnz.co.nz). Awards have been designed to 'expose' community boards to examples of good practice.

- **Training:** CBEC has assisted with the design and delivery of training programmes for community board members as well as encouraging board members to attend. Regular zone meetings are held to update community board members and provide training. Workshops are also held for community board chairs.
- **Communication:** CBEC seeks to ensure that all community boards have sufficient information about their roles and current issues to enable them to fulfil their objectives and meet community needs. Electronic newsletters are published and are distributed to members quarterly.
- **Building good relationships:** CBEC is available to mediate between boards and their councils should relationships break down or advice is sought to review the role and function of boards.

Community boards - what are they?

Community boards are "unincorporated" bodies which are neither a local authority nor a committee of a local authority (see s.51 of the Local Government Act (LGA 2002)). Their functions, duties and powers are set by statute as well as delegated by the local authority of which they are a part. Boards must also operate within a statutory environment that set rules and processes which govern the way in which they work. As of late 2016 there are approximately 110 community boards operating in both urban and rural areas within local authorities throughout New Zealand. Within a city or district community board coverage may be full or partial. In some cities and districts only communities with special characteristics, such as physical isolation, have community boards while in others community boards represent all residents and property owners.

At the time of writing at least ten councils have full coverage of community boards, they are:

- Christchurch City Council;
- Far North District Council;
- Kāpiti Coast District Council;
- Mackenzie District Council;
- South Taranaki District Council;
- Whakatane District Council;
- South Wairarapa District Council;
- Thames-Coromandel District Council; and
- Southland District Council.

Community boards represent the interests of particular communities and can be established in any part of a district where no other 'community' (as defined in the LGA 2002) already exists. The LGA 2002 defines community as an area constituted in any part of the district in accordance with the Act. These communities are geographically based with defined boundaries which coincide with statistical mesh block areas.

A little history

Community boards were established by the Local Government Commission (LGC) during the reorganisation of local government which was completed in 1989. The LGC explained its reasons for establishing community boards on the basis that some councils were likely to be so large that former communities of interest might lose representation. Some commentators, however, saw it as a way of buying the co-operation of small councils that were about to be consolidated.

The reorganisation process created 159 community boards. Community boards were not the first 'sub-municipal' body. Prior to the reforms of 1989 there were 136 community councils in New Zealand.

The legislation set a minimum level of functions for a community board which emphasised advocacy and representation; some councils regarded them as a useful mechanism for devolving functions so that they would be undertaken in close proximity to communities. Christchurch City Council made use of this opportunity to a greater degree than most other local authorities. However, some councils saw the boards as an unnecessary level of democracy and cost and sought to remove them. By 1997 the President of LGNZ, Kerry Marshall, was able to say in his speech to the first Community Board Conference, held in Christchurch that:

"It is clear that community boards do make a difference. They keep the local in local. They help councils deal with diversity in their communities. They provide both sources and lines of communication. And they provide for citizen involvement in the making of local policy."

Until 2002 community boards were able to vote to disband themselves, and at least one council appointed a sufficient number of councillors to their boards (a majority of appointed members) that it was no surprise when the boards decided to vote themselves out of existence.

With the passage of the LGA 2002 (and amendments to the Local Electoral Act (LEA) 2001) this method for disbanding boards was removed and council decisions to abolish community boards (through representation reviews) could be appealed to the LGC. Few boards have been disbanded since that time, although some consolidation has occurred and new boards have also been established by the LGC.

Context

Community boards are an example of what the academic literature describes as “sub-municipal bodies”, bodies designed to bring government close to citizens. The British philosopher John Stuart Mill noted in his famous work “Consideration on Representative Government” that:

“The very object of having local representation is in order that those who have an interest in common, which they do not share with the general body of their countrymen, may manage that joint interest by themselves.”

As local government units become larger sub-municipal bodies, community boards become more important to ensure representation for the diverse communities within large cities and districts. Bringing government closer to the people not only ensure better representation but also promotes a stronger civic culture.

The journalist and writer, Walter Lippmann, argued that growing centralisation has generated problems that can only be relieved through a return to older forms of social organisation. He called these forms of social organisation ‘communitarian institutions’ and saw them as essential in order for communities to have a future, particularly with our rapidly growing older populations (now growing much faster than in Lippmann’s day). In his view local mediating institutions were needed to strengthen the fabric of our communities, institutions that would facilitate and build on people’s willingness to volunteer and help their neighbours.

If this is to occur we need to build trust within our communities by creating avenues for people to interact and take part in civic life – in other words by bringing government closer to the people. Community boards are one of those ways.

In the New Zealand context community boards not only provide a mechanism that brings public decision-making closer to citizens and communities, they also allow decision-making on local services to be devolved so as to better ensure they meet the principles of allocative efficiency and respond to local needs and preferences. Sub-municipal governance is common in many counties and there is a growing interest in the model often described as “community governance”. England has an extensive network of sub-municipal entities which is growing as a result of official encouragement from recent governments. These are the 9000 or more local or parish councils. Their functions fall into three broad categories:

- Representing the local community (to the principal authority among others);
- Delivering services to meet local needs; and
- Working to improve quality of life in the parish or neighbourhood.

The services they are able to provide are defined by their local impact and include allotments, bus shelters, car parks, community centres, community safety schemes, community transport schemes, crime reduction measures, cycle paths, festivals and celebrations, leisure facilities, litter bins, local illuminations, local youth projects, parks and open spaces, planning, public lavatories, street cleaning, street lighting, tourism activities and traffic calming (see McKinlay, 2013).

Community boards and local councils, and parish councils in England are just two examples of major trend occurring throughout the world to bring decision-making about public services closer to the communities and citizens who use or benefit from those services.

Opportunities to participate

Much of the Athenian political system was about that process of learning to be a citizen. Below the level of the city institutions themselves, there was a whole series of local government committees and talking shops, where the Athenians practised the art of politics. The use of random selection for political office had an important role to play too (Mary Beard, The Times Literary Supplement, 29 June 2016).

Community board governance

This section of the Guide describes the rules and regulations that apply to the constitution of community boards and their operation.

Membership of community boards

Community boards must consist of no fewer than four and no more than 12 members. At least four members must be elected members and boards may include appointed members as long as the number is less than half the total number of members. Councils will determine whether there will be appointed members and, if so, the number as part of their representation reviews. A local authority may only appoint people who are members of the local authority to a community board and, if there are wards, members who represent the ward in which the community is located.

Candidates may stand for both a community board and a council, but if elected to both are deemed to have vacated the community board position and to have been elected to the council only. Council staff can stand for and be elected to a community board. They may also stand for election to a local authority, but if elected must resign from their position with that authority if they intend to take up the position.

Where a board is established by the LGC, either as a result of a petition or representation review then the LGC will determine the initial membership of the board (up to two terms).

Getting started

The performance of community boards (and councils) is often determined by the decisions that are made in the first few weeks after an election. In relation to community boards, members must decide:

- Whether to adopt/amend standing orders;
- Decide whether or not to adopt a code of conduct and if so, its content;
- Determine, with all members, the manner in which the board will operate over its three year term including style, level of inclusiveness and frequency of meetings;
- Determine whether there will be a committee structure and if so, what committees and their relative terms of reference;
- Decide whether members will have portfolios and if so, on what topics;
- Consider whether the “additional duties” allowance provided for by the Remuneration Authority should be used;
- Hold discussions with the council on an agreement or memorandum detailing:
 - How the relationship will work;
 - The level of resourcing the community board can expect from its parent authority (including funding);
 - The board’s role in the council’s strategic priorities; and
 - The board’s role in the planning for the next Long Term Plan (LTP).

The existence of community and town councils enhances the local government system as a whole and provide a number of benefits to the communities that they serve. These include local responsiveness, the dedicated representation of local interests, the ability to mobilise community activity, and the capacity to provide additionally to the services and facilities operated by county and county borough councils.

Compared with other forms of grassroots organisation, including community associations and residents’ groups, community and town councils have a number of advantages that follow from their statutory foundation. These include accountability to local people through elections, stability and continuity, tax-raising powers and the capacity to act as a catalyst for promoting participation in public service (*Report to the Welsh Assembly*).

Community Boards should look to schedule a full induction shortly after members are sworn in. The induction is not only designed to explain to board members the logistics associated with the council, it must also engage members in a discussion about their priorities for their community, the way in which they want to work as a team and many of the matters identified above.

Appointed members and their role

Community boards frequently consist of a combination of directly elected members and appointed members. While both are members of community boards the different processes by which they become members creates different incentives, affecting the types of role each can play. Some of the issues are:

- Should appointed members be community board chairs?
- Do appointed members represent the interests of the governing body or the community board areas?
- Should appointed members act as advocates or champions for their community board when local issues are discussed at the governing body?
- If council elections are held on an 'at large' basis what is the process for deciding which councillors will be appointed to the council's community boards?
- Are appointments made for the whole term or can councillors share (that is, can representatives rotate)?
- How appointed members will manage potential conflicts of interest, such as historically occurred when councils determined 50 per cent of community board members' remuneration?

All members of a community board (including appointed members) are eligible to vote in community board meetings including the vote to choose the chair and deputy chair (see Appendix five for information on the voting process).

The role of appointed members

As noted above, appointed members are full members of whatever community board they are appointed to. They are also eligible to be elected as the chair of their community board; however being chair can put an appointed member in a difficult position. Problems can include:

- Having to wear two hats - inhibiting the board's ability to take a 'community' perspective, as opposed to a district view; and
- Confusing public and media perceptions about the nature and role of the community board.

Where an appointed member is also a chair potential conflicts of interest can arise. This can occur where they are both representing their board's position at a council meeting while also having to act in the interests of the city or district as a whole. For example, when a community board is preparing a submission to its council and when the council comes to considering the submission appointed members will need to choose whether they are wearing their "community board hat" or their "councillor hat".

The only way an appointed member can avoid this conflict is to stand aside from the discussion at their community board – which can be difficult if they are the chair. Even then, however, they may be poorly positioned to properly represent the board's point of view when acting as a member of governing body.

To address this situation some councils/community boards have adopted policies which require appointed members to community boards to stand back and not take part in any decisions (and at times discussions) that will be considered by the council, thus removing any risk that appointed members, when operating as councillors, might be seen as having a conflict of interest. In some councils appointed members act as their community board's advocate while in other councils this role is undertaken by community board chairs who have been given permission to join the council table and speak on relevant issues.

Where there are multiple councillors in a community who is appointed?

Where there are more councillors than available positions on a community board for appointed members, it is up to the council itself to determine which of its members will be appointed. An appointment might be for the full term of three years or shared amongst a number of councillors, such as three councillors having a year each as the appointed member.

Community boards have no statutory role in determining who appointed members will be but it is not unusual for boards to take a view and it is reasonable for the chair of the board, or any board members, to communicate their preferences to the mayor or councillors.

Standing orders

Standing orders are important for bodies that make decisions and allocate public resources. They help ensure the orderly conduct of community board business and transparency through open voting and public access to meetings. It is important for chairpersons to be familiar with standing orders, even if they may seldom be used, however, advisory staff appointed by the councils will be able to advise you on any technical standing order issues.

Standing orders provide a mechanism for resolving difficult debates and addressing conflicts in an orderly way. In practice many meetings are run with little or no reference to standing orders other than the fact that meetings are open to the public, minutes are recorded and if necessary a vote is taken. Often meetings will operate on a consensus with members voluntarily acting in a way to facilitate the outcomes of the meeting in a fair and non-disruptive manner. However, if difficult issues arise or some members tend to dominate debate chairpersons should apply their standing orders to ensure all members get a fair hearing and that decisions are made based on the evidence so that the public can have confidence in the quality of decision-making.

While governing bodies operate under formal standing orders which define how often a member may speak to a matter and tightly prescribe the input of the public, community boards, should operate in a more open and inclusive manner, reflecting their role to provide opportunities for public engagement. Because their role is to act as an intermediary between the councils and their communities, community boards should avoid replicating the formality that characterises the way in which their councils governing bodies operate.

LGNZ has prepared a range of standing order templates that are available for local authorities to use and adapt for their own purposes with a specific community board standing orders' template that has been endorsed by CBEC.

First meeting

Your chief executive, or an officer acting on this or her behalf will prepare the agenda for the first (inaugural) meeting of the community boards. The business you will be required to consider at your first meeting is set out in statute and described in your standing orders:

Inaugural meeting

The first meeting of a community board following a local authority triennial general election must be called by the chief executive following the declaration of the final results. The chief executive must give members no less than seven days' notice of the meeting. However, in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

cl. 21(1) to (3), Schedule 7, LGA 2002

Requirements for the first meeting

The chief executive (or, in the absence of the chief executive, their nominee) must chair the meeting until the chairperson has made an oral declaration and attested the declaration (as set out in cl. 21(4), Schedule 7, LGA 2002).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of members under cl.14, Schedule 7, LGA 2002; and
- (b) The election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under cl.14, Schedule 7, LGA 2002; and
- (c) A general explanation, given or arranged by the chief executive, of:
 - i. The Local Government Official Information and Meetings Act 1987 (LGOIMA) ; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members' Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) the election of the deputy chairperson in accordance with cl.17, Schedule 7 LGA 2002 (cl. 21(5), Schedule 7, LGA 2002).

In addition, a community board will normally adopt its standing orders at the first meeting, although this is not a requirement (unless amendments are made at the meeting) as standing orders remain in force after each triennial election (excerpt from the LGNZ community board standing orders template 2016).

The three tasks that must be achieved at your first meeting is the election of the chairperson and deputy chairperson and adoption of standing orders (should you choose or should amendments be required).

As noted below, LGNZ recommends that community boards also adopt a code of conduct, however this is not usually approved at the inaugural meetings as it is important that members of the board 'own' the Code – ideally a draft code should be on the agenda of a community board induction workshop so that members of all boards within the district can debate and contribute to its content.

Electing a community board chair

One item of business to be carried out at the first meeting of the community board is the election of the chairperson. The first decision involves the voting system to be used for the chair's election. There are two options which are described in Appendix Five. Once a decision on the voting system is made the chief executive, or their nominee, will call for nominations for the chairpersons' role. Once a decision is made the chief executive will step down and the new chairperson chair the remainder of the meeting.

While not a legislative requirement good practice requires that the chairperson is an elected member of the board rather than an appointed member because it diminishes the risk of conflict of interest and also builds capability of the elected board members. In many cases members will not know each other well enough to decide who is best placed to take on the role of chair. Some boards have the practice of electing an appointed member the chairperson for a defined three month period during which the elected members have time to get to know each other, their interests and aspirations and relative strengths. After the three month period another election is held to enable the election of an elected board member.

Changing a community board chairperson

Community board chairs can be replaced should a majority of members (appointed and elected) so decide. The rules that apply to the election and removal of community board chairs are the same as apply to the election and removal of chairs of regional councils and involved a prescribed process.

The process for removing a chairperson, and thus triggering another election, is set out in Cl. 18, Schedule 7, LGA 2002. The decision to remove a chairperson must be signalled, by resolution or a requisition signed by a majority of members, not less than 21 days before the meeting scheduled for that purpose. The resolution or requisition must also indicate whether or not there is an intention to elect a new chair at that meeting.

Code of conduct

All members of a local authority must abide by that local authority's code of conduct. As members of community boards are not 'technically' members of the local authority, community boards are not required to either adopt their own code of conduct or comply with their council's code. (More recent LGA 2002 changes make it clear that local boards must comply with their council's code of conduct).

The requirement that councils adopt a code of conduct was introduced with the LGA 2002 to provide a mechanism for setting standards of behaviour amongst members of the governing body. The Code of Conduct sets out the expectations adopted by members themselves about how they will act (as members) towards one another and the public as well as including a range of provisions concerning disclosure of information and obligations under statutes, such as the Local Government Official Information Act 1987. This is set out in cl. 15, Schedule 7, (LGA 2002).

The role of a community board differs from that of a governing body of a local authority to the extent that community boards cannot employ staff and thus, for example, are not directly responsible for meeting the good employer obligations. However, the behaviours of community board members may have a direct impact on such obligations - ensuring members behave ethically and in accordance with the expectations which also apply to councillors is consequently important. It will also help ensure the effective operation of community boards themselves.

Community boards often adopt the same code of conduct as adopted by their parent local authority.

Not to do so creates a risk that different standards of behaviour will apply to members of community boards than apply to members of their governing bodies, such as when dealing with council staff.

Should a board decide not to adopt their governing body's code of conduct, there is nothing to stop it developing designing and adopting its own version of the code. A template local authority Code of Conduct is available from LGNZ at:

<https://www.lgnz.co.nz/our-work/our-policy-priorities/governance/>

Being an effective community board member

Through being successfully elected, community board members have been given the trust of local citizens to make decisions on their behalf and exercise community leadership. Your constituents will treat you with respect and will expect you, in return, to represent their opinions faithfully and with integrity. They will also expect you to actively work for the benefit and enhancement of the community as a whole.

It is a significant honour that very few New Zealanders will ever get to experience. But with the honour comes responsibility, as your actions and decisions can have major short and long term consequences for those same communities.

Declaration

Before community board members can act in their role as elected members they must be 'sworn in'. The declaration, set out in the LGA 2002, reads:

"I, [full name of elected member], declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of [name of community], the powers, authorities, and duties vested in or imposed upon me as a member of the [name of community board] by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act".

The purpose of the oath is to ensure members act on behalf of the community the board represents rather than a part of that community, such as the division which may have elected them.

It is also good practice for appointed members, who would already have sworn an oath to act in the interest of the district, to make a second declaration to the effect that (while making decisions as a member of the community board) they will act in the interest of the community as well.

In stressing the "best interests" of the community, the declaration may be interpreted as a duty on members to leave their community better than when they were elected.

Your role as a member of a community board

The role of a community board member is varied. Like the role of a councillor it contains a mix of duties which can be summarised as both representation, that is giving voice to the issues and concerns of your communities; and governance, that is being concerned with the well-being of that community. However, when compared to the role of councillors, community board members spend a much greater proportion of time on representation matters and proportionally less on governance matters.

“Attributes of a successful community board member:

- *Have a sound knowledge of and commitment to the Local Government Act 2002 and a firm resolve to lead decision-making for the future of your community;*
- *Have a genuine interest in and understanding of issues facing the community;*
- *Have an ability to relate to a wide range of people at all levels, including an ability to listen;*
- *Have an ability to express ideas clearly and be prepared to ask questions;*
- *Previous involvement in community organisations or networks will help;*
- *Demonstrate integrity and ethical behavior;*
- *Be politically independent and always inquisitive and innovative;*
- *Have the ability to see both sides of an argument and respect the views of others even if you don’t agree with them;*
- *Retain a sense of humour;*
- *Having commercial experience is helpful but being an elected member should not be equated with being a company director; and*
- *Have an empathy with all members of your communities.”*

(Adapted from advice prepared by Wynn Raymond, former Mayor of Timaru and member of the National Council of LGNZ).

To be an effective community board member you need to know that it consists of more than just attending community board meetings. Effective representation involves attending many other meetings and events in your local community and being great networkers. Your community board will only be as good as you and your colleagues make it. A model job description for community board members can be found in Appendix one and a self-assessment tool for board members in **Appendix 2**.

Remuneration

Responsibility for elected members’ remuneration rests with the Remuneration Authority (the Authority), which also has responsibility for the remuneration of Members of Parliament and the Judiciary. The Authority determines elected members’ salaries on the basis of a formula utilising the population of the local authority, its expenditure and regular job-sizing. A council’s rank on the size index, which is used for the remuneration of mayors/regional chairs and councillors, is not used to size community board remuneration. This is related solely to population size.

The primary function of community boards is representation, so the Authority has taken the view that it is fairer to board members to have community board remuneration linked to population. It is reasonable to expect that the time, effort and expertise required to represent a large number of people would be greater than that for a smaller number of people, thus the remuneration of members of a community board serving a large population will be greater than that of members of a board serving a small population.

This does not mean that community board remuneration is an exact fixed multiple of its population; rather it means that there is relativity between a community board’s population and the remuneration of its elected members. Until such time as there is a formal review of community boards members are likely to receive remuneration increases in line with public sector pay increases.

Where a councillor is formally appointed as a member or chair of a community board, she or he is not automatically entitled to remuneration as a councillor as well as remuneration as a community board member. However, until the 2019 election, a council may apply to the Authority to pay some extra remuneration to that councillor from its capped fund. Following the 2019 election any such additional remuneration will come from the council’s governance pool.

Chairs

The remuneration of an elected chair of a community board will be twice the remuneration of a community board member (including additional remuneration for that board's members, if any). The Authority will require confirmation that the chair will carry out the additional responsibilities for that role.

The deputy chair of a community board is remunerated as a board member.

That reflects the Authority's view that the role of deputy chair is not sufficiently different from that of a board member to warrant additional remuneration. A deputy chair will be able to receive additional remuneration for any additional role of responsibility that the board might collectively have.

Increase in remuneration to reflect additional board responsibility

Following the 2019 election councils may recommend additional remuneration for community boards but the additional amount must be drawn from their governance pool, recognising that additional work by community board members relieves councillors of this work.

Factors that might constitute additional work are any additional responsibilities delegated to a community board by the council or prescribed by Order in Council and representing the views and position of the community board to external parties, where delegated to do so, and with a clear understanding that only formal community board decisions can commit the community board to any particular course of action (and then only in matters where the community board is delegated to act).

See the Remuneration Authority's website for guidance on the list of factors that constitute additional work and the process for requesting additional funding at <https://www.remauthority.govt.nz/local-government/>

ACC Levies

All elected members, including community board members, are responsible for paying their own ACC levies. Many new and experienced elected members have questions about the amount of ACC that they should pay and, when investigated, it is surprising to discover that members can be paying a very wide range of levies, depending on the ACC office that provided the advice on the appropriate code.

Official advice from ACC suggests that self-employed people, such as elected members, should be classified by the nature of their work rather than the nature of their industry. The ACC code for elected members is code 78550 – the code for the "business management services" classification. However, this code only applies if being an elected member is a person's only or primary form of income.

People on multiple sources of income are charged at the highest ACC rate applying to the different activities they undertake, unless the sources of income are less than 5 per cent of a person's total income. This factor tends to be the main explanation for differences in what elected members are paying in ACC levies. For more information, visit the Accident Compensation Corporation (ACC) website (www.acc.co.nz).

The Health and Safety Act

The Health and Safety at Work Act 2015 is new legislation. It aims to create a new culture towards health and safety in workplaces. Local authorities are diverse workplaces and under the new legislation it is not just employers who now have responsibility for health and safety. A local authority as a whole is termed a 'Person Conducting a Business or Undertaking' (PCBU). All involved in work, including elected members, have a duty of care.

Councillors and mayors are "officers" under the Act and officers are required to exercise due diligence to ensure that the PCBU complies with its duties. However, certain officers, such as elected members, cannot be prosecuted if they fail in their due diligence duty. As officers, the key matters to be mindful of are:

- Stepping up and being accountable;
- Identifying and managing your risks;
- Making health and safety part of your organisation's culture; and
- Getting your workers involved.

Underpinning these suggestions, it is important that your local authority has sufficient personnel with the right skill mix and support, and that the organisation has sufficient funding for effectively implementing and maintaining the system and its improvement programmes.

Please Note: these provisions do not apply directly to community boards or their members. They apply directly to your governing body and its councillors.

Relationship with your council

Perhaps the most critical factor behind an effective community board is the quality of the board's relationship to its parent council. Relationships take time to build but are quickly undermined. Boards and their council need to work on

Things councils can do to help relationships

- Be informed about local issues and concerns;
- Provide appropriate administrative support;
- Create opportunities for boards to contribute to decisions about services in the boards' area;
- Enable boards to participate in processes to set direction and/or develop long term plans;
- Allow boards the right to speak at council meetings;
- Encourage ward councillors to work closely with their boards; and
- Clarify with boards who will speak on their behalf at meetings.

relationships and communication is fundamental to good relationships. If a board has an agreement with its councils a "no-surprises" policy may help. Most of all a good relationship between community board chairs and their mayor is essential.

In their 2018 survey of community boards Hammond and Hammond found that the majority of community boards described the relationship with their councils as respectful or very respectful (71.2%). This was higher than the 2008 figure which found that 65% of community board members were satisfied or very satisfied with the relationship (Richardson).

It is important to note that satisfaction with the overall working relationship was not necessarily directly related to the level of delegations the council had made to the board. In some cases it appears that relationships were influenced by the attitude and behaviour of council officers. While most respondents were satisfied with the support they received from their dedicated staff and/or secretariat, a number of community boards were dissatisfied with the information they received from other parts of the council. Feedback from the Hammond

and Hammond survey further noted that relationships might be improved by the following:

- Council staff, councillors and board members receiving training in community engagement (49.7 per cent);
- Regular reviews (48.4 per cent); and
- Community boards being involved in the development of community plans (39.9 per cent).

Respondents to the most recent survey thought that relationships could be improved by better training for council staff in community engagement.

Mike Richardson, the former Chief Executive of Christchurch City Council and community board training facilitator, asks community board members who attend his training workshops how they intend "to make their boards valuable to the Council?" What is it that community boards are able to offer that will make them a valuable part of their local authority and be recognised as such by councillors and the community? Some suggestions are set out below.

Contributing to council decisions

Although councils support a range of networks at the city or district level it is up to community boards to replicate this at the sub-district or neighbourhood level. Networks should be planned in order to help a board be proactive and respond to council requests for advice and input. In many ways a board's value to its local authority reflects the strength and relevance of the local networks it is plugged into. Networks enable community boards to respond to requests for advice. Councils employ a variety of processes and practices for seeking advice from community boards. These include:

- Officer reports placed on a community board agenda prior to the report going to a council or standing committee meeting;
- Council reports referred to community boards for comment, from a standing committee, prior to the matter being going to council (or back to the standing committee);
- Council agendas sent to community board chairs with an understanding that chairs would seek input if appropriate;
- Community board chairs (or other board representatives) co-opted onto council standing committees and/or working parties;
- Community board chairs given speaking rights at council meetings;
- Council officers encouraged to seek informal advice from chairs or members of community boards;
- Council advisers monitoring all reports and agenda items to check whether they should be referred to community boards prior to consideration by council or committee;
- Appending community board minutes to each council agenda;
- Community board and council liaison meetings (for example, monthly or fortnightly meetings); and
- Community boards making formal submissions to council meetings.



Good collaboration between boards and councils involves seeking advice from community boards early in the decision-making process and being invited to have input into the process as well as the decision.

Quality of advice

When providing advice to their councils, boards must take into account budgetary implications of that advice, the possibility of competing priorities that members of the governing body will need to consider and the practicality of any recommendations made by the board.

Mike Richardson highlights the importance of community boards explaining the reasons behind any specific recommendations they make to their councils in order to improve the chances of being successful - arguments that are obvious to board members might not be so obvious to councillors or staff. To assist councils make decisions boards need to explain “the why” that lies behind their views. This will help councils weigh up the different considerations required to make a decision. The more explicit boards are about the reasons behind a request or recommendation, including the underlying intervention logic, the more helpful the advice will be to the council. For example, boards should:

- *Unashamedly take the local view, the community view. Avoid taking a district wide view.*
- *If there are clearly differing views in your community then these should be communicated:*
 - *It is widely held that the board must communicate a single view, but this need not be the case and should not be the case unless that view is widely supported.*
- *To reiterate, the board may choose to vote so that it can be seen to communicate a single view, but it need not.*
- *You may pose questions to council, matters you are asking be considered.*
 - *You may also wish to give conditional advice. Example: if council decided on option “A” then we suggest it also resolve “X”; if council chooses option “B” then we recommend “Y” as appropriate (Richardson 2013).*

Providing boards with support and advice

The LGA 2002 (s.42(2)(b)) places a requirement on chief executives to provide advice to community boards:

*“A chief executive is responsible to his or her local authority forproviding advice to members of the local authority **and to its community boards, if any...**”*

The legislation places an onus on the chief executive, or in practice an officer with delegated responsibilities, to ensure that community boards have access to appropriate professional advice to perform their responsibilities, however, it is not an unconstrained duty. The chief executive must work within the budgetary constraints set by the council which apply to both the council itself as well as community boards. Consequently requests for advice or other work to be undertaken by staff or contractors must be negotiated with the chief executive – thus the value of a mutually agreed work programme. The chief executive’s responsibilities also extend to ensuring community boards have adequate administrative support.

The requirement that the chief executive provide advice to any community board effectively rules out community members themselves preparing papers and advice for discussion at board meetings. Members who feel strongly about issues and want to facilitate a board discussion on issues should discuss their concerns with the board chairperson with a view to organising public seminars or board workshops. Both provide appropriate formats for members to present paper or advice they may have prepared for further debate and scrutiny.

Clause 38, Schedule 7, of the LGA 2002 makes it clear that:

“A territorial authority within whose district the community of a community board is situated must provide the necessary administrative and other facilities for that community board.”

However, as with policy advice, chief executives must act within the constraints set by their councils. Some compromise may be required. In fact the LGNZ survey of community board members showed that almost 80 per cent of boards reported they were satisfied or very satisfied with the level of support they received from staff (Mary Richardson 2008). Respondents reported that they relied on staff support to:

- Help organise community meetings;
- Provide data and profiles of their communities;
- Manage local research;
- Provide information regarding council activities;
- Provide technical advice; and
- Appoint community board members as council representatives on external bodies.

Supporting multiple boards

One of the challenges that council administration can face when supporting multiple boards is how to ensure it is providing an equitable level of service to each board. Not only may boards have different needs or represent communities that have different socio/economic profiles but some might be more proactive, and utilize more council resources, than others. There are a number of mechanisms for ensuring that each board received an equal or appropriate level of service, such as:

- Negotiate a work plan and budget, including provision for advice and policy development, at the start of each year, taking into account the relative need of boards and their communities, (this should be based on a board's community or strategic plan).
- Establish a contestable fund that boards can make application to for additional staff support should that be needed (criteria will be required).
- Allow boards to recommend a targeted rate to "top up" the budgeted amount allocated by council.
- Fund basic administration through the general rate while requiring that boards use a targeted rate to meet the cost of policy and project initiatives.

Funding community boards

Clause 39, Schedule 7, of the LGA 2002 specifies the obligations on councils to pay for the expenses of their community boards:

1. *The expenses of the performance and exercise by a community board of its responsibilities, duties, and powers must be paid by the territorial authority within whose district the community is situated.*
2. *The territorial authority may fix a limit within which expenditure may be incurred under sub-clause (1), and no community board may incur expenditure in excess of any limit so fixed without the prior approval of the territorial authority.*
3. *This clause does not apply in respect of any expenditure for which any rate has been made and levied within the community.*

Should boards be funded through general or targeted rates?

Application of this clause varies with some local authorities meeting the expenses of their community boards through the general rate while others employ a targeted rate that locates the cost of the community board within the community it serves. A city or district where there is full coverage of community boards is more likely to fund their boards through a general rate.

Some councils use a general rate to meet the administrative costs of community boards, such as the cost of supporting meetings and the provision of advice, while also levying a targeted rate on the residents within a community board's jurisdiction to provide funding for local projects or initiatives. Targeted rates of this sort can give boards more autonomy and decision-making authority. Some councils provide their community boards with a project fund financed through the general rate, along with their administrative costs. Other councils set an annual budget for the support of their community boards which boards out of which the boards "purchase" advice and support from their chief executive and staff.

Clarifying the relationship

Conflict can arise between boards and their parent local authorities due to a lack of clarity about the relative roles of both bodies and expectations of each other that are mis-aligned.

One way of reducing this risk is by making the relationship explicit, in a document that sets out:

- The level of administrative services available to the community board;
- The size of the policy resources available to the board;
- The way in which the board is funded, the level of funding and how accountability operates;
- How information between the board and council will flow;
- Level of delegations; and
- How disagreements will be addressed.

Mechanisms for making these specific include memoranda of understanding and Charters. See Appendix seven for a charter template based on a model proposed to CBEC by David Hammond, the former CEO of Thames Coromandel District Council.

Understanding conflicts of interest

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

How to determine whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so, whether they should participate in discussion on that decision or vote. When determining if this is the case or not the following test is applied:

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." (OAG, 2001)

In deciding whether there is a pecuniary interest, members should consider the following factors:

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the community board chair or other person to determine if they should discuss or vote on an issue but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members are encouraged to adopt the 'least-risk' approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest should declare the pecuniary interest to the meeting and not participate in the discussion or vote. The declaration and abstention needs to be recorded in the meeting minutes (Further requirements are set out in the board's Standing Orders).

Non-pecuniary conflicts of interest

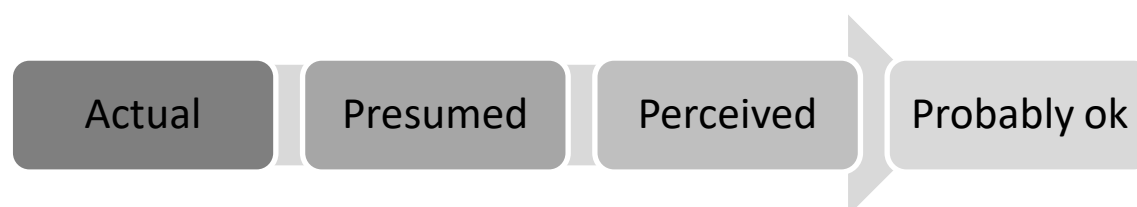
In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant. Members should focus on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- Members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and or
- Members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as a Resource Management Act hearing).



Spectrum of conflicts of interest – Shades of grey

When deciding whether or not a member has a non-pecuniary interest in a decision it is important to look at:

- What type of decision it is, for example, is it high policy with political content or an individual issue?
- Where in the overall decision making process the meeting is at, for example, whether it is a preliminary or final decision?
- How pervasive your interest is, for example, does it affect the whole decision or just one small part?
- What statements have you made and/or actions taken in relation to the matter prior to the meeting?

The contracting rule

A member is disqualified from office if he or she is “concerned or interested” in contracts with their council if the total payments made, or to be made, by or on behalf of the council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases retrospective approval, for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the council (or committee of the council) while disqualified.

Role and functions

While the LGA 2002 sets out the minimum role of community boards it is important to remember that it also establishes the overall purpose of local government (s.10), the Act itself (s.3), and therefore the overall purpose of community boards. This purpose is:

- (a) To enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) To promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

It is the well-being of communities that drives what boards chose to do and how they prioritise their role. The minimum statutory role of a community board exists regardless of the delegations given, or views held, by their parent local authority. As detailed in s.52 of the LGA 2002, the role of a community board is to:

- (a) Represent, and act as an advocate for, the interests of its community; and
- (b) Consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and
- (c) Maintain an overview of services provided by the territorial authority within the community; and
- (d) Prepare an annual submission to the territorial authority for expenditure within the community; and
- (e) Communicate with community organisations and special interest groups within the community; and
- (f) Undertake any other responsibilities that are delegated to it by the territorial authority.

With the exception of the last bullet (s.52(f)) which allows councils to delegate responsibilities (decision-making) to their community boards¹, the prescribed minimum roles are primarily concerned with providing information to the council about local issues and advocating on behalf of those issues. These three roles (decision-making, advocacy and advice) are discussed below.

Decision-making role

The LGA 2002 sets out obligations that must be followed when local authorities are making decisions. These apply to community boards in the following instances:

- Where community boards have delegated decision-making powers; and
- Where community boards routinely make recommendations to their councils on the understanding that those recommendations will be implemented.

Failure to observe the principles, rules and processes set out in the LGA 2002 can expose boards and councils to judicial review and the risk of having a decision over-turned, something that has occurred a number of times over recent years.

¹ Additional roles can be provided as a result of either a council delegation or an Order in Council following a local authority reorganisation. Delegations provided through an order in council have a mandatory life of six years. The nature of delegated responsibilities varies considerably throughout New Zealand.

The principles and processes are designed to create opportunities for public participation in decision-making, increase confidence in local government decisions and strengthen transparency and accountability. The relevant parts of the LGA 2002 are the principles set out in s.14 and the provisions set out in part 6 which set out considerations community boards must consider when making decisions. These are:

- The principles of s.14; the financial management principles in s.101; the financial policies in the LTP, and future interests of its community;
- The effect of decisions on those affected or with an interest in the matter under consideration;
- The consideration of reasonably practicable options; and
- The diverse needs and views of the community, Māori, interested parties and future generations should be considered at each stage of the decision-making process.

When making decisions the community board must ensure that they take a proportional approach to meeting these requirements. For example, an issue of low significance will not require as extensive consultation or options analysis as an issue of high significance to citizens. In addition material used in consultation processes should clearly state the issue, the decision being considered and the stage the decision is at. Decisions should be appropriately documented and information about the reasons for decisions made available.

Community boards also make decisions about matters that have no direct financial consequences, such as decisions on policy or issues, for example, when deciding what position to take in a submission. These decisions must also comply with the decision-making requirements of the LGA 2002, although since they have no direct financial consequences they are unlikely to be significant, although there can be exceptions. Most importantly, a community board must demonstrate it has taken note of the significance of any matters on which it is making decisions and base its considerations on expert advice.

Advocacy role

It is important to note that s.52(a) of the LGA 2002 is “to represent and act as an advocate for the interests of the community”. This provision was added in 2002 in order to recognise the important role community boards played, and were playing, as advocates and champions for their communities and to remove any doubt that this was a legitimate activity for boards.

The advocacy role involves creating or changing policies, plans, regulations or the way in which decisions are made, such as the allocation and distribution of resources. Community boards have a number of tools that they can use to be effective advocates and “act in the best interests” (Oath of Office) of their communities, for example:

- Making submissions to council policies and planning documents, regional council policies and plans, and legislation and departmental consultation documents;
- Direct lobbying of councillors and committees as well as other individuals of influence;
- Commissioning research and surveys; and
- Developing communication programmes to change opinions.

Community boards’ ability to advocate, however, is not unconstrained. For example, they must act within budgetary constraints, often set by councils which they seek to influence, and any approach to influencing council policy must be consistent with local protocols such as the code of conduct, should it apply to community boards and their members. In fact there are some aspects of the advocacy role that have become controversial in recent years and not all have been resolved.

Advocacy: Questions and Answers

Q: Can boards advocate for positions that are inconsistent or opposed to the policies or positions held by their parent councils?

A: Practice and legal advice varies. Some councils allow their community boards to make direct submissions to external organisations, such as a proposed New Zealand Transport Agency (NZTA) transport strategy that affects a community, without the approval of their council (and regardless of whether the view taken is consistent with the council's view) while others do not. Boards will need to rely on the council and chief executive for staff support and funding to prepare such submissions and/or analysis.

Q: What role should appointed members play when a board is advocating to its council for policy change?

A: Appointed members must make a choice as to whether they will argue the case for the community board or take part in council processes assessing their board's submission or deputation. Some suggestions about how this might occur are found in the chapter on 'Being an effective community board member'.

Q: Where is the boundary between councils promoting the interests of the city or district as a whole and community boards advocating for the interests of a part of the city or district?

A: Community boards are designed to "speak up" for the needs and preferences of their local communities. It is a role that is inherently parochial. Meanwhile, councils are required to consider the interests of all people in the district, including future generations. While there is an underlying tension it is the role of the council to resolve this tension and make whatever trade-offs it feels necessary. In some cases the district interests will prevail while in other cases mutually acceptable compromises may be found.

Advisory role

Whereas "advocacy" is about persuasion, "advice" is about guidance and enlightenment. Community boards are the eyes and ears of their councils, providing information on local needs, issues and matters of concern. In order to fulfil this role boards need effective processes and mechanisms for understanding what is going on in their communities. For example:

- A public forum at the start of community board meetings (see the LGNZ 'Standing orders template for community boards');
- Holding community board meetings in community settings (such as maraes, school halls etc.);
- Give each member of the board a sector in the community to liaise with (such as the business sector, Māori, schools etc.);
- Setting up committees with members drawn from the community to provide ongoing intelligence about local trends;
- Build local partnerships with other organisations;
- Hold regular outreach meetings throughout your community board area (such as displays and presentations at local community events); and
- Prepare an annual 'state of the community' report for the council and its officers as an input into the councils policy development work programme.

For the advisory role to be effective community boards must have good relationships with their parent councils. This is the subject of the chapter on 'community board/council relationships', but basic approaches might include an agreement which specifies how the board will raise local matters; having the community board chair attend council meetings to answer questions; board members on relevant councils committees; and scheduled board briefing sessions for council staff.

Empowering community boards

The LGA 2002 requires that councils actively consider whether or not to make delegations to community boards where such delegations would enable boards to best achieve their role (see Appendix six for a full list of activities in which community boards have delegated roles). There are, however, some things councils cannot delegate to their community boards, namely:

- The power to make a rate;
- The power to make a bylaw;
- The power to borrow money, purchase or dispose of assets other than in accordance with the long term plan; and
- The power to appoint, remove, or suspend a chief executive (or any staff).

The LGA 2002 does not specify how frequently councils should consider the question of whether to delegate responsibilities to community boards. LGNZ believes it is both practical and reasonable to expect a council to consider this question when agreeing its delegations immediately after a triennial election, usually during the process of determining its committee structure, delegations and adopting its “Governance Statement”. Such statements must include a description of delegations made by the council.

When considering whether to delegate decision-making responsibilities to community boards, councils should begin by looking at who benefits from the council’s services. Those services where the scale of benefit is limited to a neighbourhood or sub-district might perform better if decision-making about those services is made at a community board level. Through utilising the information on community needs and preferences held by community boards (due to their close proximity) it is more likely that services will reflect those needs and preferences. It also means that councils themselves will be more able to focus on strategic and complex policy issues without the distraction of very local matters.

Case Study: Thames-Coromandel District

In 2012 the Thames-Coromandel District Council (TCDC) adopted a new governance model that transferred a level of decision-making to its community boards. At its April meeting of that year the Council resolved that it would establish a new partnership approach to the way the district would be governed. The key difference was that governance would be primarily delivered through the five community boards.

In April 2012, the Council adopted a new partnership approach to ensure greater engagement of local communities in decision making.

At the core of this approach was providing greater decision making at the local level. This means that the Community Boards (Coromandel-Colville, Mercury Bay, Tairua-Pauanui, Thames and Whangamata) are empowered to make decisions relating to activities and services that are within their geographic areas.

In addition to the statutory roles of the Community Boards is the council has delegated the following activities to boards to manage:

- Authority to develop budgets.
- Develop fees and charges for adoption by the Council.
- Authority to approve additional expenditure (within limits).
- Make decisions on leases, licences or concessions associated with all Council owned property within their Community Board Area.
- Develop and approve local activity policies including Reserve Management policies.
- Approve project definitions for all local activities.
- Recommend to Council the level of bylaw service and enforcement.
- The Board is also obliged to manage services and expenditure within limits set by the Council and by legislation.

The services that community boards govern are:

- Harbour facilities;
- Community centres and halls;
- Airfields;
- Public conveniences;
- Local transportation;
- Local social development;
- Community health and safety (local bylaw levels of service);
- Parks and reserves;
- Libraries;
- Swimming pools;
- Cemeteries;
- Local strategic planning; and
- Local economic development.

Boards are also required to actively provide input into decisions on district services. In addition community boards are supported to provide local leadership and develop relationships with the Council, the community and community organisations in developing local solutions within community board areas.

Empowering boards without delegations

There are a range of approaches councils can use to empower community boards to have a say about the quality and quantity of local services other than delegations. These allow councils and their community boards to find the best arrangement to meet local circumstances. The following are discussed below:

- Agreements between councils and their community boards;
- Community board terms of reference; and
- Integrated approaches.

Delegations are not the only way for community boards to play more meaningful roles in their communities. Boards can be empowered and mandated through a mix of ways, for example:

Community board agreements - Some community boards, such as the Southland Community Board, have agreements with their councils specifying their roles and functions Appendix seven. Agreements remove the risk of confusion and make the relative roles of councils and community boards more transparent. Agreements may be used in relation to delegations or may be used to describe the roles and responsibilities of boards where council approval for board recommendations may be required.

Agreements may enable community boards to have a role and influence beyond those set out in specific delegations, should these be in place. In such cases an agreement could set out policy areas where community boards have an acknowledged interest and specify how such interests will be taken into account.

Terms of reference - Instead of delegations made and recorded in a council's governance statement some councils give their community boards a 'terms of reference'. Like agreements these are the roles and responsibilities that the board is expected to undertake, although without the process of mutual endorsement as set out in an agreement. In some cases, such as the case of the Hasting District Councils, there is an understanding that the Council will implement the board's recommendations. A community board's terms of reference could be narrowly or broadly focused.

Integrated approaches - In addition to empowering boards councils can also enable board members to play a more active role on council committees to the extent that boards have the right to appoint members who are able to speak and vote at committee meetings. For example, in 2006 the Whanganui Rural community board requested that the district council give its representatives voting rights on the Council's standing committees. The then Mayor, Michael Laws, was supportive and noted that "I've championed the rural community board getting broader powers. It would seem a logical extension to that if they could speak and vote too".

Please note: The different approaches are not necessarily mutually exclusive; it is simply a case of finding the right mix for your community and your local authority. One of the constraints on empowering community boards is funding. There is no value in giving community boards extensive delegations if there is no way in which they can be funded. The Auckland local boards, for example, negotiate a funding agreement with Auckland Council annually, on the basis of a three year plan setting out each board's priorities. There are no reasons why councils and community boards shouldn't look to replicate the Auckland approach in their own authorities.

Community board roles – an overview

There are very few activities that community boards cannot legally undertake, if given the necessary delegations, therefore it is not surprising that there is a wide diversity of practice with some boards limited to advisory roles as set out in s. 52 (LGA 2002) and others having a broad range of delegations. The extent of the roles undertaken by community board roles has been the subject of three surveys, the first undertaken by the Department of Internal Affairs in 1995, the second by LGNZ in 2008 and the third by Hammond Robinson in 2018, see table 1.

Table 1 Community board roles

Domain	Decision-making	Advisory	No power delegated
Form a community plan	36.20%	46.63%	17.18%
Deliver a community plan	30.38%	47.47%	22.15%
Represent, and advocate for, the interests of a community	42.69%	53.22%	4.09%
Promote local cultural, sporting and/or enterprise events	34.39%	42.68%	22.93%
Undertake local cultural, sporting and/or enterprise events	23.72%	41.03%	35.26%
Consider one-off issues referred to the board by the council	45.83%	51.79%	2.38%
Maintain an overview of local services provided by the council	26.19%	60.71%	13.10%
Provide local services on behalf of the council	16.35%	35.85%	47.80%
Engage with local community organisations	45.24%	51.79%	2.98%
Provide leadership on local issues	45.51%	49.70%	4.79%
Lead the development of community assets, services, projects and/or programmes	29.63%	48.77%	21.60%
Advocate for local priorities in the process of forming the council budget	27.11%	63.25%	9.64%
Work with the council to set budgets for community assets, services, projects and/or programmes	21.34%	51.83%	26.83%
Prepare submissions to third-party organisations or authorities	35.63%	41.25%	23.13%
Administer grants to local groups	73.33%	12.12%	14.55%
Advise the council on engagement with the local community	32.32%	59.76%	7.93%

(Hammond Robertson 2018)

The three roles in which community boards have the highest level of decision-making are the administration of local grants (73.33%), engaging with local groups and leading on local issues. Not surprisingly the most significant advisory roles are providing an overview of local services, advocating for local issues and advising councils on engaging with local communities.

Advice was often provided as a result of formal requirements on councils to seek the views of community boards prior to decisions being made, although in some cases officers had discretion about whether or not to seek community boards' advice.

The process for gaining advice also varied from formal processes at community board meetings (i.e. a report to the community board); verbal or email comment directly from board chairs or members; or by inviting community board representatives to join working parties, standing committees or advisory groups. Since the first survey was undertaken the range of activities where community boards have decision-making responsibilities has gradually diminished. The biggest areas where boards have decision-making responsibilities identified in the Hammond Robertson survey in 2018 were:

Planning and policy functions

In relation to planning and policy community boards primarily play an advisory role with only a few decision-making responsibilities, mostly in relation to community consultation, see table 2.

Table 2 Planning and policy functions

Domain	Decision making	Advisory	Council only
Policy/bylaw development	6.92%	55.97%	33.96%
Community consultation	30.63%	63.13%	5.63%
Preparation of annual plan/report	13.38%	49.68%	31.85%
Setting harbour/airfield fees	3.14%	12.58%	37.11%
Managing reserve licences	8.97%	18.59%	46.79%

(Hammond Robertson 2018)

Regulatory functions

Regulatory functions aren't generally delegated to community boards. The LGNZ survey in 2007 identified only seven councils which had delegated decision-making roles in the regulatory area to their community boards, for example:

- Liquor licensing - one council only (Waimakariri District Council);
- Traffic control - five councils (Waimakariri District Council, Hutt City Council, Kāpiti Coast District Council, Queenstown Lakes District Council, (the former) Waitakere City Council); and
- Civil Defence - one council only (Waitaki District Council).

No councils had delegated decision-making roles in the areas of building control, health inspection, noise control, gambling, or fire prevention. Regulatory decision-making roles delegated to community boards in were noticeably less than in 1995. The 2017 survey found that the regulatory areas where boards have the biggest (although comparatively small) roles are traffic control and civil defence, see table 3.

Table 3 Regulatory functions

Liquor licensing	1.25%	18.75%	71.88%	8.13%
Gambling consents	1.25%	12.50%	76.88%	9.38%
Traffic control	5.70%	24.68%	62.66%	6.96%
Civil defence	8.70%	33.54%	50.31%	7.45%

(Hammond Robertson 2018)

Resource management

Resource management functions are largely performed by councils. Those roles delegated to community boards largely involved formal or informal advisory roles rather than decision-making. The LGNZ survey in 2007 noted that there had been a significant reduction in the number of community boards which had decision-making roles under the RMA since 1995 however the 2017 survey noted a small increase, particularly in relation to the preparation of the district plan and control of activities on rivers and lakes. See table 4.

Table 4 Resource management planning

Domain	Decision making	Advisory	Council Only
Preparation of the district/city plan	4.38%	61.25%	34.38%
Decisions on designations within the district/city plan	3.77%	52.20%	44.03%
Enforcement of the district plan	3.77%	19.50%	76.73%
Control of subdivisions	3.75%	15.63%	80.63%
Control of activities on rivers and lakes	4.43%	22.15%	73.42%
Natural hazards protection	3.14%	25.79%	71.07%
Hazardous substances protection	3.14%	11.32%	85.53%
Heritage orders	1.90%	24.68%	73.42%

(Hammond Robertson 2018)

Service delivery functions

It is in regard to service delivery where community boards appear to have the biggest decision-making and advisory roles. Based on the findings of the 2007 survey, the areas where councils were more likely to delegate decision-making roles to community boards were community grant making, community hubs, sports and recreation activities and parks and reserves, see table 5:

Table 5 Service delivery

Domain	Decision making	Advisory	Council only
Parks, reserves, camping grounds, gardens	17.42%	48.39%	34.19%
Cemeteries	12.42%	32.03%	55.56%
Sports and recreation activities	13.25%	41.06%	45.70%
Sporting facilities	12.67%	46.00%	41.33%
Community hubs	14.57%	46.36%	39.07%
Community grants	56.13%	20.00%	23.87%

Relationship with the community

Councils consult “to deliver services better, to make government work better, to be more efficient, more responsive (and), to figure out what people in the communities want and need. And of course, that’s crucially important. But implicit in the idea of consultation with communities is another more demanding, more ambitious, you might say idealistic, dimension of democracy, and that has to do with promoting, fostering a richer kind of citizenship and of civic engagement.” (Michael Sandel LGNZ Conference, Christchurch, 2005).

Being known by your community

Because of their proximity to communities boards have the potential to play a critical role by re-building citizens’ trust in democracy and “re-connecting” citizens with their public institutions. The reduction in voter turnout over recent decades and consequent loss of trust in public organisations is related to a perception that government and public decision-making is out beyond the influence of many individuals. Addressing this means shifting from the traditional public administration model that involves “delivering services to” communities to a model where by governments “deliver services with” communities – a co-production approach.

If community boards are to be effective in their in their local governance role and promoting local democracy they need to have a profile. Local citizens need to know that the board exists, what it does, how it adds value to community life and how they can participate in the board’s work programme. Boards cannot afford to be invisible. To create a profile all boards need a communications strategy setting out their communication and engagement objectives and the way in which these will be achieved. For example:

- Publish a report of each community board meeting in your local newspapers immediately after each meeting;
- Develop a social media strategy and ensure that you are easy to find on the council website – ideally have a separate board page with news about your activities;
- Develop a network of partner agencies and provide regular information to those agencies to share with their members on your activities;
- Develop a presence in local schools which may include promoting civics education and kids voting;

- Encourage members to liaise with local organisations representing residents, business and other sectors;
- Hold public forums at the start of every regular community board meeting; and
- Get to know and build contacts with your regional council – it often plays a big role in local environmental issues.

In short boards need to be as visible as possible so as to cement their role in the hearts and minds of local residents. Visibility and connectedness increases the ability of boards to be able to be the “eyes and ears” of councils and speak with a mandate about local issues and concerns.

Consultation and engagement approach

As noted in the section on roles and functions councils and community boards must be consider community views (relative to the importance of the matters under consideration) when making decisions. It is also important if a board is seeking its parent council to approve specific recommendations, as the governing body will need assurance that these requirements have been met. The LGA 2002 s.82(1), subsections (a) to (f)) sets out principles of consultation to guide local authorities and a minimum standard that councils must ensure is met (but can go beyond). These are:

- *People affected by a local authority decision should be given ‘reasonable access to relevant information’ and be ‘encouraged to present their views’;*
- *Such people should be clearly informed about the ‘purpose of the consultation and the scope of the decisions’ to be made and have a ‘reasonable opportunity’ to present their views;*
- *The local authority should receive such views with ‘an open mind’ and give them ‘due consideration’; and*
- *People who express their views ‘should have access to a clear record’ and explanatory material about relevant decisions.*

Underpinning these is the underlying requirement that “a local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter” (s.78(i) LGA 2002). Councils must also provide “opportunities for Māori to contribute to the decision-making processes of the local authority” (s.81(a)).

The challenge is to move beyond simply “consultation” to provision of opportunities for communities to participate in a more meaningful way so that expectations are met and relationships between boards and their communities strengthened. In this way democratic mandates are strengthened and the ability of boards to influence decision-making and outcomes enhanced.

The most direct way of making governments accountable is to shorten the route of accountability by devolving power to the lowest possible level where it can be more directly responsive to popular will (Francis Fukuyama 2014).

Community engagement – the value of community boards

Councils are not always well equipped to engage directly with all communities – the complexity and urgency of many issues that we face means that we often lack the time to engage meaningfully. In these situations it is often left to the community board to invest the necessary time to establish relationships and help citizens and communities identify options for dealing with matters of local concern (Basil Morrison, New Zealand Community Board Conference, Hutt City 2006.)

There are multiple techniques for strengthening the participation of citizens. One framework that many councils make use of has been developed by the International Association for Public Participation (IAP2) and provides a ‘five-point spectrum’ of public participation to describe different approaches, they are inform; consult; involve; collaborate; and empower, see table six. Examples of techniques that exist in the right hand “empower” column include:

- Participatory budgeting, in which a board ring fences a share of its budget and invites a representative sample of its citizens to determine, through a process which involves advice and engagement, how that budget is to be allocated; and
- Referenda, in which a community boards decides to put a difficult question to citizens in its area to determine by vote. These can be postal, by booth voting or through an online mechanism. Referenda can be binding or advisory.

Table 6: The IAP2 engagement model

Inform	Consult	Involve	Collaborate	Empower
<u>Goal:</u>	<u>Goal:</u>	<u>Goal:</u>	<u>Goal:</u>	<u>Goal:</u>
To provide balanced and objective information to assist understanding of topic, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work with the public throughout the process to ensure that concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including developing alternatives and identifying a preferred solution.	To place final decision-making in the hands of the public.
<u>Techniques</u>	<u>Techniques</u>	<u>Techniques</u>	<u>Techniques</u>	<u>Techniques</u>
<ul style="list-style-type: none"> • Fact sheets • Websites • Open days 	<ul style="list-style-type: none"> • Public comment • Focus groups • Surveys • SCP 	<ul style="list-style-type: none"> • Workshop • Deliberative polling 	<ul style="list-style-type: none"> • Citizen Advisory Committees • Consensus building 	<ul style="list-style-type: none"> • Citizen assemblies • Referenda • Delegated decisions

When considering how and when to engage community boards must refer to their **Significance and Engagement policy**. This policy sets out the form of engagement to be undertaken in relation to different types of issues. Many Significance and Engagement policies draw on the IAP2 model described above. It is important to ensure boards contribute when these policies are reviewed to ensure that the style of engagement set out in the policy reflects the values and preferences of the council’s different communities.

Should a community board believe that the council’s Significance and Engagement policy fails to give effect to matters that are important to their community, such as failing to recognise community diversity and the need for innovative engagement techniques, then boards can ask for their policies to be reviewed; officials value feedback on how well policies are working.

Building relationships with Māori

Māori organisations, whether because of their traditional mandate, their membership or in some cases the services they provide, are important stakeholders in communities that boards represent. Formal Treaty or statute-based relationships are likely to exist between local Iwi or Hapu and councils, reflecting the status of your council as a local government and the fact that the Council will carry various Treaty obligations as determined by parliament. Within the context of this framework community boards are free to develop relationships at the sub-district level that are appropriate for the way in which Māori organisations are structured in your city or district.

To assist councils, council officials and community boards work with Māori, the following guidelines were developed by 1996 by Nga Matakōkiri, LGNZ's former Māori Advisory Committee.

- Consultation is most effective when the parties consulting understand, respect and trust each other;
- Understanding is more than just listening and hearing what is being said; it involves acknowledging where the other person is coming from, recognising their culture and history that has brought them to this point, and being prepared to accept them for where they are;
- In order for councils to understand their tangata whenua regular contact and exchanges are needed, not solely in the council chamber, but at hui, tangi, and other Marae-based activity;
- Adequate time needs to be set aside to allow concepts and philosophies to be tested out with all of the tangata whenua – not just those who are representing the tribes at the meeting – and the representatives will need to feel comfortable that they are bringing to the consultative process what all of their members are feeling;
- Māori decision-making is usually by consensus rather than by majority; sometimes this will involve compromise;
- Pre-consultation is important. Councils should endeavour to prepare and issue discussion documents before publishing (or notifying) draft plans; and
- Councils should talk with their tangata whenua about appropriate kawa and tikanga for their areas.

Certainty and clarity is important if relationships are to flourish and provide value to the respective organisations. Community boards may wish to develop agreements or protocols with Māori organisations setting out mutual expectations. Relationships with Māori organisations, as with other sectors, are important if boards are to fulfil their advocacy and advisory roles.

Community board planning

Local authorities are required by law to plan for the future. Not only is there a general requirement set out in local government's purpose statement (s.12 LGA 2002) there are both principles and specific duties that reinforce this future focus, such as the requirement to prepare 30 year infrastructure strategies. Councils also adopt annual plans and LTP, which are reviewed every three years.

As noted in the chapter on "what do communities boards do?" community boards often play a large role in their council's LTPs. The nature of these roles includes:

- Identifying local issues for inclusion in the LTP;
- Providing feedback on the impact and effectiveness of council services;
- Assisting in workshops councillors and staff develop service delivery levels for local services;
- Promoting the draft LTP in communities and encouraging local residents and businesses to make submissions; and
- Providing a community board submission on the draft LTP.

Some community boards also have their own annual or long term plans setting out the board's priorities for their communities. These plans can be a sub-set of the Council's LTP or be parallel to it. A model that boards might like to replicate as appropriate for their own circumstances is the Local board planning model, see below:

The purpose of a local board plan is:

- a) to reflect the priorities and preferences of the communities within the local board area in respect of the level and nature of local activities to be provided by the Auckland Council over the next 3 years; and
- b) to identify and describe the interests and preferences of the people within the local board area for the purposes of enabling the local board to communicate those interests and preferences for the purposes of meeting their decision-making responsibilities; and
- c) to provide a basis for developing the local board agreement for each of the next 3 years; and
- d) to inform the development of the local authority's next LTP, particularly in relation to the identification of the non-regulatory activities of the Council for which decision-making responsibility should be allocated to the local board; and
- e) to provide a basis for accountability of the local board to the communities in the local board area; and
- f) to provide an opportunity for people to participate in decision-making processes on the nature and level of local activities to be provided by the Council within the local board area.

A local board plan must include

- a) a statement of the default levels of service for local activities; and
- b) an explanation of each variation from the default levels of services proposed for the local board area, if any; and
- c) an estimate of the additional cost or the saving associated with each variation, if any; and
- d) an indicative local board budget, incorporating the estimates referred to in paragraph (c), that either does not exceed the allocated funding or exceeds that allocation but identifies how the additional expense will be met (see s.20 Local Government (Auckland Council) Act 2019).

Many community boards plans ranging from short term annual plans to longer term strategic plans. The community planning approach used by New Plymouth District Council has proven to be helpful as a mechanism for engaging citizens in discussions about their future and also providing guidance to council officials involved in developing plans for council services. The *Kaitake Community Board Plan: A Thirty year Vision* is a good example and can be found at <https://www.newplymouthnz.com/-/media/NPDC/Documents/Council/Council%20Documents/Plans%20and%20Strategies/Kaitake%20Community%20Board%20Plan.ashx>.

Community and local boards: How do they compare?

Community boards and local boards are both examples of sub-municipal bodies. At the time of writing this Guide local boards only exist in Auckland Council although the LGC is able to establish them when establishing a unitary council as a result of a reorganisation. Some of the differences between community boards and local boards reflects differences in the style of drafting legislation that have occurred in the 25 years since community boards were established.

Other changes reflect a desire by Parliament to provide sub-municipal bodies with a more secure and guaranteed role and range of functions.

Unlike community boards, local boards' legislation specifies their distinct purpose, (modelled on s.10 of the LGA 2002) which is to:

- Enable democratic decision-making by and on behalf of communities within the local board area; and
- Better enable the purpose of local government to be given effect to within the local board area.

There are also differences in membership. Community boards must have between four and 12 members, less than half of whom can be councillors appointed by their governing body. The chair is elected by members. Local boards have between five and 12 members with no more than half allowed to be appointed (local boards in Auckland Council cannot have appointed members) with the option that a chair can be appointed by the members or directly elected by voters.

There are four areas where the differences are pronounced, they concern delegations, funding, planning and conflict resolution.

Local board delegations

Councils must consider whether or not to delegate responsibilities to community boards. The requirement on local authorities with local boards is much more prescriptive and directive. The governing body or council must apply the following principles which require, in regard to non-regulatory functions, decision-making to occur at the local board level unless:

- The nature of the activity is such that decision making on a district-wide basis will better promote the interests of the communities in the district because:
 - The impact of the decision will extend beyond the local board area; or
 - Effective decision making will require alignment or integration with other decisions that are the responsibility of the governing body; or
 - The benefits of a consistent or co-ordinated approach in the district will outweigh the benefits of reflecting the particular needs and preferences of the communities within the local board area.

The legislation assumes that decision-making on non-regulatory activities will occur at the local level unless there are benefits that can only be realised by placing responsibility at the metropolitan level, however, decision-making on 'regulatory' activities is to be placed with the governing body.

In contrast local authorities with community boards are able to delegate decision-making on regulatory responsibilities to those boards.

Funding

Local authorities with local boards must develop a funding formula to determine the allocation of resources to their boards. The formula must allocate funds to each local board in a way that provides an equitable capacity for the local board to enhance the well-being of the communities in its local board area, having regard to factors such as:

- The level of dependence;
- Local costs;
- Local rates revenue; and
- Other factors.

Planning and agreements

Unlike the legislation applying to community boards, which is silent on planning, the LGA 2002 requires that local boards prepare a local board plan to serve as a basis for their funding agreement with the governing body. In addition, before making a decision, governing bodies of local authorities with local boards must consider the views of a local board if a decision is likely to impact “the well-being of communities in the local board area.”

Local board plans are to be adopted immediately after an election and have a three year focus. The governing body must consult on the contents of each local board agreement as part of its LTP consultation process and before a LTP is adopted annual funding agreements with each board must be completed.

In the case of community boards, plans and agreements exist at the discretion of their governing bodies.

Conflict resolution

Any local board may appeal to the LGC where there is a dispute with its governing body about the allocation of decision-making responsibilities or proposed bylaws. The LGC may make a binding agreement and determine the allocation of costs.

References and useful resources

Hammond and Hammond (2018) Serving New Zealand? A survey of community boards, available from Business Lab <https://www.businesslab.co.nz/insights/community-board-survey>

Richardson, Mary (2008) - Roles and Functions of Community Boards: a report prepared for the community Boards Executive Committee; available from LGNZ (contact admin@lgnz.co.nz)

Richardson, Mike (2008) - Setting Community Boards in Context A report prepared for the Royal Commission on Auckland Governance, accessed from:

<http://ndhadeliver.natlib.govt.nz/ArcAggregator/arcView/frameView/IE1055203/http://www.royalcommission.govt.nz/>

Richardson Mike (2013) Community Board workshop slides, LGNZ.

McKinlay, P. (2013) Community-Level Governance: *What provision should be made and/or mandated in local government legislation?* A report prepared for the New South Wales Independent Local Government Review Panel, the Local Government Association of South Australia's Expert Panel on the 'Council of the Future' and LGNZ. Available from LGNZ (contact admin@lgnz.co.nz).

Appendix one: Community board position description

This position description was prepared by the Community Boards Executive Committee to assist new members to better understand the nature of the position for which they stood.

Representative role

- To promote residents' issues and initiatives to the community board and the council;
- To be an advocate for local issues and initiatives on behalf of residents, to the city or district council, or to central government;
- To monitor the range and level of council services provided within the community board's jurisdiction, and to advocate changes as necessary;
- To respond to resident and community issues and submissions, and to act as leaders in the community where problems may arise and where issues or initiatives need to be promoted;
- To engage in community development activities in conjunction with council officers. (board members frequently assist with initiating and facilitating community development initiatives and may liaise with council officers who are responsible for taking action and reporting back);
- To represent the community to central government agencies and wider community forums;
- To liaise with, and to communicate with, community groups regarding local issues and initiatives, and the processes, services and decisions of the community board and the council; and
- To clarify and promote the role of the community board in the ward and wider communities.

Governance role

- To work in co-operation with the council. Community boards are part of the local authority and must work within the framework of the powers and functions set out in statute and delegated by the council;
- To act as an interface between the council and the community. Board members should listen to the diversity of viewpoints and concerns in their community, represent and communicate these to the council, and work towards a common understanding; and
- To attend meetings of the community board and any other bodies the member has been asked to serve on.

Decision-making

- To contribute to the development of community board policies, to set and monitor key performance indicators;
- To ensure the integrity of the community board and its decisions, and represent these to the community and particular groups in a way that promotes the board rather than the individual;
- To scrutinise council policies and services within the community board area, and to advise the council on ways of enhancing effectiveness;
- To ensure that decisions are made on the basis of sound information and rationale, and that they reflect the interests of the communities represented by the board; and
- To ensure that the structures and systems used by the board, such as the agenda, support and encourage effective democratic decision-making.

Information gathering

- To actively seek good quality information and keep well informed of community priorities, broader issues and local initiatives; and
- To attend specifically to information directed to board members, such as emails, submissions, deputations and financial reports.

Accountability

- To sit on hearing panels (if delegated) and engage in decision-making processes with no bias, acting at all times with integrity and professionalism;
- To act in accordance with democratic accountability to all residents within the area;
- To act in accordance with the community board or council's code of conduct; and
- To prepare for and attend all community board meetings.

Being a Community Board Chair

Being the chair of a community board will vary according to the operating style of each local authority, however some aspects are common to all:

- Meeting with the relevant council officer to review the items for consideration in the forthcoming meeting agenda;
- Preparing and delivering, should they choose, a chair's report;
- Chairing meetings of the board;
- Meeting regularly with members to provide them with an opportunity to raise matters for board agendas and to identify and address any behavioural issues that might be developing; and
- Facilitating relationships with the Mayor, CE and governing body.

Advice from an experienced community board chair

1. Following my appointment I have a meeting with the Mayor to establish a relationship with him/her and if possible get agreement to hold regular meetings to provide two-way updates on what the council and the board have been involved in and what is coming up in the future.
2. Gain a clear understanding of the members of the governing body and their attitude to the board. Are they supportive or not supportive of the work that the board undertakes.
3. Establish a clear understanding of the board's role in the formulation of the Annual Plan and Long Term Plan. When will, for example, the board become involved and what contribution are they able to make in the development of plans relating to their board Area. How much notice will they be given and what the process for having input will be.
4. Make sure that the CEO involves you the chair, in the development of the code of conduct and standing orders that the board will be required to sign off on.

5. Arrange a meeting with the CEO to establish protocols for the way in which the chair and board members will connect with and relate to staff. For example, do they contact staff through the relevant general manager, must they go through the chair of the board, or can they contact staff directly.
6. Request that you are involved in formulating of the Terms of Reference for the board and any detail relating to specific delegations that the council is planning to give the board.
7. Set out clearly to board members at the first meeting the protocols to be followed relating to the Press. Are you as chair the only one to talk to them on board matters or are you happy for board members to talk to the press with or without your consent.
8. In all things, remember that a successful board is mainly reliant on you being a consistent and accessible leader who is open to the thoughts and ideas of your board members. Success will be earned by your relationship with the staff and your continuing attitude of being a benefit and not a cost to the council.

Appendix two: Self-assessment tool

Community boards (and councils) need to know how well they are performing and how well members of each board understand their collective goals and objectives. This self-assessment form has been provided to enable boards to undertake a self-assessment which could be applied during an annual planning and strategy session.

Checklist	Yes	No
1. How much information about your community has the board received?		
2. Do you know your Community Board delegations?		
3. Does your Council include/invite Community Board members into Council training sessions eg Treaty training?		
4. Are Board members invited to attend LGNZ zone meetings along with councillors?		
5. Do you have joint Community Board meetings across your District?		
6. Do you as a Councillor attend any Community Board meetings?		
7. Do you know what your Community Board's local goals, projects and outcomes for its communities are?		
8. Do you know what officer(s) from Council attends your local Community Board meetings?		
9. Does your Community Board have set meetings with the CEO?		
10. Does your Community Board have meetings with other relevant agencies who are working in the area?		
11. Do any regional Councillors, representing your area, ever attend a Community Board meeting?		
12. Do you know the relationship between the LGA 2002 and RMA?		
13. Do any of your Community Board members receive training to be Hearing Commissioners?		
14. Did you know that your local Community Board can make a submission that might oppose the Council Annual Plan submission?		
15. Does the Chairperson of the Community Board have speaking rights at the Council table?		
16. Does the Community Board Chair have a vote?		

17.	Is the Community Board Chair allowed to stay for “In committee” discussion that are relevant to his/her area?		
18.	Are there Community Board members on Council committees?		
19.	What agendas and/or reports do your Community Board members receive from Council?		
20.	Do you understand the relationship between the LTP and the district plan?		
21.	Does your council consult with its community boards before setting delegations?		
22.	Does your council consult with its community boards before setting elected member remuneration?		
23.	Any other criteria that might be relevant?		

Appendix three: Establishing and disestablishing community boards

At least once every six years councils must review their representation arrangements in accordance with the LEA 2001. Reviews are required to give effect to the principle of “fair and effective representation for individuals and communities” set out in the LEA 2001. Representation reviews are designed to ensure equity of representation by reviewing ward and constituency boundaries and the number of elected members. One requirement of a representation review is to ascertain whether or not there should be community boards in a district and, if so, the nature of any community board - that is its boundaries, whether to have sub-divisions and membership.

The LGC’s “Guidelines to Assist Local Authorities in Undertaking Representation Reviews” explain the key factors to be taken into account when councils determine their representation proposals. These principles are outlined in Part 4 of the LEA 2001. They are:

- Community of interest;
- Effective representation; and
- Fair representation.

Councils must consider whether community boards are needed in order to achieve effective representation for a ‘community of interest’.

Participating in a representation review

As part of their representation review a council must not only look at whether a new community board should be established but also whether existing community boards are still required. When faced with this question community boards are entitled to make submissions to the representation review process setting out the arguments for their ongoing role or for a variation to their structure and role. Questions community boards will need to consider are:

- How proactive should they be in seeking community views and support;
- If they choose to be proactive what is the best way of doing this;
- The importance of making a submission;
- Developing arguments for establishing and maintaining community boards; and
- The best way of showing community support.

Councils will publish a draft proposal for public comment. After hearing submissions the decision will be made by resolution of full council and notified to the public within 14 days after the resolution (but no later than 8 September in the year before the election year). The public notice must explain the reasons for any change from the existing basis of election, membership or boundaries and allow a period of at least one month to enable interested persons to make submissions on the proposals. (CBEC can provide advice to community boards on how to respond to a representation review).

If a community board (or any member) is unhappy with the council’s decision it can appeal to the LGC to have the decision reviewed. It is important for boards to make a submission on a council’s draft proposal as only submitters can then appeal to the LGC. However, if a council approves a representation proposal that is materially different to the draft proposal any member of the public, including community boards, can lodge an objection with the LGC. Objections will also trigger a review of the council’s decision.

Appendix four: Voting systems for the chairperson

The following extract is taken from the LGNZ standing orders template for community boards.

5.1 Elections of chairpersons and deputy chairpersons

When electing a chairperson or deputy chairperson the community board (or a committee making the appointment) must decide by resolution to use one of two voting systems set out in Standing Order 5.2:

5.2 Voting system for chairperson and deputy chairperson

When electing a chairperson or deputy chairperson the community board must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) There is a first round of voting for all candidates;
- (b) If no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) If no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

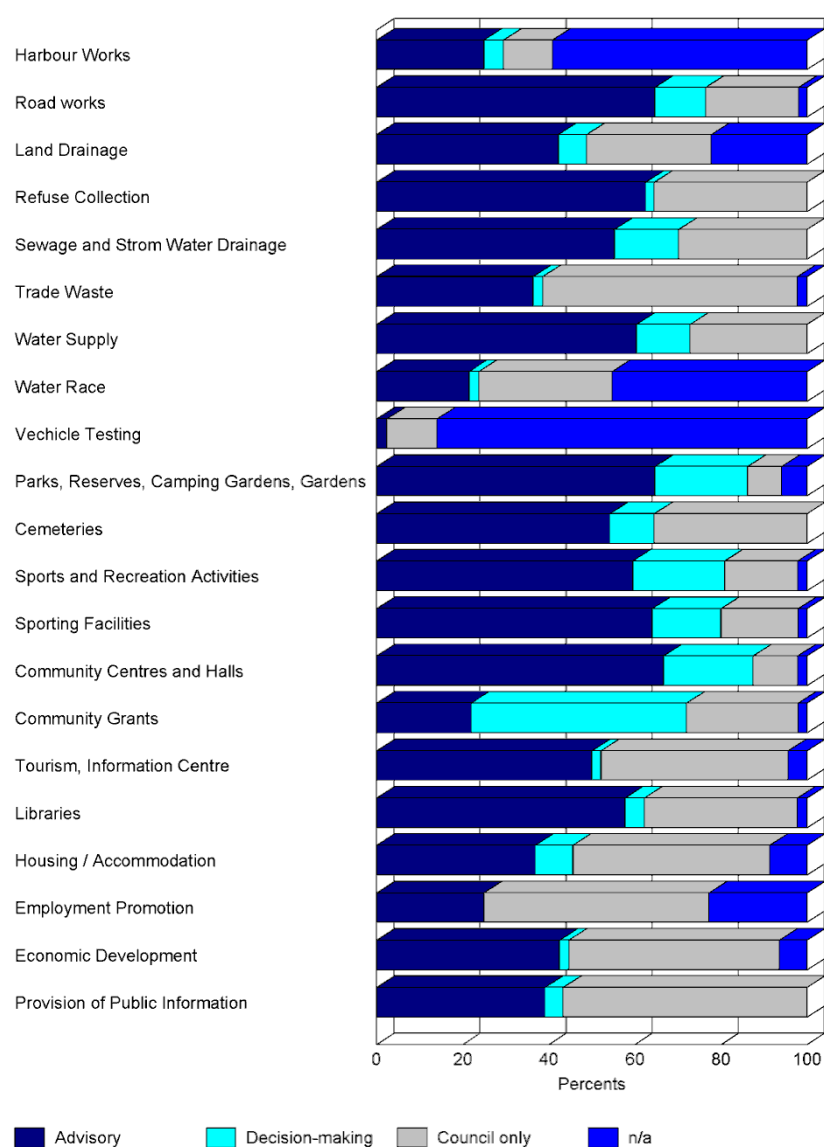
The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) There is only one round of voting; and
- (b) If two or more candidates tie for the most votes, the tie is resolved by lot.

cl.25 Schedule 7, LGA 2002.

Appendix five: Decision-making roles

This table provides a breakdown of services where boards have decision-making and advisory roles.



(Mary Richardson 2007)

Appendix six: Community board delegations - examples

Central Otago District Council

Responsibilities Delegated to Community Boards. The Council has made the following delegations to its Community Boards:

- In relation to bridging, financially assisted and unassisted roading programmes, the authority to make recommendations to the Council on priorities for works within the Community Board Ward(s).
- In relation to non-financially assisted roading works, the power to determine appropriate works programmes, provided that the works are funded from the Community Board's own resources.
- The general provision (including maintenance and upgrading as required) of footpaths, car parking, public recreational facilities, cemeteries, community centres and public halls.
- The provision and maintenance of such other works, facilities, and amenities in the Community Board Ward(s) as the Board sees fit in line with the Local Government purpose statement.
- Monitor and take such action as necessary to ensure the adequacy of traffic activity (including temporary road closures, naming of streets and so on) in line with Council policy.
- Provide input to the Council's Revenue and Financing Policy, Annual Plan and Long Term Plan.
- Monitor the Community Board's budget and make such alterations as are necessary during the course of the fiscal year.
- Make grants and donations.
- Negotiate the acquisition and disposal of Council property within the Community Board's jurisdiction, subject to any property transactions being formally approved by the Council.
- Approval of fees and charges relating to ward services.

Rotorua Lakes District Council: Lakes Community Board

- Make submissions (as a Community Board) to any organisation relating to matters of interest to the Board in respect of the Board's area (a copy of any such submission is to be given to the Council's Chief Executive);
- Represent the interests of the community at Council, Committee or Subcommittee meetings when a motion under debate relates to a matter that the Board considers being of particular interest to the residents within its community; and
- Consider matters referred to it by officers of the Council, the Council, including reports relating to the provision of Council services within the Board's area, and make submissions or recommendations in response to those matters as appropriate.

This will include:

- (a) monitoring and keeping the Council informed of community aspirations and the level of satisfaction with services provided;
- (b) providing input to the Council's Long Term Council Community Plan and Annual Plan;
- (c) providing input to proposed District Plan changes;
- (d) providing input to strategies, policies and plans that impact on the Board's area; and
- (e) Providing input to bylaw changes that impact on the Board's area.

Council shall consult with the Board on issues that impact on the Rotorua Lakes Community Board's area and allow sufficient time for the Board's comments to be considered before a decision is made.

Appendix seven: Community board charter template

Preamble

The Kiwi District Community Board Charter (the “Charter”) establishes the future relationship between the ... Community Board (the “Board”) and the ... Council (the “Council”). The Board will give local leadership on decisions that affect local people, deliver with the Council the ... Pakawai Community Plan, and express locally-driven choices over assets, services and programmes delivered in the ... District.

Part 1: the ... Council Strategic Vision

1.1 Strategy, vision and values

1.1.1 The Board agrees to embody and contribute to the achievement of the vision, mission and values as expressed in Council’s Long Term Plan (date):

- Vision – To deliver innovative, sustainable services to our community through strong leadership, clear direction and collaborative relationships.
- Mission - Building our community and region, providing leadership, a strong voice and delivering outcomes based on value for money.
- Values – Respect, Pride, Honesty, Fairness, Ethical Behaviour, Trustworthiness.

1.1.2 The Board, in all its actions, will be aligned with the Council’s vision, mission and values, and contribute to the achievement of the ... Council Long Term Plan.

Part 2: the ... Community Board Governance

2.1 Purpose of the Community Board

2.1.1 The purpose of the Board is as follows:

- The achievement of ... Community Plan (date);
- Developing and delivering on community priorities;
- Local and representative leadership for the ... community;
- Effective engagement with the local community and organisations; and
- Liaison with and advice to Council and other relevant authorities.

2.2 Roles, responsibilities of the Community Board

2.2.1 The Board's role is to express the ... community's views on local issues to the Council. To achieve this role, the responsibilities of the Board are as follows:

- (a) Delivery of ... Community Plan (date);
- (b) Development of the next Community Plan in partnership with Council;
- (c) To represent, and act as an advocate for, the interests of its community;
- (d) Undertake or recommend to the Council the promotion of local cultural, sporting and enterprise initiatives or community events;
- (e) The consideration of and reporting on of all matters referred to it by the Council or any matter of interest or concern to the Board;
- (f) Maintain an overview of services provided by the Council within the community;
- (g) Providing local input, prioritisation and feedback on Council works levels of service, and priorities in local regulations;
- (h) Engagement with community organisations and special interest groups within its community;
- (i) Local leadership and decision making;
- (j) Leadership of the local development of community assets, services, projects and programmes;
- (k) Setting local priorities for the annual budget and preparing a submission on it to the Council;
- (l) Agreeing the local budget from the Council through working with the Council to set budgets for work programmes, assets, projects, services, and facilities;
- (m) Preparing submissions to other authorities on behalf of the ... community;
- (n) Signing off local funding applications and administering of any local grants;
- (o) Providing two monthly formal reporting to the Council on priorities, programmes, projects and expenditure;
- (p) Advising the Council on appropriate consultation with the ... community;
- (q) Positive collaboration with the Council on the delivery of assets, services and facilities in ... ; and
- (r) Any other function and duties as may be delegated from time to time to the Community Board by the Council, and by mutual agreement.

2.4 Roles and responsibilities of the Council and staff

2.4.1 In working with the Board, the Council and staff will carry out the following roles and responsibilities:

- (a) Developing annual budgets and work programmes in coordination with the Board and consistent with the priorities of the ... Community Plan;
- (b) The Community Board will be consulted by way of a detailed presentation on the contents of the draft Annual Plan or draft Long Term Plan in sufficient time to allow the Community Board to make a meaningful and informed submission to Council;
- (c) Providing transparent asset and service delivery expenditure in the ... community;
- (d) Liaise with the ... community through the Board in the earliest stages of developing strategy and the design of assets, services, projects, programmes and facilities for the ... community;
- (e) Listen to and incorporate the Board's feedback to the Council on assets, services, projects, programmes and facilities' decisions for the ... community;
- (f) Build the capability of the Board in decision making and governance quality;
- (g) Consult on submissions and advocacy involving the ... community in a timely manner;
- (h) Provide administrative support to the Board's meetings and a single staff contact with all departments of the Council;
- (i) Board members will be presented with a quarterly report detailing the next period's programme of works;
- (j) The Board will be consulted by way of a detailed presentation on major policy issues initiated by the Council that have an effect on the Board area. The consultation and presentation will either be made prior to the public submission process to enable the Board to have input into draft documents, or be made in sufficient time to allow the Board to make a meaningful submission;
- (k) Board members will be invited to participate in all community or site meetings held in the Board area on proposed works projects;
- (l) Council agrees to hold at least one combined workshop per annum, at which the elected representatives and key staff will participate with the Board in discussing issues of mutual interest and clarification will be given on future strategic direction; and
- (m) Council may accept representations from the Board at its ordinary meetings on issues of significance contained within Board Minutes.

2.5 Meetings and protocol

2.5.1 The Board shall meet ... monthly; a total of ... times per annum.

2.5.2 Meetings shall be run by the Chairperson according to the Council's Standing Orders for Meetings.

2.5.3 All conflicts of interest, or perceived conflicts of interest, must be declared before relevant decisions are discussed or made in accordance with the Council's Standing Orders.

2.5.4 At each Board meeting there shall be an opportunity for informal discussion by Board members on matters of mutual interest to the Board and Council, not covered by an agenda item.

2.5.5 Each meeting of the Board must have an agenda distributed a week before the meeting and made publicly available. Meetings are to be generally open to the public, with provision for public excluded discussion and decision making according to the Council's Standing Orders.

2.5.6 There shall be the following standing agenda items at each meeting:

- (a) A works and services report from the Council;
- (b) Achievement and progress on the ... Community Plan; and
- (c) Open public forum for each meeting, with speakers making prior arrangements with staff to attend.

2.6 Decision-making

2.6.1 Most decisions of the Community Board are generally to be made by consensus, with all resolutions noted in the minutes. Any voting required is to be according to provisions of the Board's Standing Orders.

2.6.2 Sufficient advice is required before decisions are made, so they are well-informed. This would be achieved on basis of a report with all reasonable options, risks and costs identified.

2.6.3 The Board will ensure that request for staff advice are kept within the budgeted allowance of staff time for that Board. Where additional staff resources are needed the Chairperson of the Board will negotiate this with the Chief Executive.

2.7 Accountability

2.7.1 The Board is accountable for the decisions it makes, which means all members are expected to make their best efforts to support the board, its purpose and decisions.

2.7.2 Decisions are made by the Board as a whole. Even if an individual voted against a specific decision, all members are bound by it, and are expected to support the decision as the Board's.

2.7.3 Members are accountable to the keep to the Board Charter, as are the Council and its staff.

2.7.4 An annual performance review of the Board will be undertaken by the Council in liaison with the Board Chair.

2.8 Communication

2.8.1 The objective is to retain quality relationships between Council and the Board, and between the Board and the public. Communication by all must be timely and include all relevant information.

2.8.2 Minutes of the Board will be available in a timely manner, sent and circulated to Council with any resolutions highlighted.

2.8.3 The Chairperson, unless otherwise stated, is the spokesperson for the Board.

2.8.4 The Council and the Board will refrain from public criticism of each other and deal with issues in good faith by direct and constructive discussion, not in the public arena.

2.8.5 The Chair of the Board will have the opportunity to present the Board's report to the Council following each meeting of the Board.

2.9 Conflict resolution

2.9.1 The Council and Board will together work out issues of difference in good faith. It is recognised that issues where different positions are taken will naturally arise, and will generally be resolved positively through discussion.

2.9.2 Where there are significant differences between the Board and the Council, agreement will first be sought through mediation with an independent and suitably skilled individual who is acceptable to both parties.

2.9.3 Where Board performance concerns are raised and no resolution is agreed the Council has the right to remove delegations made to the Board.

Part 3: Board Roles

3.1 Role of Board Members

3.1.1 All Board members shall sign up to the Kiwi District Council Code of Conduct.

3.1.2 Board members have a responsibility to be active members of the Board, adhering to relevant Council policies and procedures in the discharge of their duties.

3.1.3 Board members will ensure that grants are distributed in a fair and equitable manner.

3.1.4 Board members agree they will take part in any training or workshop sessions arranged by the Council to promote a greater understanding of their role on behalf of the community to enhance the performance of the Board.

SIGNED:

[Name in full]

Chair of the ... Community Board

[Name in full]

On behalf of the ... District Council

DATED: