

Guide to Community Boards

Prepared by the Community Boards Executive Committee
LGNZ
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1

Wāhanga **ONE**

A short history of community boards >>

Community boards were first established by the Local Government Commission (LGC) during the nationwide reorganisation of local government in 1989. This saw 159 community boards created.

The LGC explained its reasons as being that some councils (kaunihera) were likely to be so large that some communities of interest might lose representation. Some commentators, however, saw it as a way of buying the co-operation of small kaunihera about to be consolidated into larger bodies.

- » Community boards were not the first ‘sub-municipal’ body in New Zealand. Prior to the 1989 reforms, there were 136 community councils.

The legislation set a minimum level of responsibilities for community boards, which emphasised advocacy and representation. Some kaunihera, however, also regarded them as a useful mechanism for devolving certain functions so that these would be undertaken closer to local communities. Other 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 government. 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 however with the passage of the LGA in 2002 (and amendments to the LEA) this was removed. From that time, any kaunihera proposal to abolish community boards could be appealed to the LGC.

Few boards have been disbanded since then, aside from the disestablishment of 28 boards because of the Auckland local governance reforms in 2010. However, some consolidation has occurred and a few new boards have also been established through representation reviews.

The Community Boards’ Executive Committee (CBEC)

Role and establishment

In 1997, eight years after the introduction of community boards, the first national Community Boards Conference was held in Christchurch. It agreed to establish a working party and to establish a National Association of Community Boards. Local Government New Zealand (LGNZ) agreed to provide administrative support to the working party.

Following the second Community Boards Conference in 1999, 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 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.

Today CBEC is an advisory committee of LGNZ’s National Council. In addition 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 authority elections on the basis of the six LGNZ zones, with one member elected by the boards within each zone. Any community board member may stand for CBEC.

The CBEC 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 of CBEC.



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

Activities

// 1

Advocacy: This involves regular meetings with the Minister of Local Government, senior staff (kaimahi) 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.

// 2

Conference: CBEC has organised a biennial conference since the inaugural conference in 1997. Conferences have a strong training focus and promote good practice through the Community Board Best Practice Awards.

// 3

Awards: Since 2003, CBEC has sponsored the Community Board Best Practice Awards to celebrate excellence in the implementation of projects in local government. Information on the awards can be found on the LGNZ website (www.lgnz.co.nz).

// 4

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.

// 5

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.

// 6

Building good relationships: CBEC is available to mediate between boards and their councils (kaunihera) should relationships break down, or where advice is sought to review the role and functions of boards.





2

Wāhanga TWO

Community boards and the role of council >>

What are community boards?

Community boards (and local boards as established in Auckland) are sub-district, unincorporated bodies which are neither local authorities nor committees of a local authority.

They provide a mechanism for bringing council decision-making closer to citizens and communities, by way of decision-making on local services at the community level. This enables decision-making to better respond to local needs and preferences, and also meet the principles of allocative efficiency.

The Local Government Act (LGA) 2002 sets out the role and powers of community boards, including things they may not do, e.g. acquire, hold or dispose of property; appoint, remove or suspend kaimahi. It also provides the statutory framework within which boards must operate, including particular rules and processes which govern how they work.

Community boards may be established in any continuous area of a territorial authority district (they cannot be established in regions). They may be established:

- » by an Order in Council giving effect to a local government reorganisation,
- » as the result of a proposal by electors in the area concerned (Schedule 6 LGA); or
- » through a representation review process undertaken by the territorial authority.

They can only be disestablished by a reorganisation Order in Council or as the result of a territorial authority representation review.

Community boards must consist of no fewer than four and no more than 12 members. At least four members must be elected but boards can include members appointed by the territorial authority as long as their number is less than half the total number of members.

Territorial authorities determine whether there will be appointed members and the number, as part of their representation review. Kaunihera may only appoint councillors to a community board and, if there are wards, councillors who represent the ward in which the community is located.

At elections, candidates may stand for both a community board and the kaunihera, but if elected to both are deemed to have vacated the community board position and to have been elected to the council only.

Council kaimahi can stand for and be elected to a community board.

Establishing and disestablishing community boards

Territorial authority representation reviews

At least once every six years, territorial authorities must review their representation arrangements in accordance with Part 1A of the Local Electoral Act (LEA) 2001. Reviews are required to give effect to the principle of “*fair and effective representation for individuals and communities*” (s. 4(1)(a) LEA).

In addition to determining the number of councillors and how they are to be elected, a territorial authority must also determine whether or not there should be community boards in the city or district. If yes, they need to decide the number and nature; its boundaries, number of members and whether members are to be elected across the whole community or by subdivisions. Community boards can only be disestablished through the representation review process.

The Local Government Commission’s (LGC) “Guidelines to Assist Local Authorities in Undertaking Representation Reviews” explain the key factors to be taken into account when councils determine their representation proposals including those relating to community boards.

These factors involve:

- » identifying communities of interest,
- » providing effective representation for these communities of interest, and
- » providing fair representation for electors.

As part of their representation review, a kaunihera must not only look at whether any new community boards should be established, but also whether existing ones are still required or should be altered.

While kaunihera must publish an initial representation proposal and invite submissions, a kaunihera may first decide to undertake preliminary non-statutory consultation. Community boards are entitled to provide input into the representation review process and the kaunihera's approach to consultation.

If the kaunihera's resolution involves changes to current arrangements, they must within 14 days after the resolution (but no later than 8 September in the year before the election) give public notice of the proposal, call for submissions and allow a period of at least one month for submissions.

It is important for community boards to make a submission on the initial representation proposal as only submitters can appeal against a kaunihera's final proposal if it remains unchanged. If a kaunihera changes its initial proposal, any person or party may object to a final proposal.

After hearing submissions on its initial proposal, the council must, within six weeks of the end of the period for submissions, resolve its final proposal and notify the public. If a community board is unhappy with the final outcome it can appeal or object to the LGC who will make a final determination.

CBEC can provide further advice to community boards on how to respond to a council's representation review.

Constitution of communities

Communities may also be constituted, and community boards established, for any part of a city or district under a separate process set out in Schedule 6 of the LGA.

The Schedule provides that such proposals may be made by either:

- » not less than 10 per cent of the electors of a continuous area in a city or district having a population of 1,500 or more people, or
- » not fewer than 100 electors of a continuous area of a city or district having a population of fewer than 1,500 people, being at a meeting called by public notice and being the majority of the electors at that meeting.

The proposal must be delivered to the kaunihera's chief executive and submitted to the kaunihera for consideration.

If the kaunihera accepts the proposal, it must then consider the submissions received. If the council rejects the proposal, a signatory to the proposal may appeal that decision to the LGC who will then decide. If the community is to be constituted and board established, an Order in Council will be prepared.

Appointing members to community boards and their role

Community boards frequently comprise a combination of elected members and members appointed by the kaunihera. Kaunihera make this decision as part of their representation review.

Community boards have no statutory role in determining whether there are appointed members and, if so, who they will be. However, 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 kaunihera.

Providing funding

Clause 39 of Schedule 7 of the LGA specifies the obligations on kaunihera to pay 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.

The application of this varies between kaunihera. Some meet the expenses through the general rate, while others employ a targeted rate that allocates the expenses to the community the board serves.

Some use a general rate to meet the administrative costs of community boards, while also levying a targeted rate on the community to provide funding for local projects or initiatives proposed by the board.

Some provide their community boards with a project fund financed through the general rate, along with their administrative costs. Others kaunihera set an annual budget for the support of their community boards, out of which the boards 'purchase' advice and support from their chief executive and staff.

Providing support and advice

Clause 38 of Schedule 7 of the LGA states:

"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."

The actual level of support for community boards be set by the kaunihera as part of the budget process. Involving community boards early in the process of budget setting, including community boards' administrative budgets, is recommended.

In addition to administrative support, the LGA (s. 42(2)(b)) places a requirement on chief executives to also provide advice to community boards:

"A chief executive is responsible to his or her local authority for providing advice to members of the local authority and to its community boards...."

This 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; in doing so, the chief executive must work within the budgetary constraints set by the kaunihera. Consequently, requests for advice or other work to be undertaken by kaimahi or contractors, must be negotiated with the chief executive, highlighting the value of a mutually agreed work programme.

The requirement that the chief executive provides advice to community boards effectively rules out board members themselves providing advice at board meetings. It is recommended that board members who feel strongly about issues and want to facilitate a board discussion on a particular issue, first discuss possible options with the board chair.

This could include organising a public seminar or board workshop prior to a formal board meeting. Such an option provides an appropriate format for members to present their views and any advice they may have for preliminary debate and scrutiny.

One of the challenges that kaunihera can face when supporting multiple boards, is how to ensure it is providing an equitable level of service to each. There are a number of mechanisms for ensuring this such as:

- » Negotiate a work plan and budget for each board, including provision for advice and policy development, at the start of each year, taking into account the community board plan and the relative needs of the board and its community.
- » Establish a contestable fund that the community boards can make application to, for additional kaimahi support should that be needed (specific criteria will be required).
- » Allow the community boards to recommend a targeted rate to 'top up' the budgeted amount allocated by kaunihera.
- » Fund basic administrative support through the general rate, while requiring that boards use targeted rate funds to meet the cost of policy and project initiatives.



3

Wāhanga **THREE**

The role of community boards >>

The role of a community board (s. 52 LGA) is to:

- // a** *represent, and act as an advocate for, the interests of its community*
- // 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*
- // c** *maintain an overview of services provided by the territorial authority within the community*
- // d** *prepare an annual submission to the territorial authority for expenditure within the community*
- // e** *communicate with community organisations and special interest groups within the community*
- // f** *undertake any other responsibilities that are delegated to it by the territorial authority.*

Broadly, and with the exception of section 52(f), the role is independent of the views a kaunihera may have regarding particular activities community boards should undertake.

The statutory role of a community board must also be viewed within the context of the purpose of local government as a whole (s.10 LGA). That purpose is:

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

It is the wellbeing of its community that a community board needs to always consider when making decisions and carrying out its responsibilities.

The statutory community board role is primarily concerned with representing and advocating on behalf of its community and providing advice to, and communicating with, the community and kaunihera about local issues.

Representation and advocacy

The representation and advocacy role is driven by the promotion of wellbeing across all aspects of a community – social, cultural, economic and environmental well-being. It also operates in relation to specific issues, like responses to kaunihera policies, plans and bylaws, as well as kaunihera processes and procedures, such as the way in which kaunihera decisions are made and the allocation and distribution of resources.

Community boards have several tools they can use to be effective advocates and to act in the best interests of their communities, including for example:

- » developing a community plan, including the commissioning of research and surveys as input into this plan, to reflect community preferences and concerns,
- » making submissions on kaunihera policies and plans, including regional kaunihera policies and plans, and on proposed legislation and departmental consultation documents,
- » lobbying councillors and committees as well as other organisations and individuals of influence, and
- » developing communication programmes with a view to influencing opinions.

There are some constraints on advocacy. For example, boards must act within budgetary constraints set by the kaunihera and they may need to rely on the kaunihera for kaimahi support for helping to prepare documents, submissions or analysis of issues.

Advice and communication

In this role, community boards act as a bridge between kaunihera and the community, providing information and advice to the kaunihera about local needs, issues and matters of concern; and at the same time, conveying information and advice back to the community from the kaunihera.

Community boards can be a very effective mechanism for sharing critical information with the community. For example, they can help the kaunihera to promote local resilience, by sharing important information about community risk awareness and the need for emergency preparedness.

To do this effectively, boards need good processes and mechanisms for understanding what is going on in their communities. For example, boards should consider:

- » holding public forums at the start of meetings,
- » holding board meetings in community settings such as marae or community or school halls,
- » giving each member of the board a sector of the community to liaise with, such as the business sector, youth, migrant or education,
- » setting up committees with members drawn from the community, to provide intelligence on issues,
- » building local partnerships with community organisations, and
- » holding regular outreach meetings throughout the community, such as displays and presentations at local community events.

Delegations and Decision-making

The decision-making role of community boards is different in nature from their other roles, which they are empowered by legislation to undertake to promote community well-being. Decision-making, as provided for in section 52(f) of the LGA, is undertaken at the discretion of the kaunihera and as a result of the delegations it makes, which can be withdrawn by the council at any time.

Clause 32(4) of Schedule 7 of the LGA makes the nature of delegations very clear. It states that a community board which has delegated responsibilities, powers or duties may, without confirmation by the kaunihera,

“exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them”.

As such, authority for boards to make recommendations or advise their council on a range of matters are not actually delegations, as boards are empowered to do these things under their statutory role set out in section 52 of the LGA.

What cannot be delegated

There are some things kaunihera cannot delegate to their community boards. See clause 32(1) of Schedule 7 of the LGA for the full list which includes:

- » the power to make a rate,
- » the power to make a bylaw, and
- » the power to borrow money, purchase or dispose of assets, other than in accordance with the long-term plan.

Council approach to delegations

The LGA 2002 requires kaunihera to consider whether to make delegations to community boards and, in particular, “if the delegation would enable the community board to best achieve its role” (cl. 32(6) of Schedule 7, LGA).

Kaunihera should begin by looking at who benefits from its services. Those services where the benefit is limited to a neighbourhood or community, are likely to perform better if decision-making about them is made at the community level.

By utilising the information on community needs and preferences held by community boards, it is more likely that services will reflect local needs and preferences. At the same time, it means that kaunihera will be able to focus on strategic and complex policy issues relating to the city or district as a whole, without the distraction of local matters.

Kaunihera have adopted two approaches to delegations to their community boards delegating either all that maybe delegated, subject to specified exceptions, or delegating of a schedule of specific activities or services.

The first approach requires constant interpretation of the exceptions. For example, these often involve responsibilities already delegated to kaunihera committees or to officers, or they may involve assessment of the impact of particular local activities or services outside the community board area. On the other hand, delegations of specific activities or services have the advantage of having such interpretations resolved at the time the delegation is made.

Some guidance can be seen in the approach adopted in relation to the local boards in Auckland. Firstly, the legislation provides that decisions relating to ‘non-regulatory’ activities should, by default, be allocated to the local boards unless there are specific reasons not to.

This approach acknowledges the importance of local decision-making for particular activities and services, being non-regulatory in nature, occurring as close as possible to the people affected by those decisions. It also places the responsibility on the kaunihera to justify why any decisions should not be made at the local level.

Types of activities and services for delegation

Activities or services that can be considered for delegation to community boards include:

// **Community facilities:**

governance decisions in respect of local libraries, swimming pools and community halls including local usage policies and approvals, opening hours, appointments to committees.

// **Parks and reserves:**

governance decisions in respect of reserve declarations and classifications, management plans, names, granting of leases and licences, details relating to new developments.

// **Community development:**

governance decisions in respect of community projects and events, collections and parades, community grants.

// **Solid waste and recycling:**

governance decisions in respect of the operation of community recycling and resource recovery centres.

// **Health and safety:**

decisions in respect of the application of legislation and bylaws in the community such as approvals of non-compliance or exemptions, alcohol bans, dog access and exercise areas

// **Roading and transport:**

acting as the roading authority for the community under the LGA 1974 in respect of roadways, names, concept/landscape plans, public safety, health, convenience, vehicle crossings, bus shelters, road stopping, traffic control and enforcement, traffic and parking bylaws.

There is a wide diversity of practice across kaunihera. The breadth of the roles undertaken by community boards has been the subject of three surveys, most recently by Hammond and Hammond in 2018.

It found that the three roles in which community boards have the highest levels of responsibility are: decision-making relating to local grants (73.33 per cent), engaging with local groups and leading on local issues. It also found that the most significant advisory roles were providing an overview of local services, advocating for local issues and advising kaunihera on engaging with local communities.

For more information on the process of kaunihera delegations, see Chapter five: Decision making, delegations and the role of committees in the LGNZ GROW Handbook for elected members.

// QUESTIONS AND ANSWERS ON THE ROLE OF COMMUNITY BOARDS

Can boards advocate for positions that are inconsistent or opposed to the policies or positions held by parent kaunihera?

Practice and legal advice varies. Some kaunihera allow their community boards to make direct submissions to external organisations without their approval, while others do not.

What role should appointed members play when a board is advocating on issues to its kaunihera?

Appointed members must make a choice as to whether they will argue the case for the community board or take part in kaunihera processes assessing their board's submission or deputation.

Where is the boundary between a kaunihera 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?

Community boards are designed to represent and advocate for the needs and preferences of their local communities. Meanwhile, kaunihera are required to consider the interests of all people in the city or district, including future generations. While there is an underlying tension, it is the role of the kaunihera to resolve this and make whatever trade-offs it feels necessary.





4

Wāhanga FOUR

**How community boards can improve
their effectiveness >>**

The effectiveness of community boards will largely depend on their relationships with their kaunihera and their community. These relationships need to be based on a clear understanding of the role the community boards play and the contributions they will make to promoting community well-being.

Relationship between the council and community boards

This relationship needs to be open and respectful, acknowledging the importance of the different roles of each play including the role of kaunihera kaimahi. Good communication is fundamental.

It is strongly recommended the relationship be set out in some form of document e.g. community board agreement, charter or terms of reference. This document needs to positively acknowledge the existence of boards and their statutory role. It also needs to set out the delegations agreed by the kaunihera.

Equally important, the document needs to set out protocols and mutual expectations the kaunihera and the community boards have of each other, for the relationship to be as productive as possible and to function on a 'no-surprises' basis.

Things kaunihera can do to help relationships

- » Be aware of local issues and concerns
- » Provide adequate funding
- » Provide appropriate administrative support
- » Create opportunities for boards to contribute to decisions about services in their area
- » Enable boards to participate in processes to set direction such as kaunihera long-term plan
- » Allow boards the right to speak at kaunihera and committee meetings
- » Encourage ward councillors to work closely with their boards.

The role of council in the relationship

Clarity on the level of funding provided is needed along with clarity of the levels of support for both board meetings and board members individually. These matters should be the subject of consultation by the kaunihera and not be set arbitrarily.

In addition to the question of delegations, kaunihera should consider:

- » appointing councillors to the community boards,
- » inviting community board members to attend meetings with speaking rights,
- » providing necessary information and advice in a timely manner,
- » using community boards to lead or share leadership on consultations relating to their areas,
- » involving the boards in the early stages of long-term and annual planning and other strategic exercises such as the representation review process,
- » inviting community board input on statutory consent applications such as resource consents and liquor licences,
- » appointing community board members to statutory or bylaw hearing panels relating to local issues,
- » providing for and encouraging community board members to undertake training for accreditation for Resource Management Act (RMA) hearing panels,
- » providing training and support for boards on the LGA's consultation and decision-making processes, and
- » agreeing to processes for disagreements between the kaunihera and community boards.

The role of community boards in the relationship

Protocols and expectations of community boards also need to be in place, covering such matters as:

- » consulting the local community as widely as possible on kaunihera-related issues and facilitating community engagement in kaunihera consultation exercises,
- » seeking the views of community groups on issues and supporting them to provide input and, where appropriate,
- » seeking and giving special regard to the views of hapū and iwi on local matters, and identifying opportunities for collaboration and involvement in community board decision-making,
- » preparing a community plan each triennium, identifying community preferences, priorities and desired service levels for council services, used to guide submissions on the kaunihera's long-term and annual plan processes,
- » promoting community resilience through the provision of information on local hazards and risks, and actions to take in the event of an emergency,
- » actively monitoring kaunihera services delivered to the community,
- » recommending to kaunihera any amendments to bylaws to apply to the community,
- » undertaking and monitoring activities for which a budget has been allocated to the board, and
- » taking advantage of training opportunities that arise.

Mechanisms for making the above protocols and expectations specific, include formal board agreement, memorandum of understanding and charter. See Appendix One for a charter template based on a model proposed to CBEC by David Hammond, the former CEO of Thames-Coromandel District Council.

Contributing to council decisions

Kaunihera employ a variety of processes and practices for seeking advice from their community boards including:

- » officer reports being placed on a community board agenda prior to the report going to a kaunihera or standing committee meeting,
- » kaunihera reports being referred from a standing committee to boards for comment prior to the matter going to kaunihera (or back to the standing committee),
- » kaunihera agendas being sent to board chairs with an understanding that chairs will seek input as appropriate,
- » community board chairs (or other board representatives) being co-opted onto kaunihera standing committees or working parties,
- » community board chairs being given speaking rights at kaunihera meetings,
- » officers being encouraged to seek informal advice from chairs or members of boards,
- » council advisers monitoring all reports and agenda items to check whether they should be referred to community boards prior to consideration by kaunihera or committee
- » appending community board minutes to each kaunihera agenda,
- » convening regular community board and kaunihera liaison meetings, or
- » providing for community boards to make formal submissions to kaunihera meetings.

In short, community boards effectively contributing to kaunihera decisions involves kaunihera seeking advice from community boards early in the decision-making process, and boards taking the opportunities offered to provide timely input into the process.

Using networks to inform contributions

While kaunihera support a range of networks at the city or district level to enhance their decision-making, it is up to community boards to replicate this at the sub-district or neighbourhood level. Networks enable boards to respond to requests for advice in a useful and timely manner. In many ways, a board's value to the kaunihera reflects the strength and relevance of the local networks it is plugged into.

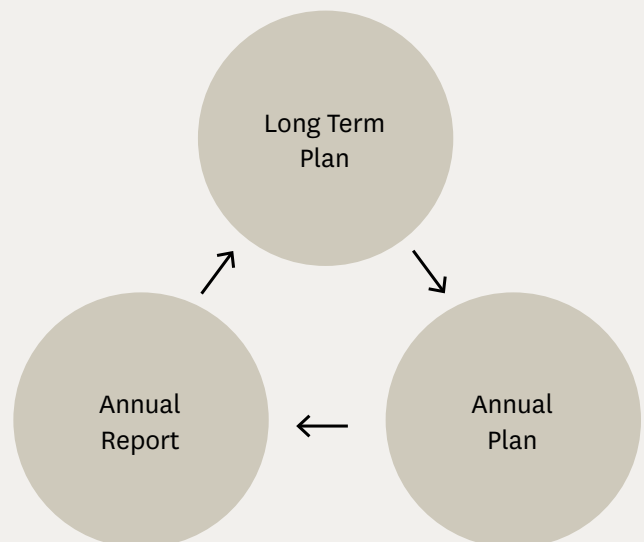
Networks should be planned to help a community board be proactive and able to respond to kaunihera requests for good quality advice and input in a timely manner.

When providing advice community boards need to consider the budgetary implications of that advice, the possibility of competing priorities and the practicality of any recommendations made.

To assist kaunihera make decisions, boards need to explain 'the why' that lies behind their views. This will help kaunihera 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.

Community board planning

Kaunihera are required by legislation to plan for both the short- and long-term future. They are also required to review their long-term plans (LTPs) every three years, and to prepare annual plans if they wish to amend their LTPs.



Community boards can play an important role in their kaunihera's planning processes by:

// 1

identifying local issues for inclusion in the LTP,

// 2

providing feedback on the impact and effectiveness of kaunihera services,

// 3

providing input on service levels,

// 4

promoting the kaunihera's draft plans in their community and encouraging submissions, and

// 5

providing a community board submission on the draft LTP and annual plan.

To assist these processes, several community boards develop their own community plan setting out the community's preferences and priorities.

While communities are free to adopt a model which suits them best, it is recommended that community boards consider the option of developing three-year plans, or longer-term plans that are reviewed three-yearly, and this be undertaken in the first year of each triennium.

This model allows boards to address issues raised in the recent elections and for the plan to be used as the basis for input into the kaunihera's LTP which is adopted in the second year of the triennium. Some further consultation with the community should be undertaken by the board in the process of developing and reviewing the community plan, to confirm community preferences and priorities.

While community plans will not be as detailed as kaunihera's LTPs, it would facilitate community board input into the LTP, if the community plan format relates to the structure of the LTP.

Areas where community boards have developed community plans include: Thames-Coromandel, Whakatane, New Plymouth and Christchurch.

Community board decision-making

The LGA 2002 sets out obligations that must be followed when kaunihera are making decisions, whether or not the decisions have direct financial consequences. These obligations also apply to community where they have delegated decision-making powers and where they routinely make recommendations to their kaunihera on the understanding that those recommendations will be adopted.

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

The LGA's decision-making 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 are the principles set out in section 14 and the detailed provisions set out in Part 6, which identify considerations the decision-making body must take into account when making decisions

Key provisions include:

- » factors to take into account when making decisions, which relate to the diversity of the community, the interests of both future and current communities, and the likely impact on community well-being (s. 14(1)(c))
- » providing opportunities for Māori to contribute to decision-making processes (s. 14(1)(d) and s. 81))
- » particular requirements relating to decisions, including identifying and assessing all reasonably practicable options, and taking into account the interests of Māori in particular decisions (s. 77)
- » community views in relation to decisions (s. 78)
- » identification of decisions inconsistent with council policies or plans (s. 80).

In addition, the LGA sets out consultation principles (s. 82) which must be followed in relation to decisions.

When making decisions, a community board must 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. Decisions should also be appropriately documented and information about the reasons for decisions made available.

This is an outline only of the decision-making requirements set out in the LGA. If community boards are delegated decision-making powers, or it is expected particular recommendations will be adopted by the kaunihera, boards should seek further detailed guidance on decision-making processes from the kaunihera.

More information is provided in LGNZ's GROW Handbook for elected Members Chapter four: Engagement and participation, and Chapter five: Decision making, delegations and the role of committees.





5

Wāhanga FIVE

Being an effective community board member >>

By being successfully elected, community board members have been given the trust of local citizens to represent and advocate for them, to exercise community leadership and make decisions on their behalf.

Your constituents will expect you to represent their views and concerns faithfully and to act with integrity. They will also expect you to work diligently for the benefit and enhancement of the community as a whole.

It is a significant honour that comes responsibility, as your actions and decisions can have major short and long-term consequences for your community.

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 community; and governance, that is seeking to enhance the well-being of that community.

When compared to the role of councillors, community board members spend a greater proportion of their time on representation matters and less on governance matters. However, there is the opportunity for you and your board to discuss what is the best balance of the two roles for your community, and then to raise this with the kaunihera.

To be an effective community board member, you need to know that it consists of more than just attending community board meetings. Effective representation and governance involves attending many other meetings and events in your local community and being a great networker.

The character traits and skills needed to be successful as a board member are the same as those needed for any elected member. For more discussion on this see LGNZ's GROW Handbook for Elected Members, Chapter two: Role of elected members and Chapter three: Elected members rights and obligations.

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 Two and a self-assessment tool for board members in Appendix Three.



Effective representation and governance involves attending many other meetings and events in your local community and being a great networker.



6

Wāhanga **SIX**

Community board members rights and obligations >>

The following is a summary of members rights and obligations. Please see LGNZ's GROW Handbook for Elected Members, Chapter three: Elected members rights and obligations, for more detail. In particular, members must familiarise themselves with obligations relating to conflicts of interest.

Elected members' 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. In addition, the Authority is responsible for setting rules regarding the reimbursement of costs incurred while engaged in local authority business.

Remuneration for community board members (also for local boards) is not based on the same pay scale as for councils. This is because of what the Authority says are "*the distinctive structures and responsibilities of these boards*".

The Authority has concluded that:

"the primary responsibility of the overwhelming majority of community boards is representation and advocacy ... and that having community board remuneration linked to population is fairer to board members. 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 board representing a smaller number of people."

On this basis, the remuneration for community board members serving a large population is greater than that of members of a board serving a small population meaning there is relativity between a community board's population and the remuneration of its elected members. There is also a minimum level of remuneration reflecting common activities such as board meetings.

Where a councillor is appointed as a member 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. If a kaunihera wishes to pay some extra remuneration to that councillor, it will come from the kaunihera's governance pool.

Remuneration determinations for each kaunihera, including community boards, are made on an annual basis for the year commencing 1 July.

Chair's and deputy chair's remuneration

The remuneration of the chair is twice that of a board member. The Authority, however, requires confirmation that the chair will carry out the additional responsibilities for that role.

The deputy chair is remunerated as a board member. This 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.

Increase in remuneration to reflect additional board responsibility

There is provision for a community board's remuneration to be increased to reflect additional responsibilities undertaken by the board. The increased remuneration is recognised for the board as a whole and not for individual members.

Additional responsibilities may include responsibility for services formally delegated by the kaunihera or it could be responsibility for representing the views and position of the community board to external parties.

While the Authority has determined that community board remuneration should not be part of the kaunihera's overall governance pool, it has advised that if any kaunihera wants to delegate additional responsibilities, and wants community board remuneration to increase accordingly, the value of the increase will come from the kaunihera pool. This is on the basis that the additional work by community board members relieves councillors of this work.

The Authority states that each proposal will be considered on a case-by-case basis, with boards required to show how it is operating "*above and beyond the role of community boards*". The maximum amount that can be added to the community board remuneration is 30 per cent of the annual remuneration.

For more information on community board remuneration generally go to: <https://www.remauthority.govt.nz/local-government-elected-members/>

Allowances

Allowances for elected members are determined entirely at the discretion of the kaunihera, but within limits set by the Authority. Current allowances identified by the Authority are for vehicle kilometres, travel time (within New Zealand), ICT and childcare.

Information relating to these allowances can be found at <https://www.remauthority.govt.nz/local-government-elected-members/allowances-elected-members/>

ACC Levies

All elected members, including community board members, are responsible for paying their own ACC levies.

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 official 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.

Elected members with 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 that 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).





7

Wāhanga **SEVEN**

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, available from 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 for LGNZ, available from LGNZ (contact admin@lgnz.co.nz).

Appendix

Apitihanga

1.

**Community
board charter
template >>**

Preamble

The Kiwi District Community Board charter (the charter) establishes the future relationship between the Pakawai Community Board (the board) and the Kiwi District 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 Kiwi District.

// Part 1

Kiwi District 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 and 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's long-term plan.

// Part 2

Pakawai Community Board governance

2.1. Purpose of community board

- 2.1.1. The purpose of the board is as follows:

achievement of Pakawai community plan (date)

developing and delivering on community priorities

local and representative leadership for the Pakawai community

effective engagement with the local community and organisations

liaison with and advice to the council and other relevant authorities

2.2. Responsibilities of community board

- 2.2.1. To achieve the board's purpose, the responsibilities of the board are as follows:

delivery of Pakawai community plan (date)

development of the next community plan in partnership with the council

represent, and act as an advocate for, the interests of its community

undertake, or recommend to the council, the promotion of local cultural, sporting and enterprise initiatives and community events

consider and report on of all matters referred to it by the council or any matter of interest or concern to the board

maintain an overview of services provided by the council within the community

provide local input, prioritisation and feedback on council works, levels of service and priorities in local regulations

engage with community organisations and special interest groups within its community

provide local leadership and decision-making

provide leadership on the development of local community assets, services, projects and programmes

set local priorities for the annual budget and prepare a submission on these to the council

agree the local budget from the council through working with the council to set budgets for agreed work programmes, assets, projects, services and facilities

prepare submissions to other authorities on behalf of the Pakawai community

sign off local funding applications and administer local grants

provide two-monthly reports to the council on priorities, programmes, projects and expenditure

advise the council on appropriate consultation with the Pakawai community

collaborate with the council on the delivery of assets, services and facilities in Pakawai community

undertake any other function or duty as may be delegated from time to time to the board by the council as mutually agreed.

provide administrative support for the board's meetings and a single staff contact for all departments of the council

present board members with a quarterly report detailing the next period's programme of works

consult the board 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 on the draft documents

invite board members to participate in all community or site meetings held in the board area on proposed works projects

hold at least one combined workshop per annum, at which elected representatives and key staff will participate with the board in discussing issues of mutual interest and clarify future strategic direction

accept representations from the board at its ordinary meetings on any issues of significance contained within board minutes.

2.3. Responsibilities of the council and staff

2.3.1. In working with the board, the council and staff will carry out the following responsibilities:

develop annual budgets and work programmes in consultation with the board and consistent with the priorities of the Pakawai community plan

consult the board 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 board to make a meaningful and informed submission to the council

provide transparent asset and service delivery expenditure in the Pakawai community

liaise with the Pakawai community, through the board, in the earliest stages of developing the strategy and design of assets, services, projects, programmes and facilities for the Pakawai community

listen to and incorporate the board's feedback to the council on assets, services, projects, programmes and facilities decisions for the Pakawai community

build the capability of the board for providing quality decision-making and governance

consult on submissions and advocacy involving the Pakawai community in a timely manner

2.4. Meetings and protocol

2.4.1. The board will meet ... monthly; a total of ... times per annum.

2.4.2. Meetings will be run by the chair in accordance with standing orders.

2.4.3. All conflicts of interest, or perceived conflicts of interest, will be declared before relevant matters are discussed or decisions made, in accordance with standing orders.

2.4.4. At each board meeting there will 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.

2.4.5. Each meeting of the board will have an agenda, distributed a week before the meeting and made publicly available. Meetings are generally to be open to the public, with provision for public excluded discussion and decision-making in accordance with standing orders.

2.4.6. There will be the following standing agenda items at each meeting:

an open public forum with speakers making prior arrangements with staff to attend

a works and services report from the council

achievements and progress on the Pakawai community plan

2.5. Decision-making

2.5.1. Most decisions of the board are generally to be made by consensus, with all resolutions noted in the minutes. Any voting that is required, is to be in accordance with standing orders.

2.5.2. Appropriate advice is required before board decisions are made, so decisions are well-informed. This will be achieved on the basis of a report with all reasonable options, risks and costs identified.

2.5.3. The board will ensure that requests for staff advice are kept within the budgeted allowance of staff time for that board. Where additional staff resources are needed, the board chair will negotiate this with the chief executive.

2.6. Accountability

2.6.1. 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.

2.6.2. Decisions are made by the board as a whole. Even if an individual votes against a specific decision, all members are bound by the decision, and are expected to support the decision.

2.6.3. Members are accountable for keeping to this charter, as are the council and its staff.

2.6.4. An annual performance review of the board will be undertaken by the council in liaison with the board chair.

2.7. Communication

2.7.1. The objective is to retain quality relationships between the council and the board, and between the board and the public. Communication by all must be timely, and include all relevant information.

2.7.2. Minutes of board meetings will be available in a timely manner, sent and circulated to the council with any resolutions highlighted.

2.7.3. The chair, unless otherwise stated, is the spokesperson for the board.

2.7.4. 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.

2.7.5. The board chair will have the opportunity to present the board's report to the council following each meeting of the board.

2.8. Conflict resolution

2.8.1. The council and the 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.

2.8.2. 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.

2.8.3. 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 member roles and responsibilities

3.1. Role of board members

- 3.1.1. All board members will 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, with a view to enhancing the performance of the board.

SIGNED:

[Name in full]

Chair of the Pakawai Community Board

[Name in full]

On behalf of the Kiwi District Council

DATED:



Appendix

Apitihanga

2.

**Community
board position
description >>**

Community board member

Representation and advocacy

- » promote residents' issues and initiatives to the community board and the council
- » 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)
- » be an advocate for local issues and initiatives on behalf of residents, to other community organisations, to the council, and to central government
- » monitor the range and level of council services provided within the community board's jurisdiction, and advocate changes as necessary
- » respond to residents' and community issues and submissions, and act as leaders in the community where problems may arise and where issues or initiatives need to be promoted
- » 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)
- » liaise with, and communicate with, community groups regarding local issues and initiatives, and on the processes, services and decisions of the community board and the council
- » clarify and promote the role of the community board in the area and wider communities

Information gathering

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

Governance

- » prepare for and attend meetings of the community board and other bodies the member has been asked to serve on
- » engage in decision-making processes without bias, including hearing panels (if delegated), acting at all times in accordance with legislative requirements, and with integrity and professionalism
- » 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
- » contribute to the development of community board policies, and set and monitor key performance indicators
- » ensure that the structures and systems used by the board, such as meeting agendas, support and encourage effective democratic decision-making
- » scrutinise council policies and services within the community board area, and advise the council on ways of enhancing effectiveness
- » work in co-operation with the council (community boards are part of the local government structure and must work within the framework of the powers and functions set out in statute and as delegated by the council)

Accountability

- » act in accordance with the principles of democratic accountability to residents within the area
- » act in accordance with the community board's code of conduct
- » 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

Community board chair

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

- » meet with the relevant council officer to review items for the forthcoming meeting agenda
- » prepare and deliver, if so agreed, a chair's report
- » effectively chair meetings of the board
- » act as spokesperson for the board
- » meet regularly with members to provide them with an opportunity to raise matters for board agendas and identify and address any behavioural issues that might be developing
- » facilitate good relationships with the mayor, chief executive and councillors

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 council 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 council's annual plan and long-term plan. When, for example, will the board become involved and what contribution is it able to make in the development of the plans relating to the board area? How much notice will it be given and what is the process for having input?

// 4

Make sure that the chief executive 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 chief executive to establish protocols for the way in which the board chair and 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 the agreement/terms of reference for the board and the 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 media. 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 media with or without your consent?

// 8

In all things, remember that a successful board is reliant on you being a consistent and accessible leader who is open to the thoughts and ideas of your board members. Success will also be earned by your relationship with the staff and your continuing attitude of being a benefit and not a cost to the council.



Appendix

Apitihanga

3.

**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 form, to be completed by individual board members, provides examples of questions that could be asked to enable boards to undertake a necessary self-assessment. The results could then be discussed at an annual board planning and strategy session.

// POSSIBLE QUESTIONS	// YES	// NO	// COMMENTS
1. Do you receive adequate general information relating to your community?			
2. Do you get council/council committee agendas and/or reports?			
3. Does your board prepare a community plan?			
4. Do you know your board's desired outcomes, goals and projects for the year?			
5. Does your board have a formal agreement/charter/terms of reference with the council?			
6. Do you know your board's delegations?			
7. Are you familiar with the requirements of the LGA and LGOIMA relating to community boards and their meetings?			
8. Are you satisfied with how your board's meetings are organised and run?			
9. Is there a public forum at the beginning of each board meeting?			
10. Are you satisfied with the support provided by the council for your board meetings?			
11. Do the mayor/councillors attend any board meetings?			
12. Do any regional councillors, representing your area, ever attend a board meeting?			
13. Does your board have meetings with other relevant agencies who are working in the area?			
14. Are there joint community board meetings across the city/district?			
15. Does the council consult your board before setting board delegations?			
16. Does the council consult your board before setting member remuneration?			
17. Is your board invited to take part in council workshops to discuss its long-term and annual plans?			

// POSSIBLE QUESTIONS**// YES****// NO****// COMMENTS**

18. Does your board regularly make submissions on the council's long-term and annual plans?

19. Are members of your board invited to attend LGNZ zone meetings along with councillors?

20. Are members of your board invited to council training sessions e.g. Treaty training?

21. Have any of your board's members received training to be hearing commissioners under the RMA?

22. Does your board/chair have regular meetings with the council chief executive?

23. Does your board chair have speaking rights at council meetings?

24. Are any members of your board on council committees?



