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**COMMUNITY BOARDS - CONTROL OF
COMMUNITY OR CONTROL BY COMMUNITY?**

A Thesis presented in partial fulfilment of the
requirements for the degree of

**MASTER OF PHILOSOPHY IN RESOURCE AND
ENVIRONMENTAL PLANNING**

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ABSTRACT

Over the last two decades, there as has been an emergence in western local government systems of small statutory bodies, Parish Councils and Community Councils in Great Britain, Kommeslands in Sweden, Community Councils in Canada and Community Boards in New Zealand.

It is argued, utilising the work of Coser (1956) and Dahrendorf (1959), that these structures appeared due to attempts to mute the growing conflict over the deficiencies of local government systems. Case studies looking at the western local government system and the situation in Great Britain and New Zealand will outline more particularly what these factors were and how small statutory bodies emerged in response to their existence.

It is argued that because the small statutory bodies were intended to be placatory mechanisms rather than true decision making authorities, their roles and responsibilities were left deliberately vague. It was left to each local parent authority to decide what emphasis to place on the boards' roles and responsibilities, what attention to pay to them, or what status to accord them. It is argued, that this structure lead to conflict between the small statutory bodies who felt that they had been given control over their areas, and their parent authorities who took the approach that the bodies were largely advisory bodies and that control still rested with the local authority itself. Thus, because there was not agreement over the rules of the game as Dahrendorf argued was necessary between the groups involved in the bodies' operation, conflict ensued.

From case studies of the operation of small statutory bodies in Great Britain and New Zealand it is confirmed that problems have arisen due to conflict about roles and responsibilities (external factors) but it is noted that conflict has also arisen from unrelated factors such as party politics, demands for efficiency and cost effectiveness etc (internal factors).

It will be argued however that, community boards are a useful part of the New Zealand local government, and that the conflicts that exist can be remedied. The closing chapter outlines some suggestions as to how this can be achieved.

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CHAPTER ONE: INTRODUCTION

Introduction ...

In the last four decades there has been across the world, a noticeable push towards increasing public participation in the processes of government. (Sandercock, 1978) Gillisen suggests that the calls for public participation are the product of cultural change affecting western society overall. "The 20th century in western society is witnessing forces which are setting up tensions of sometimes frightening magnitude. There is medical and technical progress which has been contributing, on the one hand to population explosion and on the other, to an affluence explosion. The two make for a complex society which can survive only with a strongly structured system of organisation; this in turn is obviously in danger of promoting bureaucratic behavioural patterns. In contrast there is a boom in education, producing more enlightened masses. These in turn generate individual and collective aspirations of freedom, choice, option, involvement, satisfaction, fulfilment and plurality." (Gillisen, 1975, 20).

Given this basic impetus for incorporating a public component in the workings of governments, the calls for public participation have been 'clothed' in many different forms. Greater public participation has been argued for on the grounds of ensuring democracy, in the face of growing tendency for decision making to be carried out by the bureaucracy without reference to the public's wishes. Public participation has been advocated by environmentalists as a means of ensuring protection for the world's biosphere, through handing control over to local people who understand what is best for the area around them. Public participation has been argued for by those concerned with the increasing alienation of industrialised populations from the societies and communities in which they live. In many parts of the world, the calls for public participation have been linked with the demands of indigenous populations eager to have their concerns and claims recognised by both national and local government. (Hesse, 1981) However, the movement towards public participation measures has also come from within governments and bureaucracies themselves. As Hain (1982, 36) notes, "the belief that the thrust from the grass roots was the major one, [which obscured] the reality that government, in a downward process, was busy employing participation as a device to secure greater

consent and legitimacy for its programmes and policies. Not only was the government responding to pressure from activists, but other factors were encouraging it to intervene." Gunlicks (1981, 3) explains what these factors were. "Since the Second World War the industrialised countries of North America and Western Europe have enjoyed an extended period of peace and prosperity without precedent in history. They have shared, to varying degrees, the benefits of dramatic economic growth; increased international trade; technological development; a wide variety of expanded public opportunities; and improved standards of living and personal security. Along with these improvements and benefits, public expectations of continued progress have developed. The resulting pressures on local, regional, and national governments to meet these expectations represent perhaps the greatest domestic challenge to both present and future decision makers." By incorporating a public participation factor into policy making, governments could avoid time consuming and financially draining protest at the implementation stage of their policies. In addition public participation, could be used to prop up the system of representative democracy which was seen to be at a crisis point. Much later on, public participation was to form a central facet of the devolution and corporatisation processes undertaken by many governments in the 1980's. In fact, commentators have argued, that the promise of greater public involvement and greater accountability, smoothed the way to acceptance of the devolution of responsibility downwards from national government and the corporatisation of many previously public services. Like other public policy arenas, local government too has been a focus for public participation demands. These demands have stemmed, as in the other arenas, from the needs both of the bureaucracy itself and of the public. It will be argued, utilising the work of Coser (1956), that this combination of demands upon the local government system lead to the creation of small statutory. bodies, parish and community councils in England, Kommelsrands in Sweden, community councils in Canada and community boards in New Zealand, within the western local government system.

Community Bodies as a mechanism of control - A Introduction to the Work of Coser ...

There are many different approaches to the question of social order and organisation, but, on the most general level, much of the debate is focused

on the conflict between the explanation offered by the consensual school as opposed to that offered by the conflict school. The consensual school, holds that societies and organisations are held together by an overarching agreement on ideas and beliefs and that tension which surfaces, is minor and can be remedied by small periodic readjustments in the overall structure of society. The conflict school holds, that society is a battleground where the disagreement between groups leads to such tension, that the basic tinkering of the consensualists is to no avail, and that revolution is the unavoidable result.

The structural functional approach of Talcott Parsons, with its emphasis on stability and the functional stabilising roles of such social institutions as the state, religion and the family, is an example of the former. The Marxist approach, with its emphasis on inequalities and conflict, is the obvious example of the latter view. The rise of small statutory bodies can be seen in the light of both general theories. In terms of consensus theory it can be seen as part of the basic tinkering with the social structure to avoid tensions between parties. On the other hand, the rise of these bodies could be viewed as the beginnings of a revolutionary movement that will ultimately lead to the overthrow of the structure of local government. In fact, it can be seen, that both explanations are a little simplistic. If the small statutory bodies were meant to defuse tension, why are there still conflicts between small statutory bodies and their parent authorities? On the other hand, if small statutory bodies were meant to be a revolutionary force or a means for handing over the control of power, why have the community bodies taken up the methods, structure and/or organisational patterns of the local government system, as well as formal links and ties with that structure?

Coser's work, "The Functions of Social Conflict" (1956), is built on a synthesis of ideas from the schools of consensus and conflict theory. Coser noted that not all conflicts in society were over the ideals that held societies together. In fact, he noted that many conflicts were at the 'substratum' level. In reality conflicts were not over the large issues of normative order and beliefs but over 'smaller' issues ie equity, gender. Such conflicts moreover would not necessarily lead to the overthrow of the system altogether. He went on to hypothesise that conflict could actually fulfil a functional imperative of releasing tensions and thus reduce conflict which might threaten society at the normative level. "The expression of hostility

in conflict serves positive functions inasmuch as it permits the maintenance of relationships under conditions of stress, thus preventing group dissolution through the withdrawal of hostile participants." (Coser, 1956, 39) Continuing to follow this idea, Coser noted that conflict however had to be kept at manageable levels or it could lead to dissolution. The solution to this was found within the structure that was under attack. "One safeguard against conflict disrupting the consensual basis however, is contained in the social structure itself by the institutionalisation and tolerance of conflict." (Coser, 1956, 151) Further, by institutionalising and making the dissident group interdependent with the status quo, the dissidents themselves become a defender of the structure of which they are then a part rather than agitators for the downfall of the structure, as they themselves would be overthrown with it. As Coser (1956, 75) noted, "just as the individual depends upon society because he depends upon the parts of which it is composed; groups also, due to their interdependence, help to maintain the social system within which they function." (Coser, 1956, 75)

Coser is not alone in this postulation. Dahrendorf (1959) also sets out from Marxism to end up with a similar conclusion. Dahrendorf too accepts conflicts are necessary and that attempts to obliterate conflict would be totalitarian. This is not to say however that he believes conflict should be left unmanaged. Like Coser, Dahrendorf notes that conflict must be kept within constraints. He believes that in order for conflict to be managed certain preconditions need to met.

- (i) Both parties to a conflict have to recognise the necessity/reality of the conflict situation and believe that there is some justice in the cause; and
- (ii) interests must be organised into groups; and
- (iii) the parties must agree on certain 'rules of the game' to provide a framework for regulation.

Thus conflicts could be recognised and dealt with within the overarching structure, hence removing the threat against it and moulding it into more manageable forms.

Almond and Verba in their book, *The Civic Culture* (1963), also take this approach noting, "the dominant tendency is toward stability and inertia as

maintained through built in mechanisms of adjustment and social control." (Thornley, 1977, 13) However, they also note that each new demand gives rise to a more stable form; "within each cycle the citizen's perception of his own influence is reinforced, at the same time the system adjusts to new demands and thereby manifests its effectiveness and the system may become generally more stable through the loyalty engendered by participation and effective performance." (Almond and Verba, 1965, 484).

How does the theory advanced by Coser, Dahrendorf and Almond and Verba have a bearing on the rise of the 'small statutory body' in local government? Firstly local government can be viewed as a system. Like any other system, local government's stability can be threatened by conflicts. In the past, such conflicts have been the loss of public faith in local government's abilities and the demands of the public for a greater say in local government. Other threats have come from within the system itself, through events such as reorganisation and corporatisation. Following Coser and Dahrendorf's postulations, in order to survive the 'crisis' presented by these factors, local government has had to find some way of internalising and institutionalising these conflicts. Small statutory bodies provide one way in which the group of agitators can be coopted into the system and thus controlled. For example, in terms of dealing with the demands of the public for greater participation in local government, it was recognised that, "certain values can be seen in neighbourhood councils, which while not positively stimulating involvement, could be used to manage any spontaneous action and integrate this within the system." (Thornley, 1977, 45) In terms of the conflict caused between local and central government, due to reorganisation campaigns, such small statutory bodies also proved useful. Smaller authorities for example, could be persuaded to disband if they could then operate as a small statutory body albeit with fewer, if any, powers. As Thornley (1977, 48) notes, "these councils would present the necessary organisational structure within which conflicts can be contained and would detract from the possibility of more spontaneous, radical and aggressive opposition." Thus it can be hypothesised, that small statutory bodies were created in an attempt to internalise the conflicts that western local governments were being increasingly faced with from the 1960's onwards.

If the purpose of the small statutory bodies was to control conflict, it would necessarily have some effect on the structure, status and responsibilities to be undertaken by these bodies. Just as the justification for public participation varied, so did the types of public participation. Arnstein (1969) claimed that 8 types of public participation could be identified. In outlining her ladder of citizen participation, (see Figure 1.1) Arnstein, (1969, 217) noted that the actual intentions of each rung and the power they offered to citizens varied widely. "The bottom rungs of the ladder are (1) Manipulative and (2) Therapy. These two rungs describe levels of 'non-participation', that have been contrived by some, to substitute for genuine participation. Their real objective is not to enable people to participate in planning or conducting programmes, but to enable power holders to 'educate' or 'cure' the participants. Rungs (3) Informing and (4) Consultation progress to levels of 'tokenism' that allow the have-nots to hear and have a voice. When they are proffered by power holders as the total extent of participation, citizens may hear and be heard. But, under these conditions, they lack the power to ensure that their views will be heeded by the powerful. When participation is restricted to these levels, there is no follow through, no 'muscle', hence no assurance of changing the status quo. Rung (5) Placation is simply a higher level tokenism because the ground rules allow have-nots to advise, but retain for the power holders the continued right to decide. Further up the ladder are levels of citizen power with increasing degrees of decision making clout. Citizens can enter into a (6) Partnership that enables them to negotiate and engage in tradeoffs, with traditional power holders. At the topmost rungs, (7) Delegated Power and (8) Citizen Control, have-not citizens obtain the majority of decision-making seats or have full managerial power."

It can be argued therefore, that as national government set up the small statutory bodies as a mechanism of control, the boards created are likely to be seen as belonging to the Tokenism or placation rungs of Arnstein's model. This 'agenda' of conflict control, it will be argued, lead to national governments providing only vague guidelines concerning the roles and responsibilities of such community bodies, leaving local government as the arbiters of what small statutory bodies would and would not do. In their turn, local authorities too, visualised the small statutory bodies at the placatory, tokenism level and delegated or withheld delegation accordingly. This answers the earlier questions posed namely, Why there was still

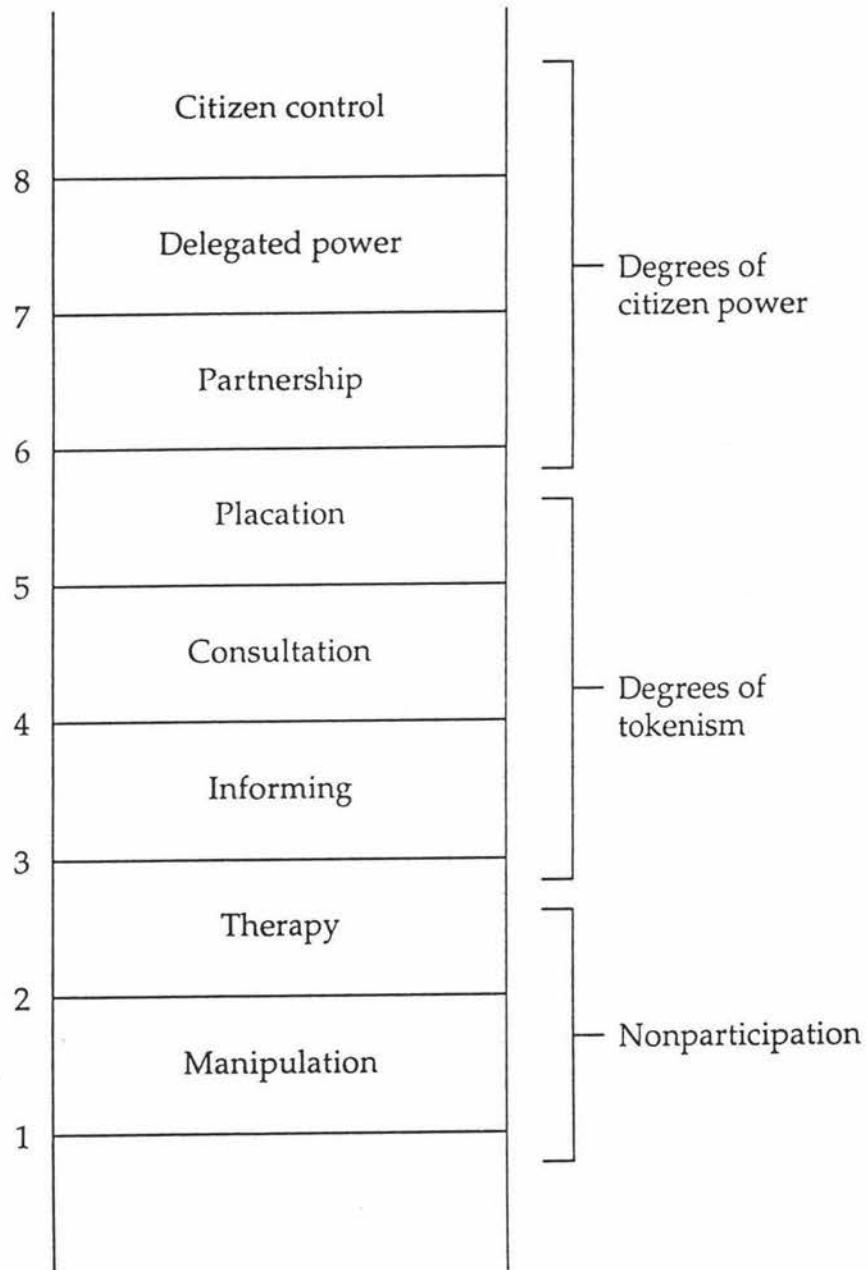


Fig 1.1 Arnstein's ladder of citizen participation

Source: Arnstein, S.R., A ladder of citizen participation, *AIP Journal*, July 1969, p216

conflict in the local government system after the creation of the small statutory bodies? and Why did these bodies follow the structures of the local government system? In answer to the first question, it can be seen that the placatory role visualised by central and local government for small statutory bodies was at variance with the view held by the grass roots or public that the boards were about granting a measure of community control, Rungs 8-10 on Arnstein's Ladder. This often came about due to the way in which small statutory bodies were often heralded before their inception as giving the public a say about and control over what happened in their area. This failure to meet the expectations of the public about what was being offered, this difference in 'agendas', placation and conflict management versus actual community control, lead to conflict between the community bodies and their parent authorities. However, it is noted that conflict can also arise from factors unrelated to these structural causes, such as party politics and personality clashes.

The thesis then is structured around two hypotheses. The first is, that small statutory community bodies appeared in western local government from the 1960's due to an attempt to mute the growing conflict over the deficiencies of local government systems. These pressures were to be found both inside and outside of the system. In order to test this hypothesis it is necessary to identify that such a set of factors existed. Case studies looking at the western local government system and the situation in Great Britain will outline more particularly what these factors were and how small statutory bodies emerged in response to their existence. This will be followed by a brief examination of the reforms in Great Britain, the purpose of which is to demonstrate that central government did not envisage the bodies as mechanisms of handing actual control over to the public, but as a means of containing conflicts both from within and without of the local government system.

This examination in turn leads to the second hypothesis that, because the small statutory bodies were intended to be placatory mechanisms rather than true decision making authorities, their roles and responsibilities were left deliberately vague and it was up to each local parent authority to decide what emphasis to place on the boards' roles and responsibilities and what attention to pay to them, or what status to accord them. In turn, it will be argued, that this structure lead to conflict between the small statutory bodies

who felt that they had been given control over their areas, and their parent authorities who took the approach that the bodies were largely advisory bodies and that control still rested with the local authority itself. Thus, because there was not agreement over the rules of the game as Dahrendorf argued was necessary between the groups involved in the bodies operation, conflict ensued. This leads to an interesting conclusion that while the small statutory bodies may have defused some of the conflicts that had led to their creation, they in turn lead to their own set of tensions.

The evidence for this hypothesis, that disagreements about the 'rules' of the game lead to conflict between small statutory bodies and the parent authorities will be garnered firstly from an analysis of the problems faced by the British small statutory bodies and secondly, and in much greater detail, from surveys and case studies conducted with New Zealand community boards and their parent authorities. From these, it will be confirmed that problems have arisen due to conflict about roles and responsibilities but also from unrelated factors such as party politics etc. It will be argued however that, community boards are a useful part of the New Zealand local government and that the conflicts that exist can be remedied. The closing chapter outlines some suggestions as to how this can be achieved.

CHAPTER TWO: WESTERN TRENDS

Introduction ...

It has been argued, that the small statutory bodies that began to appear in western local government from the 1960's onwards, appeared as a control mechanism for the pressures being felt by the Local Government system. These pressures however have as yet only been indicated. A fuller discussion of these pressures and their linkages to the creation of small statutory bodies needs to be entered into. In defining these pressures and their consequences, a review of the literature dealing with local government reorganisation in the western world from the 1960's onwards was undertaken. The review of the literature concentrates mainly on the restructuring of the western local government system, since New Zealand is part of that system. It may be noted however, that Third World restructuring displayed a similar process and exhibited many of the same factors. (Hesse, 1981)

The literature reviewed suggested several factors whose combined influence may have led to the formulation of legislation to provide for these small statutory bodies. Because several influences were at work, some way of separating out the strands and presenting them for closer inspection may be helpful. This has been attempted by separating the factors into spheres of origin. Loosely the sphere of origin can be identified by asking "Where did this force for reform come from? Where in society was it located?" By noting the sphere of origin of each factor the source of pressures and their causes can be identified, as can the group who caused the pressure. The ideas surrounding local government reform have come from three distinct sections of society, from the bureaucratic sphere, from the public sphere and the ideological sphere. It is noted that, such a separation of factors into one sphere only, is a heuristic device and that the factors may overlap. Where possible this overlapping will be indicated, as it needs to be recognised that it was a combination of factors that led to the formulation of the small statutory bodies in the western local government system. (See Fig 2.1)

Factors discussed are as follows. In the bureaucratic sphere are; the need to meet new service requirements/demands and the subsequent restructuring

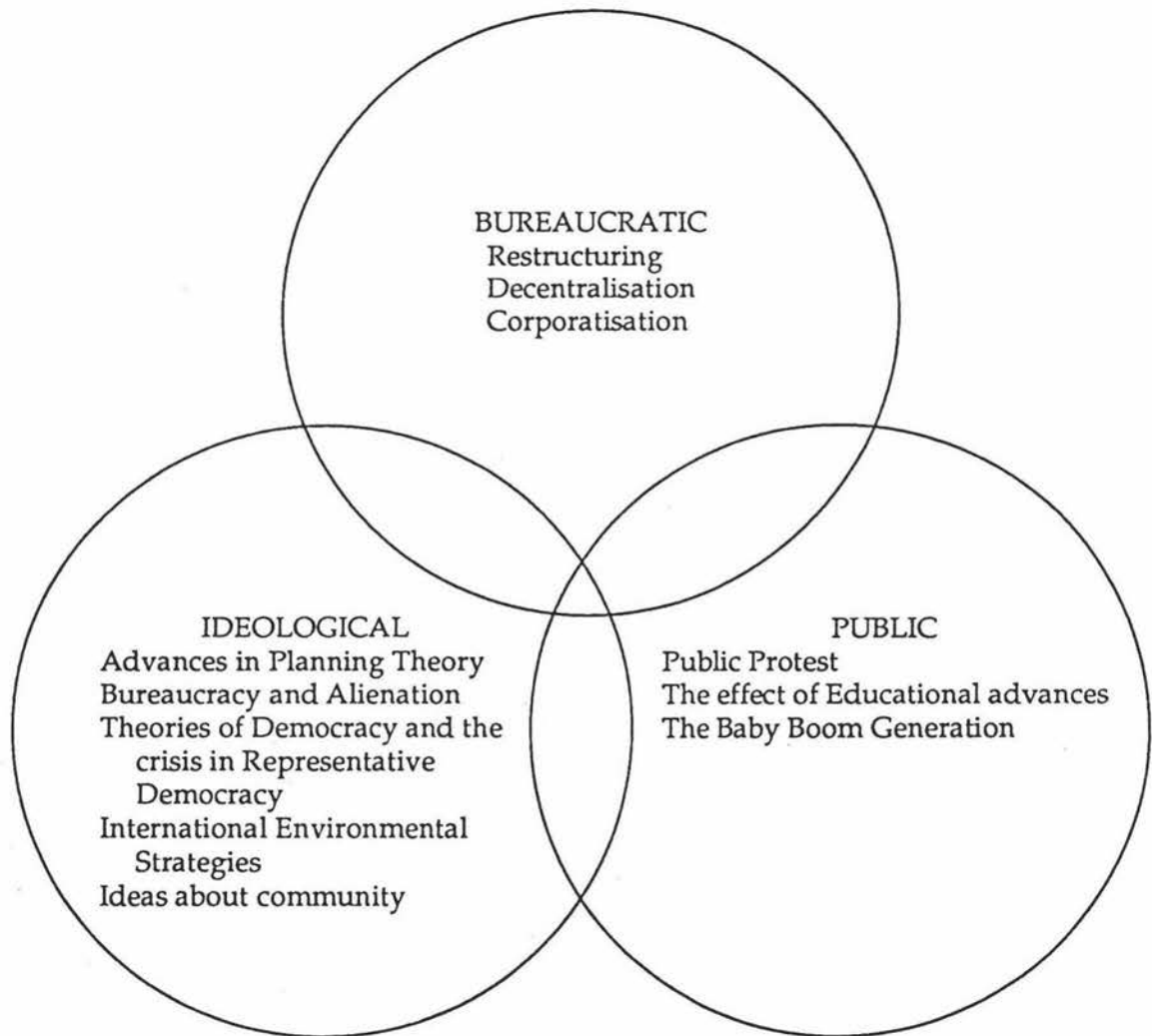


Fig 2.1 Factors contributing to the creation of small statutory bodies - Western

of local government, the need to maintain legitimacy in the public eye both for the structure of local government and for the professions associated with it, the need to reduce conflict inside and outside of the structure, and the introduction of new business practises. In the public sphere, the rise of public protest movements, the growth of anti bureaucratic and anti alienation sentiment and the rise of a new more vocal generation will be covered, and in the ideological sphere the rise in currency of academic ideas about alienation, democracy, participation and the ideological movement towards community based initiatives will be analysed.

The Bureaucratic Sphere ...

Restructuring

The 1950's and 60's saw the beginning of several new demands on local government across the western world. The first of these demands lay in the fact that, after the Second World War, there existed in government and local government, a bipartisan commitment to the idea of the welfare state. (Gyford, 1989) This led to a common agreement, that there was a need to rebuild, socially, economically and physically and to provide for the rapid growth of urbanisation. While the policy making for, and supervision of, this rebuilding would be at a national level, the implementation of the plans lay in the hands of local government. For a while, the way in which local government and its officials went about this reconstruction remained unquestioned and relatively unproblematic. "The conviction with which the professional concerned, the engineer, the architect, the planner, the environmental health officer, the housing manager, advocated their solutions, the apparent technical rationality of what they proposed and the usually unqualified support from central government generated an impetus and subsequently a momentum which it was difficult to challenge." (Gyford, 1989, 101) However, by the late sixties, this momentum was beginning to slow down. Overstretched by the growing and increasingly urbanised populations' expectations and their demand for increased and improved levels of service the system of local government began to fail to cope with the tasks it had been set by central government. In most countries, struggling to come to terms with the new demands that rapid urbanisation had placed on the traditional frameworks, it was quickly realised that these failures were due to the fact that old structures of local

governments were too fragmentary and too small in resources both physical, monetary and human to be able to plan for and meet the needs of their new populations with their higher expectations of service. Thus, an almost world wide trend of reorganisation to create territorial authorities that could operate at the required economies of scale, began.

However the needed reorganisation was not without its detractors. These detractors fell into two camps. Firstly, there was protest from the smaller authorities which were being amalgamated into larger units and who, reluctant to lose their separate identity and status, often sought to halt the reforms. Secondly, there was protest from the public and democratic theorists alike. This second group claimed that the new structures were too remote from the public to enable the public to have much of a say, if any, in the running of local government, and too large to be able to deal with the smaller details of community aspirations and needs. Thus, in order to smooth the way towards transition, a means of meeting these concerns was needed. We begin to see at this point the links between the pressures faced by the local government system and the creation of the small statutory body. In order to carry out their own structural reforms, with the minimum of conflict, the governments needed to provide some mechanism which met the concerns of the opposition. The small statutory bodies provided an excellent way of doing this. Not only could they provide an alternative forum for former local authorities to maintain some sort of an existence, and hence deflect their opposition, but they could also be used to reassure the public that local government would still continue to be relatively local and thus mute public protest over the necessary reforms.

Decentralisation

An inability to meet demands at a central level was also to produce a movement towards the creation of small statutory bodies in all sorts of arenas including the local government one. Since the beginning of the century, "there was a trend in all western style democracies towards concentration of power in the primary unit of the governmental system. The process was more incremental than deliberate, but the consequence was inevitable; systems of government in respect of which performance expectations reached an impossible high. The system ran out of the capacity to perform or deliver in accordance with the expectations which had been

created for it." (Elwood, 1988, 107-108) Thus the over stressed governments needed to find some way to move pressure off their own systems. This was achieved through programmes of privatisation and devolution and an essential component of this was getting the public to accept this dismantling of the welfare state. "Much of the political rhetoric accompanying [the reforms] focused on less government, on greater community involvement in decision making." (McKinley, 1990, 1) The small statutory bodies provided a mechanism, which appeared to involve the public more, while allowing the devolving authority to maintain some controls on what could actually be done. This has led to it being advanced that the policies were not so much devolutionary as they were decentralist, ie the responsibility was devolved but not the control. (Martin, 1988) However problems arose when this type of devolution was practised as differences of opinion often arise between the small statutory bodies who felt that they had been delegated control and the parent authority whose view it was that they had only devolved control under certain preset conditions.

Corporatisation

Accompanying these devolutionary reforms was the privatisation of the public sector along corporate lines. Small statutory bodies also provided an excellent means to meet structural requirements made necessary by this wave of reforms that occurred in the late 1970's and early 80's over much of the western world. Government restructuring of the public sector along corporate lines had led to the introduction of private sector ideas about consumer relations into the public sector. Previously the management of public service organisations were concerned to produce low cost products of standardised goods and services for a mass market, the individual characteristics and idiosyncrasies of which were of little or no concern to them. However, because of the changing international market and the competition for the dollar organisations had to reorientate themselves to the market in order to survive.

"Reorientation was towards a commercial strategy based upon creating a new relationship between the company and its customers. Now the customer was to be regarded not simply as some one who would buy or refuse to buy on the basis of price but someone who had problems or

needs which it was the task of the company to resolve or meet. This new perception of the function of the company had ramifications that extended back through the organisation, affecting all parts of the system. In particular it meant that the requirement to meet customer needs had to be internalised and responded to by all who were involved in the enterprise; and this inevitably had profound effects on relationships, training and role definitions and the delegations of responsibilities. It also means that structures have been altered to accommodate the involvement of the customers in the specification of the services to be provided." (Griffith, 1990, 37)

It can be argued, that small statutory bodies provided a structural means to achieve the desired involvement of customers, in the specification of services. The incorporation of some type of small statutory body into the structure meant that local government could consult a group of consumers quickly and easily without having to enter into any long and expensive consultation procedures. In addition, it also made it possible to coopt into the structure, particular groups of critics and thus maintain a control on the levels of public protest. Such a move was made necessary by the growth in calls for public participation in local government and by the time and expense public protests were costing local government.

The Public Sphere ...

Public Protest

Several different trends in the public sphere indicate that the public were making demands to have more say in the running of government from the 1950's onwards. Evidence for this can be found in the growth of the civil rights movement and the beginnings of the modern feminist movement. Lumb (1980, 130) notes the politicising effect of the 1960's protest movement, on local government arena. "Although expressing little interest in local government per se, the public in general were increasingly willing to circumvent bureaucratic processes by well organised and sustained protest."

The local government issue that was the focus of protest, was greater opportunities, or in some cases the creation of opportunities, for public participation. Evidence supporting this can be found in the rise of groups dedicated to expanding the role of the public in local decision making. The rise of such groups was in reaction to the failures of local government discussed earlier. Jacobs (1961) noted that in the United States, "a national movement for the preservation of neighbourhoods began to take shape in the 1950's as a reaction against urban renewal programmes." (Jacobs, 1961, cited by Goering, 1979, 507) A similar feeling was also present in the United Kingdom where a national organisation, the Association of Neighbourhood Councils (ANC) was set up to campaign for the introduction of neighbourhood councils, "on a statutory basis in every part of Britain where local people requested it." (Clarke, 1977, 113) In addition to these formal groups, there had also been, "a rapid expansion of what [were] loosely called community action groups, particularly in urban areas." (Clarke, 1977, 113) However Clarke noted, that it was impossible to quantify the extent of this expansion, because many groups existed in name only and petered out within a short time.

Other reasons, besides disgruntlement with the services and programmes of local government, for this new demand for the right to participate have been advanced. Sandercock (1978) links the rise of public participation with a backlash against the over-centralisation of government. Over-centralisation had links with the growth of urbanisation and the growing complexities of planning for increasingly interrelated functions. Sandercock argued that this leads to integration occurring only at the apex of political and administrative power, "so we become increasingly remote from the policy makers we were supposed to influence and, simultaneously, we [had to] compete with new procedures for resolving issues of policy...there seemed to be two processes of government; one formal and democratic (where the people are represented) but increasingly empty: the other obscure, technical and decisive, where expertise colluded with political self interest (highway engineers with car and oil companies, planners with property owners, etc.) (Sandercock, 1978, 118-119) Removing control of local government decisions to small statutory bodies, then was seen, by those in the public sphere, as one way of overcoming this alienation from decision making.

The Effect of Educational Advances

Goering (1979), Damer and Hague (1971) and Allison (1975) note that many of the urban renewal programmes and the service failures started to impinge on the non poor (working and middle class) urban residents. As a consequence, "they too felt a need for increased control and a desire to improve or at least maintain a satisfactory level of local services. They, too, had been neglected or mistreated by government and now began to demand the same rights of neighbourhood accountability that the poor had been ceded." (Goering, 1979, 507) As Johnson (1984) points out, this had the effect of bringing into local government, people of higher incomes and educations who had a "willingness to participate and the capacity to do it [which] effectively depends on personal qualities and skills that are cultivated by, and lead to success in, higher education, high status occupations, and property ownership." (Johnson, 1984, 194) What this meant for the local government system was it was being faced with increasingly accurate criticism. In addition, the new critics were more at ease with formal organisations and better able in terms of resources and knowledge, to bring pressure to bear on local government for some form of say in the decision making process. The small statutory body thus provided local government with a mechanism of coopting these dissidents into the local government structure and harnessing their talents to benefit the system they had previously been attacking. This manipulative or placatory use by the parent authority of the small statutory body was at odds with the view of those coopted into the organisation who were agitating for small statutory bodies on the grounds of returning control to the public.

The Baby Boom Generation

Leeming (1987) makes the argument that calls for a greater involvement in government were linked with the emergence of new groups of the public, concerned with the failing performance of local government a step further, and argues that the demands for greater public participation can be traced to new cultural and ideological beliefs of the 'baby boomers'. Leeming argues that this group have a world view shaped by the presence of the welfare state and the absence of war and economic depression. She claims that this 'culture', "makes [baby boomers] cynical about statements from all

'establishment people' [and this] promotes a 'debunking mentality.' (Leeming, 1987, 47).

Given this 'mentality', Leeming goes on to postulate that this generation will demand greater accountability in terms of both service provision and decision making. It can be conjectured too, that this mentality may very well make this group strong supporters of the idea of small statutory bodies, as they may well feel that they can 'do the job better' than any bureaucracy. From the government's perspective too, the use of small statutory bodies may be one way in which they can coopt this group into the structure and thus avoid any conflict. It should be noted that it is this difference in perspectives, placatory versus control, that it is argued lead to conflict between small statutory bodies and their parent authorities.

The Ideological Sphere ...

If the claims made that greater educational levels were a motivating factor in demands to be involved in local government are true, it is necessary to look at the ideas and ideologies that were being pursued at that time. This will enable a picture of what influences on ideology there were at the time of reforms to be built up. It will demonstrate that these ideologies, which had gained currency due to greater levels of education, played their part in influencing participants on both sides to push for the inclusion in the local government systems of some form of small statutory body.

Bureaucracy and Alienation

During the sixties and early seventies concerns about the alienating effects of bureaucracies was given stimulus by the work of urban sociologists in particular, and sociologists in general. (Fairfield, 1992) Many of these ideas became popularised due to the politicisation of academics and their entry into the public arena and their involvement in the debate surrounding urbanisation in particular. As has already been indicated, these ideas contributed to the backlash against centralisation as described by Sandercock. In turn, this backlash gave impetus to demands for community to have more input into decision making, small statutory bodies being advocated by many agitating for greater participation in local government decision making.

Ideas about community

A further ideological strand, linked to the backlash against centralisation, may have further bolstered calls for the return to the community of decision making. In reaction to the alienation theories that had arisen around bureaucracies and urbanisation, the concept of small self supporting communities and any methods of returning control to communities took on a positivist aura. Small became beautiful as did the concept of community. As Berger (1988, 50) notes, "in the literature of sociology the concept of community has, since the nineteenth century, been contrasted with the idea of society. Community is tradition; society is change. Community is feeling; society is rationality. Community is female; society is male. Community is warm and wet and intimate; society is cold and dry and formal. Community is love; society is, well, business." Other disciplines too had elements of this belief underpinning their approach to society's problems. Planners for example had, since the work of Perry and Le Corbusier in the 1920's, been interested in the ideas of planning for neighbourhoods and communities. Later those interested in design were to champion the cause of design by community. In the field of social work, the concept of community social work had been taken up. (Shirley, 1989) This drift was not lost on governments or politicians. The demand for community control and the aura surrounding it provided them with a useful means of gaining support for policies. As Cochcrane (1986, 52) notes, "today governments seem to use 'community' as if it were an aerosol can, to be sprayed onto any social programme, giving it a more progressive and sympathetic cachet; thus we have community policing, community care, community relations, community development, community architecture and the community programme among others." Thus it can be seen that, both those agitating for greater participation from outside local government and those who, like the planners were working inside local government, would have been receptive to any concept which seemed to promise community control. In addition, the concept even promised some ideological support for the reforming of local government. Thus, the concept of small statutory bodies was compatible with the ideas of many of those concerned in the reforms of local government and this would have given impetus to the more practical reasons behind the creation of small statutory bodies in the local government system.

Democracy theories and the crisis in representative democracy

Other ideologies were to influence the creation of small statutory bodies, if somewhat indirectly. "It has often been observed (e.g. Styles, 1971; Damer and Hague, 1971; Bailey, 1975) that the movement advocating a participatory democracy, that developed during the 1960's throughout the western world, was one of the factors contributing to the idea of greater participation in planning." (Thornley, 1977, 22)

This movement itself was concerned with what they saw as the failings of representative democracy. Coloured by such episodes as Watergate and the Vietnam war, and by the growing political apathy of the general public, the new wave of democratic theorists sought some way to wrest control of government out of the hands of bureaucrats and corrupt politicians and return it to the people, who might then be motivated to interest themselves in politics and decision making. The movement to replace the old system with a modern more appropriate system was not without conflict however. The division lay basically between the modern democracy theorists of the 1950's and the participatory democracy school of the 1960's. Both schools based their work on the ideas of Rosseau, that a democratic society was "a society marked by wide discussion and consultation, so that the whole people know the reasons for political decisions through taking part directly or indirectly in their formulation, " (Thornley, 1977, 22) and that through such participation the individuals could develop a sense of empathy and commitment to the society of which they were part. They differed in the extent to which they believed people should be involved. The modern democratic school believed that in order for the system to function effectively, participation is needed to create the consensus to enable society to operate. Thus participation plays the role identified by Coser and Almond and Verba for it, that of a control mechanism. The participatory democracy theorists however emphasise the ideal of extending the individualistic side of Rosseau's theories and advocate participation by as many of the people as possible, and were more radical in what they felt participation could achieve, some (Castells, 1983) indicating that it could be used to bring about a new system entirely.

While the debate between the schools is interesting in its own right, the importance of this debate in terms of the creation of small statutory bodies was, that the ideas of community level control were picked up by the public and academics alike. While planners, such as Alinsky and Jacobs were influenced by the ideas to advocate community based decision making, the ideas provided further justification to those members of the public who were fighting for more public participation in local government.

Governments too took up some of the ideas of the schools. Again using Coser's theories it is possible to theorise that having seen on one hand the public dissension and the possible links with the Cold war, and on the other hand the general apathy of the wider public who perhaps could not be relied upon to support a system they felt divorced from, governments accepted the idea of some public participation as a way, firstly to deal with conflict and secondly to involve more people in the system of government. Thus the debate over the crisis of democracy and the theories generated by it may have provided some ideological push towards the creation of small statutory bodies.

International Environmental Agreements

In more recent years another type of crisis may have provided further ideological justification for involving the public more fully in local government. This crisis, the environmental crisis, has seen governments searching for some way in which to halt environmental degradation and maintain development at sustainable levels. First proposed in The Brundtland report and later reiterated and extended in The World Conservation Strategy and Caring for the Earth, sustainable development is based on several supporting factors. One of these factors is the concept of involving the people of the area in the care of the environment of their area.

In 1980 the World Conservation Strategy was published. The paper pleaded for a more ecologically sensitive approach based on the concept of sustainable development, a development that took account of the limits of ecosystems and natural resources and stayed within their bounds. The paper also realised that, "ultimately the behaviour of entire societies towards the biosphere must be transformed if the achievement of

conservation objectives is to be assured. A new ethic, embracing plants and animals as well as people is required for human societies to live in harmony with the natural world on which they depend for survival and wellbeing." (IUCN, 1980, 12) For this new ethic to be embraced, an education programme would have to be embarked upon, in order to ensure that as many people as possible understood the reasoning behind the 'new order of things' and would thus logically embrace and practise the concept of sustainable development. An important part of this education process was bringing people into the decision making environment. "Local community involvement and consultation and other forms of public participation in planning, decision making and management are valuable means of testing and integrating economic, social and ecological objectives." (IUCN, 1980, 47) Also public participation could prove a host of managerial and operational opportunities. "[Public participation also provides] a safeguard against poorly considered decisions and an indispensable means of educating both the public in the importance and problems of conservation and policy makers, planners and managers in the concerns of the public. Participation tends to build public confidence and improve the public's understanding of management objectives. It provides additional data for planners and policy makers." (IUCN, 1980, 48)

The document went on to suggest that public participation should occur at every level of government, from policy making to project formulation and that at every stage the public was involved they should be given time and information sufficient for them to influence decisions.

A decade later the IUCN published *Caring for the Earth* (1991). The document was not concerned with outlining the state of the Earth but with outlining strategies by which the principles of sustainable living could be achieved. Within these strategies the educational role of public participation was still stressed. However, the role of the people as actual decision makers, was emphasised through the promotion of the concept of Primary Environmental care (PEC). It was stressed moreover, that the local people needed to be given more of a status within the decision making process for their participation to lead to anything more meaningful than a public relations exercise. "Local communities are the focus for much that needs to be done in making the change to living sustainably, but there is little they can do if they lack the power to act. Subject to the vital interests

of the larger community, they must be enabled to manage the resources on which they depend and to have an effective voice in the decisions that affect them." (IUCN, 1991, 60) The document then went on to outline several strategies through which to achieve this greater involvement and power. It was stressed that it was necessary to strengthen land tenure rights (Action 7.1), improve the exchange of information, skills and technologies (Action 7.2), enhance participation conservation and development (Action 7.3) and develop more effective local governments (Action 7.4). However it was in Action 7.5 Care for the local environment in every community that the role of the community in decision making was really emphasised. It was suggested that, "[the community] should be encouraged by the governments to debate their environmental priorities and to develop local strategies (for example, through workshops involving invited experts)." (CFE, 1991, 61) It was suggested that some sort of local forum should be set up to facilitate this process (See Action 17.5, Annex 8, CFE, 1991). The strategy promoted the idea that community groups rather than the unspecific 'public' of the 1980 Strategy, should be focused upon. "Communities and citizens groups provide the most readily accessible means for people to take socially valuable action as well as to express their concerns. Properly mandated, empowered and informed, communities can contribute to decisions that affect them and play an indispensable part in creating a securely - based sustainable society." (CFE, 1991, 61) Thus, for those countries who were looking to reform local government in the 1980's, as was New Zealand, a move towards greater accountability and devolution may have been further influenced by the environmental documents of the time. Indeed, as will be seen in the case of New Zealand, the interconnections between the reform of local government and the reform of resource management law was to lead to the small statutory bodies of the New Zealand system being empowered by two sets of legislation and given extended opportunities to participate in resource management.

Summary ...

It can be seen then that a number of factors have been identified that lend weight to the hypothesis that small statutory bodies were created to act as a release and control mechanism for the pressures on local government from the 1960's onward. As had been indicated, these pressures were to be found both within and outside the local government system and were to be not

only physical but ideological as well. However, to truly test the hypothesis, it is necessary to look at specific examples of how these pressures combined to lead to the inclusion of small statutory bodies in a local government system. The situation leading up to the reforms, and the reforms themselves of local government in Great Britain, will be outlined to prove a brief test case before moving on to an analysis of the New Zealand case study. Great Britain has been chosen because of the close links and similarities between the systems of local government in the two countries, and because the reforms were completed a decade before those in New Zealand and this enables the performance of the small statutory bodies in this country to be analysed. In this way the second hypothesis that conflicts between parent authorities and their small statutory bodies were due to a differing perceptions of the bodies purpose can be examined.

CHAPTER THREE: THE BRITISH LOCAL GOVERNMENT REORGANISATION 1974

PART ONE: PRESSURES ON THE BRITISH SYSTEM

Introduction ...

In 1974 a reorganisation of the British local government system took place; incorporating reforms to the local government systems of England, Scotland and Wales. While these reforms provide other areas for study, such as the creation of metropolitan counties in England, and the formulation of regional councils in Scotland; the interest in the reforms for this thesis lies in the creation of small statutory bodies below the district level in all three countries. (See Fig.3.1)

It has already been hypothesised, that the creation of these small statutory bodies, was due to a need to internalise and control conflicts from inside and outside of the local government system. Several possible contributing conflicts have already been outlined. In order to analyse whether or not these factors provided the impetus for the inclusion of small statutory bodies in the new British system the factors that commentators of the time indicated as contributing to the push for local government reform, are reviewed. (See Fig 3.2)

In looking at the commentaries of the time, several of the general contributing factors can be identified, albeit in a localised form. Again, for the sake of analytical clarity, these will be separated out into spheres of origin and, as before, the interconnections between factors will be indicated.

Bureaucratic Sphere ...

Restructuring - involving the people

The failure of the British system of local government to meet the demands of post war Britain was to be identified quite early after the Second World War. Beginning in the 1950's British local government was increasingly faced with several problems. Rapid population growth, coupled with an increasing pace of industrialisation and urbanisation, were placing huge

BEFORE 1974				BEFORE 1975		
ENGLAND AND WALES				SCOTLAND		
County Boroughs	Administrative Counties			Counties of Cities	Districts	<i>Largely Independent Spatial and Administrative Levels</i>
	Non County Boroughs	Urban Districts	Rural Districts	Large Burghs	Small Burghs	
			Parish Councils			
			Parish Meetings			
AFTER 1974				AFTER 1975		
ENGLAND		WALES		SCOTLAND		
Connurbations	Mixed Urban Rural	Counties		Regions		<i>Interdependent Spatial and Administrative Levels</i>
Metropolitan Counties	Counties	Districts		Districts	Island Districts	
Metropolitan (District Boroughs)	District	Community Councils (excepting large urban areas)		Community Councils		
Local Councils (in some areas)	Local Councils (Parishes in rural areas)					

Fig 3.1 British Local Government structure - Before and After 1974 Local Government Reform

Source: After Richardson 1980, Redcliffe Maude/Wood, 1974.

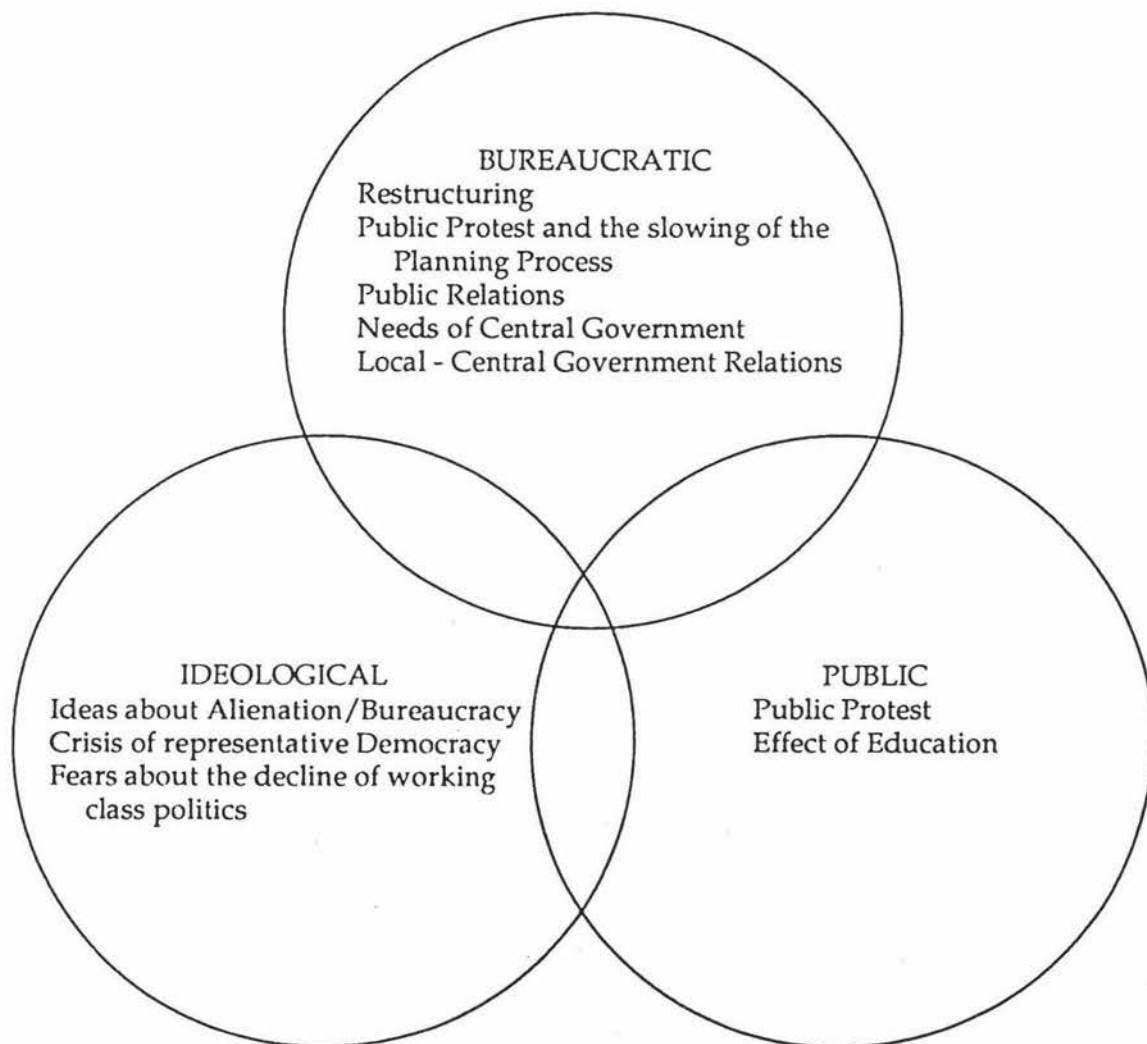


Fig 3.2 Factors contributing to the creation of small statutory bodies - Great Britain

demands upon local governments to provide a corresponding increase in service levels. The Redcliffe Maude Commission for Local Government in England and Wales, The Wheatley Commission for Local Government in Scotland and the Herbert Commission on Local Government in the Greater London Area were set up to study the problem.

Like other Western counterparts, the Commissions found that local government's inability to meet the new demands placed upon it, lay in the fact that the existing authorities were too small, and lacking in sufficient resources to be able to provide a wide and or high standard of services. In addition, many of the local authority boundaries were out of date, based as they were on 'historical' settlements whose boundaries, in the urban areas at least, had all but disappeared. This had lead to functional overlaps in many areas. (Redcliffe-Maude & Wood, 1974, Richardson, 1980)

The smallness of many of the authorities, their lack of resources, and the growing disparity between the levels of service they could provide and those that they ought to provide, indicated, that in order to continue functioning, local government would have to adapt its structure to meet the demands of a modern society. While advocating the restructuring of the system into local authorities, with the necessary economies of scale, it was noted that such authorities would be much larger than their forerunners and as such more remote than ever from the public. This was of particular concern in Scotland, where very large and often sparsely populated regions were being created. At that time, as will be discussed in a consideration of the ideological factors, there were concerns that the system of representative government was in crisis. Thus the Commissions were not keen to widen the gap that already existed between the populace and systems of government. To this end the Commissions, "become increasingly convinced by those who emphasised the need for an organ of government at grass roots level. Our first firm conclusion was that any new pattern of democratic government must include elected 'local councils', not to provide main services, but to promote and watch over particular interests of communities in city, town and village throughout England." (Redcliffe Maude Report, 1969, 6) It can be seen therefore that the creation of small statutory bodies in the British reforms were intended to resolve at least one of the conflicts facing that local government system.

Restructuring - reassuring the smaller authorities

It can also be argued, that the need to meet the fears of the local authorities themselves in relation to restructuring, was a factor contributing to the creation of small statutory bodies, which were seen as a means to coopt smaller authorities into local government reforms. Smaller local authorities in Britain had voiced their concerns about what the reforms would mean for them; they had recognised that the restructuring process would lead to their demise as an authority with the loss of identity and status that this entailed. Potentially their concerns could have led to the creation of an anti reform movement. This was averted by offering these authorities the option of becoming a small statutory body; parish councils in England and Wales and community councils in Scotland, and of retaining some autonomy and status despite amalgamation into a larger unit. As Burnett (1976, 32) commented, "public comment on the idea of community councils as contained in the Wheatley report was generally favourable not least from the small burghs whose demise it proposed." Indeed, after the reforms it was noted that, "many of the old boroughs and urban districts now absorbed in larger areas have acquired a new independent status, some retaining a town mayor as their chief citizen with all his dignities preserved, and all possessing an elected council with the same status and powers as a rural parish." (Redcliffe Maude/Wood, 1974, 54)

Thus it can be seen that the hypothesis, that small statutory bodies were intended as a conflict control mechanism, can be upheld in this case, the small statutory bodies playing an important role of easing into the restructuring smaller local authorities who could otherwise have fought against and hindered the restructuring process.

The need to smooth the way to restructuring aside the creation of small statutory bodies was to provide the means for local government to control other problems that had arisen in the local government system, such as the delaying effect public protest was having on the planning process.

Public Protest

By the early 1950's several local government programmes, the creation of new housing estates and highways in particular, had become the focus of

much public protest. These protests cost developers and authorities alike, time and money, as many planning applications were slowed down, stopped or overturned by appeal authorities. A way needed to be found to meet the public protests and control them, so that public protest could be dealt with early in the planning process and much time and money saved.

As early as 1965 the Planning Advisory Group began to promote the idea of public participation procedures claiming that, "this procedure is intended to assist the local planning authority in explaining their proposals to the public and to provide an opportunity to consult public opinion and test the public reaction before the plan is finalised and adopted". (Goddall, 1982, 89) It was hoped, in this way, to avoid delays and costs due to protests occurring at the implementation stage of proposals. Following this recommendation the Skeffington Report on Public Participation in Planning (1969) attempted to set out some ways in which public participation could be achieved. These ranged from exhibitions to surveys to community forums but the actual participation opportunities were structured around the process for the preparation and approval of plans, particularly structure plans, rather than any on going participation in the implementation of plans.

The reaction to the Skeffington Report was varied, but as authorities were bound, for the first time, under the Town and Country Planning Act (1968) to a process of consultation over plans, public participation projects continued along the lines recommended therein. By the 1970's however it was realised that the consultation process itself was slowing down the planning process, to the annoyance of developers and central government, and that much time and effort and a corresponding amount of resources was being spent on participation procedures. It was realised that in the interests of economy and efficiency, that while public participation was necessary, "this [did] not mean that there should be an unending flow of information which would inevitably make unreasonable demands on resources." (Thornley, 1977, 4)

It was at this point that the idea of setting up a permanent group to consult with was mooted. This would have the advantage that the group could be contacted quickly and lengthy and detailed public participation programmes would not have to be entered into. Steps towards this state of affairs were taken in a DOE circular (1970) that indicated that permanent institutional

structures in the form of neighbourhood or parish councils should be set up to provide an ongoing consultative forum. Such councils, it was envisaged, would have a statutory basis and entitlement to information from and representation to the territorial authority. Ideally their role was to provide a focus of community issues and bodies while providing a liaison link between the public and local government. Thus, when discussions about small statutory bodies were being entered into by the Commissions, the concept already had the tacit support of central and local government who were eager to use the bodies as a means of controlling the conflicts over planning proposals and speeding up planning applications.

Public Relations

In addition to resolving conflicts of the future it was also hoped that small statutory bodies could be used to mend some of the conflicts of the past. Hain (1982) and Thornley (1977) are of the opinion that it was hoped by professionals involved in local government that small statutory bodies would also provide local government with a public relations and educational forum for the public. "It was hoped that a closer relationship between the planner and the planned would help the public understand the difficulties and complexities that a professional planner had to resolve." (Thornley, 1977, 37) It was also hoped that it would help to restore in part public confidence in professionals involved with local government, who had lost that support due to the service and programme failures that had beset local government.

Such an 'educational' use is identified by Arnstein as Rungs 1 and 2 of her ladder of participation and adds weight to the argument that small statutory bodies were visualised as control mechanisms.

Central Government needs

Other commentators point out that the formulation of small statutory bodies in the British local government system was related to the wider policies and needs of the central government. Hain (1982, 36) argues that, "with the pre-Thatcherite State intervening increasingly in the economy, social and political legitimacy had to be created for such intervention. The traditional liberal concept of government playing a longstop role had

increasingly to be transformed into one, where it was required to adopt an activist role, directly cultivating a consensus and seeking to mould the whole of society. Part of this was to be achieved by supplementing representative democracy with a new method of mobilising consent: public participation. But this was a specific kind of participation - variously described as 'pseudo-participation', 'dependant participation', 'cooption', 'encapsulation' - which far from redistributing power to the citizen, was aimed at increasing the State's capacity for social control and regulation." Hain argues that in looking at the structure and responsibilities given the small statutory bodies there are a number of factors that point to this conclusion. The small statutory bodies were seen he argues as a convenient, conflict regulating, educating and legitimating mechanism to draw people to an acceptance of government policies. "Indeed, they have been officially sponsored in order to slot citizens and groups into the existing system." (Hain, 1982, 38) In particular the use of neighbourhood groups was to be advocated to deal with the problems of the inner city areas, seeking to minimise conflict by, "creating a structural, formal link between neighbourhoods and the city," (Hain, 1982, 36) and of ameliorating deteriorating race relations by, "providing participatory bodies to regulate conflict and provide access to the government structure." (Hain, 1982, 37)

Local - Central Government Relations

It can be argued that the need of local government to deflect the centralising policies of central government provided a push for local government to take on board the idea of the small statutory bodies. Gyford (1989) notes that, as central government took more and more legislative control over the way local authorities were run, a movement developed within the Houses of Parliament, and within the Conservative party in particular, to do away with an autonomous system of local government altogether. Therefore, it could be argued that, in order to bolster its position local government needed to gain wide public support against these moves. Thus, local government needed to coopt the public not only to survive in terms of reducing public protest (attack from a lower level) but also in terms of surviving central government attacks (attack from a higher level). As previously noted Coser suggests that by making a group dependant on a system for survival it will fight to protect that system; thus small statutory

bodies could have been one of the ways in which local government sought to gain support against the centralising policies of central government.

Public Sphere ...

Effect of Public Protests

Hain (1976, 2) notes that, "a new vogue for a degree of popular participation swept through government in the late 1960's". This was reflected in the fact that "community action and pressure groups mushroomed, students revolted, workers organised sit-ins, squatters occupied empty homes, women protested, and welfare and advice services proliferated." (Hain, 1982, 36)

Protest in the local government area was centred mostly around motorway extensions and high rise housing estates, and grew in volume as the effect upon the community life of the area of these projects became more and more documented, particularly in terms of rising crime and alienation. These protests lead not only to the slowing down of the planning process as discussed above but also to a backlash against the policies of central and local government. As Hain (1982, 36) notes the reaction of the authorities was to attempt to control these conflicts by introducing the concept of small statutory bodies. In the public arena there was also agitation for the creation of small statutory bodies, but those who called for their inception had a different agenda for their operation, namely the removal of decision making from the government structure and the return of such decision making power to the community. Several factors were behind this movement and a discussion of each of these factors follows.

The effect of Education

The 1960's saw the middle classes becoming increasingly effected by the programmes and failures of the local government system. Whereas the problems of those living in the poorer areas were attracting the attention of voluntary and social service workers, the middle classes had to mobilise themselves to protect their interests and this was to increase the effectiveness of public protest. These middle class groups were of higher educational and income levels, and thus had the skills and resources to

lobby local government more effectively. They also had some understanding of the debates about alienation and the effect of bureaucracy, even to the extent of suggesting that local government could be best served by returning control to the community through community based groups, such as many of the neighbourhood councils set up in the inner city areas. (Clarke, 1977) Thus part of their demands came to be centred around the idea of some form of neighbourhood government. (Hain,1982) The types of neighbourhood government envisaged depended much upon the groups ranging from complete self rule from the radicals to demands for a small statutory body as part of the local government system from the conservatives. (Beresford, 1980) The latter movement can be detected in the creation of the Association for Neighbourhood Councils in 1970. The Association, in addition to lobbying central government and the various Commissions with some success, initiated a number of voluntary schemes around the country which were seen by the local authorities as a useful channel for participation programmes.

Ideological Sphere ...

Ideological debates too were to play a part in the movement towards small statutory bodies. While some of the ideological debates had much in common with other parts of the world, others such as the concern over the decline of working class politics were specific to the United Kingdom, just as in the New Zealand case the ideology connected with resource management was to be specific to the New Zealand example.

Ideas about Alienation and Bureaucracy

In the United Kingdom, as elsewhere in the Western world, academics were entering the debate over the problems of urbanisation and bureaucratisation. (Gyford, 1987) Much of this debate influenced those who were calling for community control of government. In addition many of these ideas had gained a currency due to the higher educational levels of those who were involved in the protests. In this climate the failures of the planning profession were being tolerated less and less and calls for public involvement and the public's right to know and have a say in local government were becoming stronger.

The Crisis of Representative Democracy

As previously noted, at the time of the local government reform, there was an increased concern to maintain a viable system of local democracy." (Redcliffe Maude/Wood, 1974, 31). This concern had been prompted by the Commission's findings that the public in general was unaware of and uninterested in the workings of local government. As it was recognised that an system needed to be legitimated by the public at large, at least to the extent of being involved by implied consent (ie voting in the elections) in its operation, this lack of knowledge and interest was regarded with a great deal of concern. Further these findings heightened fears that were held at the central level at the time that the public was similarly apathetic about national politics. Thus it can be argued that the small statutory bodies were seen as one means of involving the public more closely in local government and therefore avoid the threat public apathy presented to representative democracy.

Fears about the Decline of Working Class Politics

These fears about the crisis in the system of representation were also to be found in the concerns of some sections of the government about the apathy of specific sections of the public. There was concern in Britain at the time about the decline in traditional working-class politics. This was seen as a threat to the influence and survival of the British Labour Party in particular. This group saw public participation as desirable in that it was seen as one way of encouraging working class politics, and in this way encouraging many of its potential supporters to be more active in national politics. (Gyford,1987) Significantly Labour Councils were prolific sponsors of participation. The groups too were particularly interested to bolster their national party by a strong Labour presence at local government level, as well as to create support for their own policies at local level. "It was felt that this could best be achieved by the creation of small statutory bodies for urban areas, areas it was hoped that would return Labour candidates." (Hain, 1982, 39). Analysis of the reforms will prove that the Labour government was particularly supportive of neighbourhood councils.

Summary ...

It can be seen that a number of the factors previously identified as contributing to the rise of small statutory bodies in western local government were present in the British system in the lead up to the local government reforms. It has been demonstrated how the small statutory bodies were perceived as control mechanisms by those within local government. However it has also been noted that those outside of the local government system in Britain, e.g The Association for United Councils were agitating for small statutory bodies as a mechanism of moving actual control over to the local community. It has already been hypothesised that this difference in perceptions of the purpose of small statutory bodies lead to conflicts between those on small statutory bodies and their parent authorities. However for this hypothesis to be proved it is necessary to prove that these differing perceptions did colour the reforms. The brief analysis of the British reforms which follows will demonstrate that these differences in perception did in fact exist.

PART TWO: THE BRITISH REFORMS

Introduction ...

The British local government reforms began in the late 1960's with the setting up of the Redcliffe Maude (England and Wales), Wheatley (Scotland) and Herbert (Greater London) Commissions. The findings and recommendations of these Commissions were to have a great influence on the final legislation for local government reform which was to take effect in England from 1974 and in Scotland from 1975.

The Commissions ...

The Commissions came to the conclusion that, while larger local government units were necessary to achieve better economies of scale, it was also important to preserve the ability of the public to identify with their unit of local government. The Redcliffe Maude Commission noted that, "democratic life depends on a reasonably close working relation between the citizen and his elected representatives. In local government this is too often lacking. Since the people are the same as those who concern themselves much more actively with national issues, the fault must lie in the difficulty

that citizens have in understanding what local issues are; and this, we believe, is due in large part to the way local government is organised." (Redcliffe Maude Report, 1969, 1) One way that the Commission saw to involve the community in local government was the creation of small statutory bodies.

In looking at the structure of the English and Welsh system, the Redcliffe Maude Commission indicated that the existing parish councils of the rural areas would be the obvious model for such councils and indicated that the concept could well be extended to urban areas if it was so desired. Even at this stage however, the perception of what role the such councils would play was at odds with the hopes of those who wished such councils to play a central role in actual decision making. The view that the Commission took of the role of the parish or community council was limited. "These [councils] would act chiefly as representational bodies and have few functions." (Redcliffe Maude/Wood, 1974, 39)

Those on the Commission began at this point to differ in their perceptions of what they felt should be the purpose of the small statutory bodies. Derek Senior in a dissenting paper argued that the small statutory bodies should have a much wider role. "The primary function of a common council would be to act as a sounding board for community opinion on all matters affecting the local environment. It would also share with district and regional councils a general power, superseding all existing permissive powers of local government, to provide as many social and recreational facilities, amenities and conveniences for the benefit of its area's inhabitants as they were prepared to pay for, through a local precept on the rates. But it would play no part in the discharge of the statutory duties of local government." (Redcliffe Maude Report, 1969, 21) Although such a view did devolve some responsibilities on 'local councils' it stopped short of devolving the actual controls that some of the more radical grassroots parties, particularly those from inner city suburbs were demanding, and short of the demands of less radical groups who were hoping to have some control on local planning decisions at least.

Like the Redcliffe Maude Report the Wheatley Report also had to consider the twin goals of democracy and efficiency. The Commission, like its English counterpart, recommended the enlarging of existing authorities to

improve economies of scale and service provision. Concerns were expressed however that the sizes of districts necessary for viable economies of scale were so large that the local authorities administering them would become impossibly remote both physically, and it was feared psychologically, from their constituents. Indeed these concerns were justified. As Page and Midwinter (1980, 442), note after the reforms were completed, "districts [were] on average twice as big as the old large burghs, and fifteen times as big as the old small burghs." While the physical remoteness was addressed by the provision of service centres, the concept of a small statutory body was promoted in Scotland, as in England and Wales, as one way of keeping the 'local' aspect in local government. Again the perception of the purpose of such 'councils' by the reformers was to be that of a mainly representative body with few actual powers. The Wheatley Commission recommended that the purpose of such councils should be, "to ascertain, coordinate and express to the local authorities for it's area, and to other public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable." (Local Government (Scotland) Act, 1973, para 51(2))

However, for the more remote areas of Scotland, the Wheatley Commission, "envisaged a rather more extensive role and suggested for instance that the councils might be permitted to undertake local authority responsibilities on an agency basis in addition to limited amenity functions." (Himsworth, 1986, 753) It was noted that this agency role would allow some of the burghs to continue operating as before albeit with a different name and status.

The Legislation ...

After the completion of the Commissions' reports, the debate about the reforms moved into the Houses of Parliament. Some commentators felt at this point that the recommendations concerning 'local councils' were largely overlooked. "At the time of its publication the Maude Report fell victim to the vicissitudes of national party politics. The then Labour Government accepted Maude's suggestion of unitary authorities, whilst the Conservative Opposition argued for a retention of a two tier system. In the midst of this debate the fact that Maude had advocated the preservation, and

even further creation, of a lower tier seems to have been ignored. (Lumb, 1980, 130)

Despite this, when the legislation was passed in 1974, it "brought parish status ('community councils') for all areas of Wales, community council status (also 'community councils') for all areas of Scotland that wanted it, and parish status ('parish councils'), somewhat strengthened, for existing parish councils and a few hundred outgoing district councils in England." (Humble, 1977, 342) The roles perceived for such councils however were largely as hypothesised, 'conflict control' mechanisms. This conclusion can be drawn by a consideration of the provisions made for small statutory bodies in each country.

The Reforms In England and Wales ...

As has been previously noted an institution already existed in England and Wales that provided the basis for small statutory bodies in those countries. These bodies, the parish councils, had already been carrying out some local government functions since the sixteenth century. "The parish was originally the smallest unit of church organisation. It gradually acquired non ecclesiastical functions starting with highways in the sixteenth century and care of the poor in 1601." (Richardson, 1980, 12) In 1870 Gladstone's 1st liberal government imposed on the parish the responsibility of providing a school, if an adequate one had not already been provided by voluntary agencies. However it was not until the Local Government Act (1894) that parish councils were given a complete overhaul and removed from the control of the church and brought properly into the local government structure.

By this stage though, "the powers of the parish had largely been transferred to larger authorities, for example turnpike trusts had taken over the control of highways during the 1800's. Further contractions of the numbers of parishes were due to new criteria for their existence. Some parishes were too small to justify the creation of a council. The 1894 act decreed that parishes with 300 inhabitants must have a council, those with less than 100 could not, and those between 100 and 300 could choose. In the absence of a parish council, parish business had to be transacted at a parish meeting." (Richardson, 1980, 22) A boon to the parishes however, was the

introduction of a ratepayer contribution (from a precept on district rates) with which to carry out what duties were left to them and with this the parishes carried on without attracting much notice. Indeed Barr (1980, 414) noted that although the parish councils paid for the street lighting, saw to the mowing of the village greens, ran the allotments, maintained the commons, playing fields, church yards and a host of other minor activities, "the powers and duties of parish councils are few and rather tedious. This [he went on to note] "may be why they have little attention paid to them even by their own villagers."(Barr, 1980, 414) They could in fact, at the time of the reforms, be seen to be continuing on due to historical precedent and tradition rather than for any proactive reason. Morton (1970, 173) found that their rights and duties were so vaguely defined that, "from the administrative point of view, the parish is superfluous - and nothing underlines this more than the fact that there is absolutely no central record of parish activities or even of their precise numbers at any one time. There's not a single practical function at present carried out by a Parish Council that couldn't be taken on by some other body - and often has to be "(Morton, 1970, 173)

In 1974 however the parish council were to be reconfirmed as a part of local government. The fact that the government desired the small statutory bodies to play a mainly public relations role and the fact that such councils were to be based on the traditional councils was to destroy the hopes of those lobbying for 'local councils' to have actual controls over local government decisions. The White paper on Local Government in England held, "the general character of parishes should remain the unchanged; they should remain bodies with powers rather than duties and as much part of the social as the governmental scene." (DOE, CMND 4584, para 13) As Hain (1976, 4) notes, "proposals for a 'third tier' of local government were modelled very much on the traditional function of rural parish councils which have tended to act as organs of local feeling, seeking consultation on decisions affecting their constituency but not involved in dispensing services." Thus, under the 1972 Act, the functions of the third tier councils would be as for the older parish councils. They would have responsibility for public clocks, footpaths, bus shelters, allotments, cemeteries etc; and they would also have the right to be consulted over all planning matters directly affecting their areas. In Wales too, the new neighbourhood councils were to have similar functions, and "although they have tended to be lumped

together with the neighbourhood council concept, it is clear that they are more an extension of the old government idea of parish institutions." (Hain, 1976, 5)

Despite this, such 'local councils' were to be given two important powers. Parish and community councils retained their ability to precept on rates and in addition were given the statutory right to be consulted on planning applications within their area. It is argued that the addition of this right can be traced to central and local government's desire to curb the costs and time involved in conducting wider public participation.

At the outset of the reforms it had been indicated that the idea of local councils would be applied to urban areas as well. The concept, as previously indicated, had had the support of the newly elected Labour Government and the Minister of Planning and Local Government, John Silkin, who reiterated the findings of the Redcliffe Maude report that, "with the re-organisation of Local Government into larger units it is becoming more important than ever, to find the best way of enabling the people of individual areas of our large towns and cities to express a community point of view and influence more effectively the decisions made on their behalf by the main operational authorities." (Report, ANC, 1974, 1) This support was further underlined when a consultative document was released in July of the same year, "allowing for neighbourhood councils to be set up in urban areas denied a third tier of local government under the 1972 Act." (Hain, 1976, 2) However, "the movement [was] opposed on three fronts; local authorities who [saw] statutory status as an unnecessary complication and a threat to their rightful sphere of influence; the established voluntary sector who [saw] it likewise; and community activists who [saw] it as a counter-revolutionary plot." (Humble, 1977, 342) In addition the change of government saw the Conservatives, who did not wish the Labour Party to build any further urban support, drop the idea and the fight for urban parishes was to be unsuccessful. Despite this some urban areas did achieve 'local council' status. These were the former small local authorities who, it has been argued were granted such status in return for undergoing amalgamation without protest.

The Reforms in Scotland ...

The work of the Wheatley Commission was to culminate in the passing of the Scottish Local Government Act 1973, operative as from May 1975. As in England, the structure and nature of the small statutory bodies, as put forward by the Commission, was to undergo changes with the passing of the new legislation. The agency role that the Wheatley Commission had envisaged for Scottish community councils was to be cut. Instead of carrying out limited amenity functions and performing an agency role, the Scottish bodies were to be of a purely advisory nature.

Himsworth (1976) argues that this cautious approach was due to the failure of the 1929 local government reform in Scotland. "In 1929, Scottish local government had been radically reformed in a process which had swept away all the old parish councils. The intention had been that, in the rural areas, the county councils would exercise all local government functions. But, at an advanced stage, the 1929 Bill had been amended as a concession to rural pressure to include provision for new district councils with limited powers. Evidence to Wheatley, however, was heavily against these councils as they had developed. They were under-powered and unattractive to potential councillors and played a very minor role in the system as a whole. When discussing community councils, in the course of interrogation of witnesses, it became clear to the members of the commission that, whatever else, the district councils must not be revived." (Himsworth, 1976, 753) It was hoped that by not conferring statutory functions upon the community councils that this could be avoided and that, "the new councils would develop a wholly new representative character unencumbered with minor statutory tasks." (Himsworth, 1976, 753) Thus, in Scotland as well, the authorities did not visualised the small statutory bodies as being mechanisms to give actual control to communities. Rather they were to be an advisory body through whom it was hoped conflicts between the community and parent authorities could be mediated or at the very least controlled. This perception lead, as it did in the New Zealand situation, to the actual provisions for community councils in Scotland being very flexible. It was noted at the time that, "the community council scheme required by the Act supplies only the essential minimum framework necessary to get community councils started. This [was] deliberate. A scheme does not need to lay down the detailed constitution of each council: that is for the

community itself to decide." (Scottish Development Council, 1974, 1) Thus authorities could decide between various options set out for community council sizes, and methods of election etc. This flexibility it was noted was due to an effort to come to grips with the fact that had arisen during the course of the Commission's collection of evidence that there could be many differing definitions of community. Information to assist these deliberations was given by the Scottish Development Council. They produced a detailed document (Community Councils - Some Alternatives for Community Schemes in Scotland, 1974) which set out to describe and advise about the advantages and disadvantages of several different sizes and organisation of community councils that were possible under the new legislation. It is notable however that the document stressed that the community councils were to be representative and advisory bodies only. What in effect this meant was that parent authorities, in consultation with the local community, were to decide what roles and responsibilities, if any, were to be given to community councils. In addition parent authorities, unlike in England and Wales could decide after consultation where the community councils were to be set up, if at all.

The Position of the 'Local Councils' ...

Thus it can be seen that even during the reforms various new pressures eg. party politics, and previous failures in the local government system were to combine with the bureaucratic, public and ideological pressures to create differences in the set up of small statutory bodies in the United Kingdom Local Government system. In England and in Wales the old parish councils were to simply roll over although their ranks were to be joined by many former small authorities who had accepted parish status in preference to complete dissolution. These councils were to maintain some limited functions and finance and were to gain the right to be consulted on planning applications.

In Scotland the situation was different. Councils were to be more flexible in their structure and in the areas they covered. They were to be wholly new organisations and they were to play a solely advisory role.

After the reorganisations some commentators were to despair of the role left to local councils. Lumb (1980, 130) noted that despite the discussions

about small statutory bodies that had accompanied the reforms, "no further councils were created and the parish councils which existed were relegated to a position of optional extras in a system where decision making was more remote than before." Other commentators disagreed. Although the statutory powers and duties of the 'local councils' were limited, these commentators felt that they had the potential to play an important role. This assertion was based on the fact that local councils had the right to be consulted on all planning applications, the power to speak for their communities, on an advocate, protest or lobby basis, and, "on their own initiative do anything they think will be in the interest of their own locality that is not the statutory business of some other council." (Redcliffe Maude/Wood, 1974, 164) Barr (1980) in particular was keen to see the parish councils take up the wider roles that this permissive power afforded them. He felt a more proactive role for parish councils should begin with a change of name to Village Action groups and that parish councils should become involved with such projects as job creation schemes, providing the platform for pressure groups, encouraging new migrants etc. He saw the rate precept as an important tool in this noting, "this 'free twopence' has been used for schemes as diverse as opposing a third London Airport, providing a public telephone, lectures on artificial respiration, or compiling a village history " (Barr, 1980, 415).

However, other commentators were to point out, that even this was not without problems. As Himsworth (1976) noted, not only were the Scottish boards without monies to employ a secretary to help them in collating their information, but the information they received was dependant on hazy exhortation to the parent authorities to consult and that, "in the absence of continuous effort to establish ways of getting across useful and intelligible information to puzzled laymen, mere formal codes of mutual interaction will be of little use." (Himsworth, 1976, 753)

It can be suggested, that such problems were due in part, to the fact that the small statutory bodies had been to a great degree in Scotland and to a lesser degree in England and Wales assigned a purely advisory role, that fulfilled central and local governments desire for a conflict control mechanism, and as such, the small statutory bodies were not really regarded as a functional decision making part of the local government system and that the flexibility of the legislation governing the small statutory bodies and the flexibility

allowed to parent authorities in dealing with their 'local councils' is a manifestation of this. It is also argued that those elected to the small statutory bodies had a differing perception of the role of their parish/community councils; that they felt that they had been given a mandate to make decisions for their local areas and that conflict arose when this was found not to be the case. The validity of these arguments will be tested by briefly considering the findings of a series of studies into the operation of parish and community councils in Britain since the 1974 Local Government Reforms.

PART THREE: BRITISH CASE STUDIES - PROBLEMS WITH SMALL STATUTORY BODIES

Introduction ...

In looking at the operation of local councils in Great Britain from their inception to the present day, analysis will focus on the two pivotal roles indicated by Redcliffe-Maude/Wood for the new bodies, that of consultation over planning applications and that of voicing the community's concerns to their parent authorities. Use has been made of several case studies by British authors, those of Goddall (1988), Leverton (1982) and Jones (1976) into the role of parish/community councils in England and Wales in the area of development control, that of Shucksmith et al (1985) into community councils participation in structure plan formulation in the Grampian region of Scotland, and the work of Lumb (1980) and Johnson (1984) on the nature of desirable relations between small statutory bodies and their parent authorities.

Local Councils Involvement in Development Control - Flexibility and Role Conflicts ...

Goddall (1988) notes that the 1974 reorganisation of local government in England and Wales led to a broadening of the consultative/notification procedures to be undertaken by District Councils. In particular the legislation conferred rights of consultation upon local (parish/community) councils. "These rights, contained in paragraph 20 of Schedule 16 to the Local Government Act 1972 state that where a district planning authority has been notified in writing by a local council, it shall notify the local council in writing of every application for planning permission relating to

land in the areas of the local council." (Goddall, 1988, 88) Through S20(2) the Act allows local councils to make representations as to the manner in which the applications should be determined and requires the district council to take into account any such comments which it may receive from the local councils. This right was seen by many to confer a significant power on local councils enabling them to protect the interests of their communities in relation to new applications/activities. Goddall's research was concerned to provide basic data on practice and procedure of local councils involvement in this area. However, it is possible, to draw some conclusions about perceptions held by those involved with small statutory bodies from this work and draw some conclusions about how these perceptions lead to conflict between the local councils and their parent authorities. It is also possible to indicate how the flexibility of the provisions concerning local councils in the local government legislation actually disadvantaged the local councils

Goddall found in the course of his research that, "a large number of district councils are paying lip service to, or in certain instances are not complying with the law." (Goddall, 1988, 93) Many authorities only notified the local council of applications specifically within their parish, creating a problem for applications outside the parish where there was potential for impact on the parish (say mining extraction). The parish then was often left unaware of the application and thus missed their opportunity to comment. Goddall was also particularly critical of the detail of applications provided to local councils. "It should be noted that for a district council to supply an application form without plans is a rather unhelpful method of providing a local council with additional information. It is suggested that no district council development officer would visit an application site without plans." (Goddall, 1988, 90) The cause behind this 'curbing' of the local councils rights Goddall suggested was the flexibility of the controlling legislation. This flexibility meant that, while the district council was required by law to notify the parish councils, the decision of what to supply local council with in the way of details was made by the district councils. The government was to give little other direction as to what the acceptable minimum was to be. However on examining other government documents of the time it becomes clear that the central government did not expect local council involvement to play a large part in proceedings. A DOE circular (1973) outlining how publicity for planning applications, appeals and other

proposals for development was to be dealt with, indicated that in respect of the requirements to notify local councils, "requirements of the order will be kept to a minimum so that the district and parish councils may make flexible arrangements within the statutory framework to suit local circumstances." (Goddall, 1988, 83) This minimalist approach was further underlined by the secretaries of state concern, "that the new provision should be operated in such a way as not to impede the giving of planning decisions within the statutory period of two months laid down in the general development order." (Goddall, 1988, 88) Thus while the local councils were to be informed about planning applications, they were not to slow up the planning process by demanding too much detailed information. This strongly supports the conclusions reached earlier that small statutory bodies were seen as control mechanisms, in this case to be used to control public input into the planning process, rather than being seen as a means for the local population to exercise control. While this flexibility was to serve the purpose of central and local government, it did not serve the hopes of those on local councils. As Jones (1976) notes this could cause problems. "The ambiguity of the word 'consult' is notorious. It raises expectations, but so often when interpreted by bureaucratic minds it merely dashes hopes! The new districts were blandly told to 'consult', with no advice or instruction whatever on the purpose or means of consultation, and no indication as to what weight to attach to observations received." Jones (1976, 283)

Not only did the weak statutory provisions not advance the local councils' right to be heard, but the perceptions held of the role of small statutory bodies by their parent authorities, which were no doubt influenced by central governments attitude, also played a part in the decision of what information to provide local councils with in respect to planning applications. Goddall (1988) and Leverton (1982) surveying the notification of such applications in England and Wales both noted that the information sent out to the local councils differed according to the authorities attitude to the local councils. Goddall found that reasons for not sending plans to local councils included, "it is better for the local council representatives to discuss applications with the planning officer", "there is no one on the parish council who understands the plans, " and, "it was never intended to create a third tier of planning authority". (Goddall, 1988, 91)

Leverton (1982, 84) noted that this view was often in direct contradiction with the view of those on the local councils. During his research into the operation of local councils in East Anglia, "a former planning officer suggested 'that parish councils have the wrong impression about their legal role in the planning process, believing themselves to be empowered to make a decision about an application rather than just to pass comment. The result is that friction can be caused when the district council determines a proposal contrary to the view expressed at parish level.'" (Leverton, 1982, 84)

Thus it can be seen that the perception of small statutory bodies as control mechanisms did lead to flexible legislation and that this flexible legislation did lead to weak support for the rights of local councils. It can also be seen that the differing perceptions of roles of small statutory bodies also lead to conflicts in the councils' operations.

Local Councils involvement in Strategic Planning - Perception, Definition of Roles ...

Differing perceptions of roles and a failure to define roles clearly lay behind the 'unsuccessful' participation of some Scottish community boards in the public participation period of the Grampian structure plan investigated by Shucksmith et al. (1988)

The Town and Country Planning Act (1971) required the local planning authority to invite participation by the public in the preparation of structure and local plans. This requirement too provided an area where it was felt local councils might participate, as one of the stated functions of all the community councils/bodies in Great Britain was to voice the concerns and opinions of their communities to the parent authorities. In 1984 The Grampian Region (Part) Structure Plan was released for public comment. The Grampian Regional Council at that time indicated that they would be using the community councils in the area "as the main vehicle for involving the public in the preparation of [the] structure plan." (Shucksmith et al, 1985, 12). The Council envisaged that the community councils, having been informed about the plan, would then hold local meetings from which they would collect the opinions of the local community and pass them on to the Regional Council. Shucksmith's

research team followed this process to see how effective the use of community councils would be. The results were somewhat disappointing. Despite the Regional Council investing a lot of time and resources in conducting seminars to which all the community councils in the area were invited, and sending the community councils all the draft documents, only 20 of the 68 community councils involved submitted any comment to the Regional Council on the Plan, and most of this comment came from a discussion of the community councils members only. Indeed, nineteen of the thirty seven community councils who answered the researchers request for information, had made no attempt to inform the general public about the plan at all, let alone held any public meetings to collect opinions on its contents. What the researchers found was that although the Regional Council had indicated that they would be using the community councils as the primary vehicle of participation in their internal reports, their lines of communication had not carried this to the community councils, even at the seminars held for the local councils. "The result of this failure to clearly delineate roles was that, not only did many of the community councils not inform or consult their public about the plan, but many of community councils themselves failed to consider or make any submissions about the plans." (Shucksmith et al, 318, 1985).

The research group noted that this failure could have been easily avoided and again placed some of the blame on the flexibility of the legislation which allowed a minimalist approach to contact with local councils, noting that, "a proper mutual understanding of the functions, powers, problems and potential of each of these parties can only come about if the effort is made to establish and maintain contacts at a level above the bare minimum required by statute." (Shucksmith et al, 1985, 314) Given this strengthening of organisational ties and communication lines the team were convinced that the community councils could be an integral part of the planning process.

Local Council/Parent Authority relationships - the key to success ...

Lumb (1980) likewise believes that a strengthening of relationships between local councils and their parent authorities are necessary for the successful operation of small statutory bodies. While she argues that local councils have been marginalised through the flexibility of the legislation, which has

left them with the vague powers and standing, and through the bypassing of local councils as a forum for participation by the increasing use of other forms of public participation, Lumb still argues, "that there is still considerable scope for the exercise of local level power within the institutionalised framework of Parish Council politics." (Lumb, 1980, 130) This exercise of power however is not so much dependant on the external support provided by statutory factors but based on the internal structure of the local councils and particularly on the relationships between the district councillors and parish councillors. Leverton (1982, 75) concurs, "statute lays down their respective powers and responsibilities. However it barely influences the working relationship between the two tiers of authority, which is governed more by the attitudes, energies and personalities of the individuals involved than by Act of Parliament."

Having accepted this, Lumb goes on to advance a system of 'brokerage' that makes use of these internal factors. To be effective in representing the wishes of the community the Parish Council need not only to know the wishes of the community but "also require links outside the locality, especially with decision makers at higher levels. These are necessary, both to acquire information, and to exert political pressure." (Lumb, 1980, 133) She argues that, although there are official channels linking the local councils to these higher decision making authorities, these channels are formal and information is limited to requests for information from the decision makers rather than any information that will allow local councils to influence the decision makers. Thus local councils need to cultivate informal links with their district councillor in order to have access to information with more political potential. Lumb notes that the knowledge of and support of the District councillor may be the difference between an effective and ineffective council. However, in return for this support, the local council must in turn provide their councillor with extra informal support and information which is of a political advantage. This power trading, Lumb notes, "explains the attention councillors are willing to give to apparently trivial matters: it is by getting holes in the road mended, litter removed and preservation orders on trees that the local council as a body gains both experience and public acknowledgment of its competence to deal with local affairs, and this credit can be used in issues of more direct concern to individual councillors." (Lumb, 1980, 136) Lumb further suggests that reorganisation may have put the parish councillors in a favourable

brokerage role that will support their position. Being the only people in the area who understand the new system or which officials to contact in order to get things done, the parish councillors have a power base from which to work. Taking this a step further the councillor too has a stronger base for power if the councillor is the only person on the parish council that has this knowledge; the councillor can use this information to ensure the support of their local councils on issues of concern to them in return for promoting and championing the causes of the local council. Such knowledge is transitory however as the local council learns the formal channels and structures and the councillor may have to look to other factors to keep up their power base, this may mean giving greater priority to the small statutory bodies wishes as time goes by.

Johnson (1984) notes that while the potential for this type of trading exists for small statutory bodies, it is dependant on the organisation and qualities of the politicians involved. For example, if there is no formal or informal contacts with the councillor by the small statutory body, then that important power and knowledge source is not available to be traded with. If for example, the local council has argued with their district councillor, then the councillor could refuse to 'trade' with the local councils both informally and formally, thus making it extremely difficult for the council's wishes and opinions to be championed at the higher decision making level if such information is presented to the parent authority at all.

This also translates to the wider organisational level, the trading occurring not just between specific small statutory bodies and their councillor but also between small statutory bodies and their parent authorities. Here too trading may be undertaken with the small statutory bodies supporting their council's policies in order to have their own smaller projects supported at council level. This too is dependant on the small statutory bodies maintaining a good relationship with their parent authority for as Gyford (1987) notes no one in power is going to willingly let continue bodies that continually oppose them.

Summary: Hypotheses for a New Zealand Case Study ...

Consideration of the above case studies highlights some important areas for further consideration and analysis in the New Zealand context and gives

rise to three hypotheses that form the basis for a consideration of the operation of community boards in the New Zealand local government system.

The first hypothesis is connected with the argument that central government visualised small statutory bodies as a control mechanism for the pressures besetting local government, rather than as a device for handing control over to local populations, and thus that the legislation concerning these bodies' functions and duties was deliberately kept flexible. In this way the local councils could be set up and the pressures on local governments controlled but the control of delegations and therefore decision making opportunities would remain with the parent authorities rather than pass to the local councils. This led to the powers of the local councils that were available under the act being curtailed and or marginalised. This, as has been noted often, led to conflicts between the small statutory bodies and their parent authorities. It is therefore hypothesised that the flexibility of the legislation governing small statutory bodies led to a marginalisation of the powers and roles of community boards in New Zealand and that this in turn led to some of the conflicts between community boards and their parent authorities. This hypothesis needs to be tested in two parts. Firstly, it has to be proved that community boards in the New Zealand system were also viewed as control mechanisms by central government and that the legislation governing their operation is therefore similarly flexible. Secondly, it must be proved that community boards in New Zealand have been marginalised due to this flexibility and that this caused conflict between the two bodies. The proof for the former will be found by an examination of the pressures leading up to the creation of community boards in New Zealand and by an examination of the governing legislation, reforms etc. The latter will be drawn out through the analysis of five case studies undertaken in New Zealand by the author looking at the operation of community boards in general and specific boards since 1989.

These five case studies will also be utilised to test two further hypotheses that arise from the United Kingdom case studies. It emerged that often those on the parent authority and those on the small statutory body perceived their roles very differently, eg advisory versus decision making, and that this led to conflict between the two bodies. This was partly due to

the flexibility of legislation governing the small statutory bodies which allowed more than one interpretation of the role of such bodies. Thus it is hypothesised that the flexibility of the legislation leads to a failure to clearly define the respective roles of parent authorities and community boards and this lack of agreement leads to conflicts between community boards and their parent authorities. This will be tested by an analysis of the disagreements between boards and their parent authorities, as recounted in the New Zealand case studies, to see whether a conflict over role definition lay behind those disagreements.

It has been argued by Lumb and others that, despite the external influences of factors such as legislation and disagreements over roles, internal factors such as the relationships among staff, councillors and board members may decide the success or failure of the community board system. By trading information, these relationships could be improved, but failure to set up such relationships it was argued, could lead to the boards becoming marginalised. It is therefore hypothesised that the maintenance of good relationships between councillors and community boards is crucial to the success of boards in gaining status and being successful in being listened to by the higher decision making authority. It is therefore necessary to look at the nature of the relationships between those involved in the operation of community boards. Again, such an examination will be provided through evidence collated from the five New Zealand case studies which also examine the relationships between councillors, board members and staff.

Before any of the case study material can be presented and any analysis of testing of these hypotheses undertaken however it is necessary to establish that in New Zealand, as in the rest of the western world and Great Britain, small statutory bodies were established in reaction to a similar set of pressures on the local government system. It is also necessary to establish that such bodies were intended as a control mechanism and that as such the legislation governing them was flexible. At this point it will be possible to return to the hypotheses that have been raised in reaction to the Great Britain case study.

CHAPTER FOUR: LOCAL GOVERNMENT REFORMS IN NEW ZEALAND 1989

PART ONE: PRESSURES ON THE NEW ZEALAND

Introduction ...

In New Zealand too, reforms of the local government system were to see the creation of a small statutory body, the community board. (See Fig 4.1) New Zealand's movement towards the creation of these small statutory bodies, can be traced to a number of the same factors/pressures identified previously eg public protest and the demands for restructuring of the system. It is argued that, as in the rest of the western world, the small statutory bodies were created as a control mechanism to deal with these pressures. It is noted however that, as in the Great Britain example, pressures existed that were specific to New Zealand itself. These included the commitment of the Fourth Labour Government to public sector reforms and the strength of the environmental lobby during the 1980's. Again for ease of analysis the factors will be separated out into their spheres of origin. (See Fig 4.2)

The Bureaucratic Sphere ...

Restructuring - The effect of Tradition

In looking at the creation of small statutory bodies in New Zealand, it is important to recognise that tradition and past history, while not one of the immediate pressures on the local government system prior to the reforms, influenced the reforms. It was noted that in Great Britain the existence of parish councils in the structure, meant that there was already a tradition of such small statutory bodies to draw on and already a form on which to base the new local councils. In New Zealand such historical traditions also existed. The precedent for very local government, for example, fuelled public protest against amalgamation of small local authorities into larger units and the failures of past reforms lead the Fourth Labour Government to set a more rigid timetable for reforms and to cut opportunities for dissent. This attitude, it will be argued, lead to small statutory bodies being taken up as one means of coopting small local authorities into a reform process

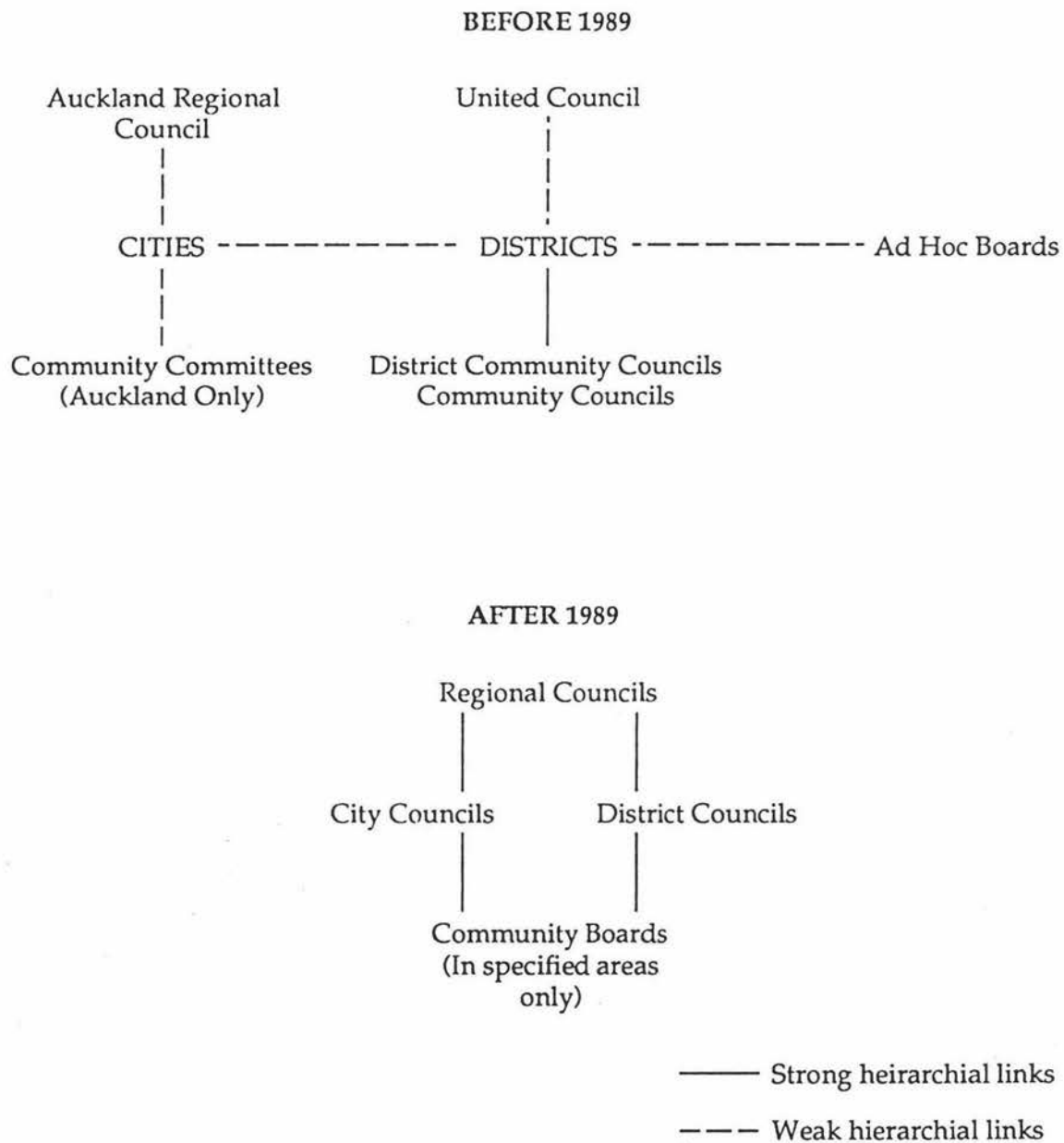


Fig 4.1 New Zealand - Local Government Structure - Before and After 1989 Local Government Reform

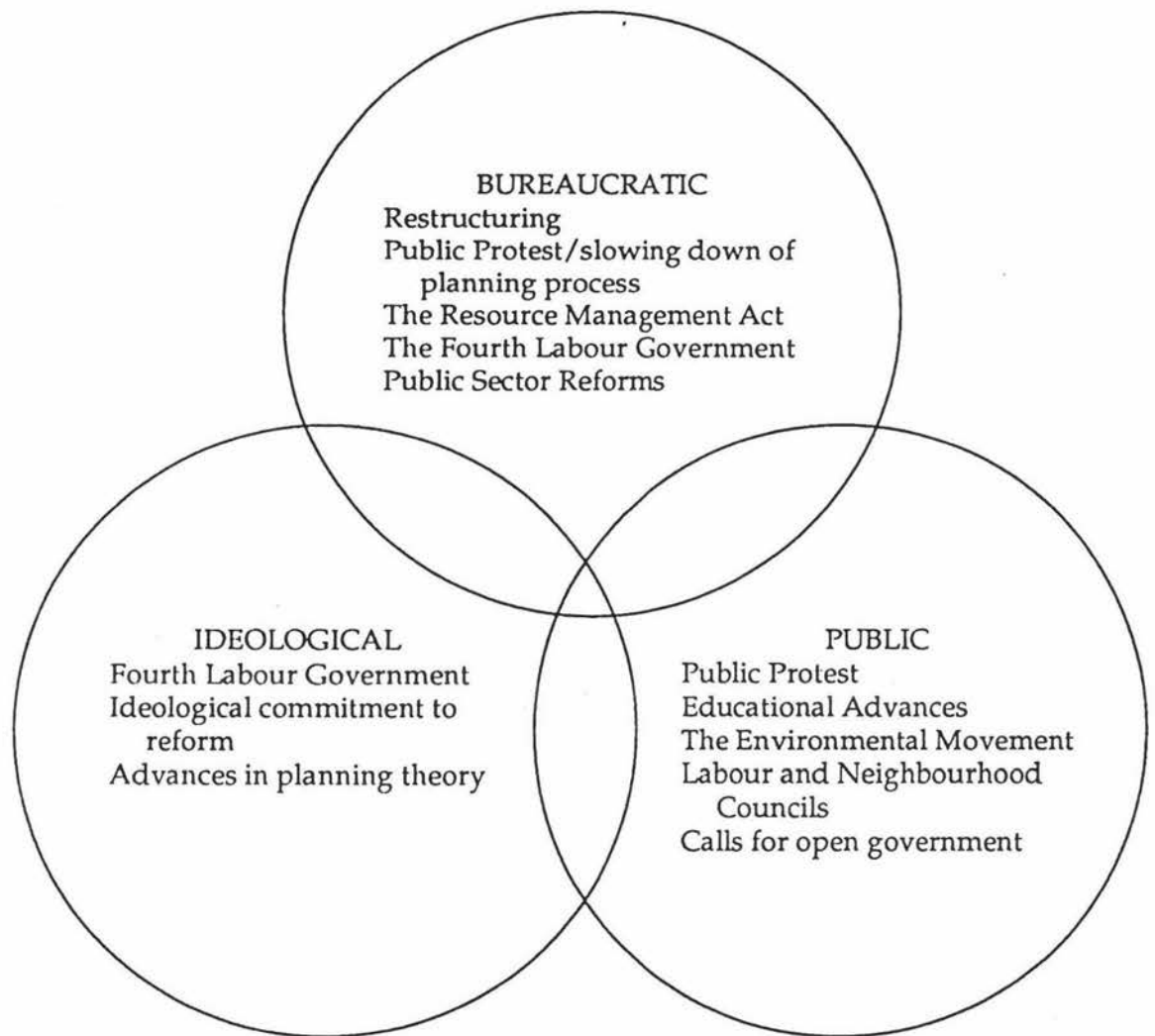


Fig 4.2 Factors contributing to creation of small statutory bodies - New Zealand

which they might otherwise stall. These considerations make it necessary to enter into a brief history of New Zealand local government in order to draw these facets out.

The first informal constitution of westernised local government in the then colony of New Zealand occurred before the first European Colonists even set foot in the country when, prior to departure to New Zealand, colonists of the Wakefield Company agreed to entrust certain powers of government to a committee of their own members. However, an attempt by such a committee to assume judicial powers, led to appeals to Governor Hobson on the grounds that such behaviour was 'illegal and treasonable'. (Wood, 1971) The first attempts to legislate for local government in New Zealand were made in 1842. In a move inspired by the English Municipal Corporations Act 1835, Governor Hobson was instructed to "issue proclamations dividing our colony into districts, counties, burghs, towns, townships and parishes." (Internal Affairs Dept, 1959, 95) However these Municipal Corporations ordinances were severely criticised both in New Zealand, particularly by northern settlements desirous to avoid rating procedures, and in Britain itself. Further attempts were made to set up a local government system for urban areas under the 1846 Constitution Act, which divided New Zealand into the provinces of New Ulster and New Munster. These provincial governments were expected to constitute municipal districts which were intended to form the nucleus of the local government system. Rural local government however was conducted largely by default under the the 1845 Public Roads and Works Ordinances, which set up ad hoc bodies to make provision for roading and public utilities through the colony. Even this act was criticised as not being relevant to the colony's needs because it failed to take into account the scattered and localised/geographically distinct pockets of settlement in New Zealand, as distinct from the English situation on which this system of local government was based. Attempts were made to remedy this by the introduction of a suspending act (1847) which allowed Grey, to produce at his own discretion, "a modified and more realistic form of local government attuned to the immediate needs of the scattered communities." (Dept of Internal Affairs, 1959, 96)

This round of reform was to prove no more successful than in the past. An attempt at local government in Auckland in 1851 under the Provincial

Councils ordinance 1848, which gave the city the ordinary powers of an English town council and full powers of self government on all matters of local interest, ended in apathy (only half of the fourteen wards returning candidates), parochialism and arguments over the payment of taxes. At the provincial level the experiment of New Ulster and New Munster proved similarly unsuccessful, New Ulster's government never having been appointed and New Munster's meeting for a single session in 1849. Rural government was by default carried out by ad hoc roads boards. This remained the case till a further effort was made to once again lay down a systematic basis for local government in the colony under the 1852 Constitution Act, which divided New Zealand into six and later nine provinces. At this point, the desire for localised government by the New Zealand populations can begin to be recognised. "When on November 5 1852 a little schooner from Christchurch brought the news to Dunedin, a crier went through the streets in torrential rain, bells were rung, blazing tar barrels were thrown into the harbour, bonfires [were] lit and until well after midnight the people danced on the jetty to the music of a fiddle."(Wood, 1971, 597) After this success, urban local government was to boom with the successful creation of municipalities both by charter and under the Municipal Corporations Act 1867 e.g Dunedin created 1855, Christchurch 1862, Wellington 1862, Auckland 1863.

By 1876 the provinces, the most successful attempt at local government to that date, were to disappear. Central government had been gradually gaining strength and was beginning to attempt to take charge of the colony. In order to carry out Vogel's public works schemes, which were aimed at opening up more of the colony to settlement, it was necessary to break the provincial governments in order to assume general responsibility and therefore control over the local administration of the whole country. It is interesting to note that even at this early stage the reorganisation of local government was undertaken to meet the needs and aspirations of central government and its desire for control.

In the place of the provinces the 1876 Counties Act created 39 counties. It was hoped that the already existing roads boards would amalgamate with the counties but they continued to operate in addition to the new authorities. The ranks of the ad hoc boards were to be further swelled by an increasing number of special purposes single function authorities with the

gradual appearance of Harbour Boards, River Boards, Drainage Boards, Fire Boards, Electric Power Boards, Rabbit Boards, Catchment Boards, Transport Boards, Harbour Bridge Boards, Tunnel Boards, Gas Boards, Water Boards, Plantation Boards, Railway Boards, Tussock Boards etc. The position of the municipalities was endorsed in the Municipal Corporations Act 1876 - the urban counterpart to the Counties Act, and the right of rural towns to have their own urban based government, rather than being overseen by the rural counties, was recognised in the 1881 Town Districts Act. As Bassett (1979, 39) notes, "the first complicated feature of New Zealand Local Government was emerging - duplication of function with a number of bodies sharing responsibility in the same general area." It was this fragmentation of local government that was to lead to the drive for restructuring in the 1980's. However, attempts at such reform were to be begun almost a hundred years prior to this. These reforms were more or less stalled and thwarted by the combined resistance of both the local authorities themselves and by the public. For example when, "in 1895 a Local Government Bill was introduced which was to amalgamate many local authorities [there] was an immediate outcry from mayors and councillors who saw their offices threatened. Liberal party backbenchers took fright and the Bill was dropped." (Basset, 1979, 41).

This was to be the pattern for local government reform for the next ninety four years. The attempts at reform in 1912, 1931, 1936, 1945, 1951, while individually influenced by other external factors, e.g the depression, the war etc, all fell in the face of such opposition. Indeed local government legislation soon focused not on the structure to be created by reforms but on the means to create reforms. The 1945 Select Committee on Local Government acknowledged that in order to overcome objections, amalgamations would have to be imposed by the Government rather than relying on the goodwill of the councils to take the steps for themselves. "Direct imposition of local government reform however would have resulted in political confrontation and the Select Committee recommended an indirect approach - the setting up of a permanent commission whose role it would be to carry out a survey of the problems of area and function of all local authorities in the Dominion and to draw up schemes for reorganisation." (Welch, 1989, 3)

However, successive Local Government Commissions were to be hamstrung in their attempts to carry out their duties by the withdrawal of political support at crucial moments. Such withdrawals were directly linked to pressure being placed on central government by local authorities and the public at large to desist with unpopular reforms. Indeed "on several occasions central government acted to curb the powers of a commission at just the moment when change seemed inevitable." (Welch, 1989, 3) Also, in an attempt to placate the electorate, governments were to impose polling and survey provisions on reform proposals to the effect that if a certain percentage of the population opposed the reform proposal the reforms would not proceed. Under other governments however, the Local Government Commission (LGC) had its powers extended, in 1961 and 1967 for example, becoming a Commission of Inquiry and gaining the right to make boundary adjustments as well as amalgamation recommendations.

At around the same time as the Local Government Commission was attempting to curb the fragmentation of local government, pressures from the public were causing the government to create new and smaller local bodies, that were to become in later years community councils. In reaction to pressures from small urban settlements, who argued that county government did not serve their interests, county towns were created. These towns councils varied in the amount of control they had over their areas, some county towns being generally self governing and others being in the main advisory bodies, but they met the demands of small urban areas for self government and created a precedent for such community level bodies. This precedent was continued under the 1974 Act which confirmed the powers of the county towns, renamed District Community Councils, to carry out "all the powers and duties conferred or imposed by any Act on the territorial authority within whose district the community is situated." (Local Government Act, 1974, 575)

Other developments were to see periodic expansions and contractions of types and sizes of local government authorities. For example regional government was experimented with in Auckland with the inception of the Auckland Regional Council in 1963, and an attempt was made to extend this throughout the country under the Labour Government's 1974 reforms. Under these reforms there was also an attempt to extend the community council concept to urban areas with the creation of neighbourhood councils,

(See Labour and the Neighbourhood councils), but a change of Government and subsequent changes to the legislation were to see these efforts muted.

By the mid 1980's when the Fourth Labour Government took office, it was recognised that the New Zealand local government system was in serious need of reform. As in Great Britain, it was recognised that the system was too fragmentary and too lacking in resource bases to operate effectively in a modern world. In addition the Fourth Labour Government had an agenda of public sector reform from which it was impossible for political and ideological reasons to exclude the local government sector.(See The Ideology of the Fourth Labour Government) However, in order to carry out these reforms, the Government would have to find some way of deflecting the opposition from local authorities and the public in general, opposition which had effectively stalled the previous proposals for radical reform.

Restructuring - Reassuring the Local Authorities

Many local authorities were opposed to this latest round of restructuring also. As in the Great Britain case study, those opposed were the smaller local authorities who saw that they would disappear in the large scale amalgamations proposed. The response of such small authorities to such a threat was to institute legal proceedings against the Local Government Commission (LGC) and effectively against the government's reforms. By late 1987 the Commission had already been taken to court by the Waitaki County and Dunedin City councils over their reorganisation schemes and, although the Commission had won both cases, the proceedings had taken up considerable time and money. In Auckland it was becoming apparent that conflicts over the reforms were escalating. Despite indications from the Commission that the one isthmus city option was the option the Commission was set on, the Auckland boroughs opposed this scheme and instead began to lobby for public support for their own schemes involving smaller scale amalgamations among themselves. This was not confined to the Auckland city area alone. A similar small amalgamation was proposed by Northcote and Birkenhead who wanted to form a western city with Glenfield. (Hyde, 1988) Similarly the borough of Devonport fought against (and is still fighting against) their amalgamation into the North Shore City. It was indicated by several of these authorities that they too were considering court action against the Commission. It thus became apparent

that some way of meeting the concerns of these smaller authorities needed to be found in order to avoid not only the costs of such action but also delays to the reform process.

Restructuring - Public Protest

The public too was unhappy about the prospect of local government authorities becoming larger and more remote. In submissions to the Officials Coordinating Committee on Reform, which canvassed public and local authority opinion on the shape of reforms in early 1988, support was given for the idea of maintaining some sort of sub district level body. "The need to put the local back in local government [was] constantly reiterated. Submissions acknowledging that amalgamations were necessary and [those] supporting regional government all stressed that this must be accompanied by the development of small, strong community based local government units." (Bridgeport Synopsis, 1988, 59)

Residents and ratepayers associations in particular, were supportive of keeping some form of local body. They emphasised that larger units of government were not sufficiently accountable to local people and that contact between the councillors and the local people in a large authority would not be possible. Those on District community and community councils also stressed, "that councils be retained to give a voice to rural towns and communities particularly if amalgamations of territorial local authorities occur in the future." (Bridgeport Synopsis, 1988, 50) "One of these councils [outlined] the role of the community council in enhancing effectiveness by providing prompt attention to minor problems, giving personal attention of elected members to minor maintenance or administrative matters, giving local feedback of public opinion, disseminating information from the local authority to residents and fulfilling an important role in addressing budgetary matters and parks operations within its district." (Bridgeport Synopsis, 1988, 50) However, while there was support for a small statutory body of some sort, there was less support for the retention of district community and community councils in their existing form. Support was given for extending the areas in which community councils could be set up, for example allowing rural hinterlands to be included with the rural townships. Others felt that the provisions for the existing councils, particularly the control that territorial

authorities exercised over their functions was detrimental to their operation. The point was made by the district community and community councils that they were entirely dependant on the attitude of the local authority towards them. It was suggested, "that criticism of councils stems from local attitudes and the way in which legislation is applied, rather than from the legislation itself." (Bridgeport Synopsis, 1988, 50)

Nevertheless it was clear that the desire for very local government remained amongst the New Zealand public and that, in at least some of the submissions to government, it was indicated that some sort of small statutory body would meet this desire if large scale amalgamations were to proceed.

Slowing down of the Planning Process

As in Great Britain there were concerns that public protests were slowing down the planning process. In 1978 the discussion over public participation lead to the publication by the Town and Country Planning Division of the Ministry of Works and Development of "Public Participation in Planning". The document noted, "public participation in planning is so compelling and popular a demand that the words have become a catchword, and are fast on their way to becoming a cliché. Yet there is little agreement about public participation: what it is and how it works."(MOW,1978,ii) The document then attempted to examine ways in which public participation exercises had been attempted and ways in which it might be attempted in the future. Within this range of techniques the idea of advisory groups, "a group of people assembled to represent the ideas and attitudes of the community and advise the council or other public body", (MOW, 1978, 41) was discussed. The advisory group it was noted, could be either issue based or on going and could be elected or appointed. These recommendations were influenced by the experience of the Auckland Community committees. The perceived usefulness of these committees in the Auckland City review lead the review team to conclude, "that from their experiences participation at a local level through a community group was more productive than asking individual citizens to assist in the formulation of objectives for the whole city."(MOW,1978,43)

The Resource Management Act

As elsewhere in the western world, it was realised quite early on that reforms were needed to bring to local government the economies of scale necessary for the modern world. In New Zealand, in the late 1980's, it became clear that many of these new demands would arise from the reform of the resource management statutes. Indeed, the Fourth Labour Government lead by Palmer, were to, "transform a legal mosaic into a more integrated regime for the management of New Zealand's land, air and water." (Milne, 1992, 34) Not only was this new regime to drive in part the local government reforms with the aim of creating bodies capable of carrying out a host of new responsibilities, it was to play it's part in the creation of a small statutory body in the New Zealand local government system due to the ideas on which it was founded. The Resource Management Act was based on the international strategies for sustainable development represented by the World Conservation Strategy (1987) and Caring for the Earth(1991). Part of those strategies rested on the involvement and empowerment of communities in resource management. One way recommended to achieve this was through the creation of community forums. As will be seen in the analysis of the reforms which follows, this consideration played a part in the creation of the community boards and lead to the boards being given new powers under the provisions of the Resource Management Act 1991.

The Public Sphere ...

Public protest Effect on the Planning protest

Just as the 1960's had been a time of protest in the United Kingdom, it also saw the beginnings of a protest movement in New Zealand, a protest movement that would also play a part in the creation of small statutory bodies in the local government system. The peace movement had expanded rapidly in the United States during the Vietnam war era, and this movement was also active from the mid 1960's in New Zealand. "Tens of thousands of people marched in the streets of the main towns and cities to demand that New Zealand withdraw its troops from Vietnam." (Wilson, 1982, 7) This protest and the discussion about democracy and individual rights which accompanied it lead to people becoming involved in other

aspects of protest to demand that they be given the opportunity to participate. McKinley (1978) is in agreement with this analysis and argues that in New Zealand the push towards public participation opportunities was due to, "a combination of changing attitudes towards democracy shared by many in the public sector - and a realisation that the costs of adversarial participation [were] now so high as to make co-option of potential protesters into the decision making process not only good democracy but also plain common sense." (McKinley, 1978, 13) Jesson argues that the policies of the Fourth Labour Government too were to be influenced by the protest movement. He notes that the intellectual fringe of the protest movement, some of whom he argues were to be found in the [Fourth] Labour cabinet and caucus, "were reading a new range of authors who were continental in origin, and mostly left wing, but whose politics were individualist rather than class-based. The emphasis of writers such as Marcuse, Fromm, Satre, de Beauvoir and Tillich was on concepts such as alienation; and commitment and authenticity - the idea that a person's worth depends on their political commitment." (Jesson, 1989, 29) Thus, these people he claimed, held a philosophy which attacked traditional social and moral codes and structures of authority. The effect of this world view on the policies of the Labour party and the effect of these policies on the reform of local government will be examined in the ideological sphere.

The Effect of the Environmental Movement

The growth of the environmental protest movement was to provide one of the major pushes for public participation in New Zealand local government. The first major public protest over an environmental issue in New Zealand could be said to have been the protest in 1970 over the proposed raising of Lake Manapouri water levels for its use in the creation of geothermal power. The success of the national campaign emboldened the rise of public protest over many other environmental issues over the decades, including the lack of public consultation over the 'Think Big Projects' and the 'Fight them on the Beeches' anti milling campaign on the West Coast. (Wilson, 1982) By 1985 the strength of the environmental movement had become such that the Labour Party in particular was formulating policies to attract the support of the movement at the polls. (Horsley, 1993) While the environmental movement sought to protect habitats like Manapouri and the beeches they were also to examine, criticise

and call for changes to the local government system. One of the greatest calls of the environmental movement was the call for greater public participation in government, both at the national and local level and more community involvement in decision making. Therefore by offering the concept of small statutory bodies the support of this powerful lobby group could be gained.

Calls for Open Government

The environmental movement was also linked to calls for open government, which in turn were linked with calls for greater public participation. Most of these calls were in reaction to National Development Act 1979. This was the Act made notorious by the fact that it allowed the Minister concerned to fast track planning applications for major government projects. Although Environmental Impact Reports were prepared and the local authorities could make recommendations on the issues and the public could object, the environmental movement and other commentators pointed out that public participation in the deliberations was curtailed by a number of facts. Firstly there was no discussion on policy options, there was an information overload at the hearing stage, which was further hampered by tight time limits, and the EIR was given limited use in the Planning Tribunal. Added to this the initial decisions were made by the Liquid Fuels Trust Board. This group of experts made their decisions on the basis of technical advice and there was no public input into these deliberations, which were adopted by politicians and senior civil servants before the 1981 election, a process which meant that it became the manifesto at the elections with no discussion of alternatives. (Horsley, 1993) Calls for more open government and more public participation in decisions at any level increased with the setting up of organisations such as the Coalition for Open Government to pressure the government to increase such public participation opportunities.

The Ideological Sphere ...

Advances in Planning Theory

This movement toward incorporating an aspect of public participation in local government, was bolstered by a rise in interest in Social Planning and

Social Impact Assessments in the 1970's. As in Great Britain, the cost in resources and delay to the planning process of last minute public protest, had been recognised and ways to avoid this disruption were being eagerly sought. The issues of the Planning Quarterly of the period 1974-1978, (particularly vol 50), were concerned with this process and how it might best be fulfilled. Among these methods were, as previously noted, the idea of a community forum. Therefore the concept of a small statutory body also had the ideological support of some of the professionals and researchers in the area of local government.

The Fourth Labour Government - Ideological commitment to reform

As noted above Jesson (1982) argues that the Fourth Labour Government was influenced by a world view based on individualism and political commitment, one which furthermore was based on attacking the traditional authorities and codes. The Labour Government was politically committed to a policy of reform that did seek to undo much of the traditional frame work of the public sector and to restructure it along corporate lines. The effect of this ideology on the reforms of local government and the appearance in the local government structure of small statutory bodies is examined below.

i) Commitment to Reform

It is argued that the reforms of local government that began in earnest in 1987, did not occur merely because of the need to restructure local government. The restructuring of local government was also a necessary support to the restructuring of other areas of the public sector that had taken place in the first of the Fourth Labour government's two terms. This necessity was provoked as much by financial consideration as it was by a question of maintaining a blanket policy on the reform of the public sector. As the Minister noted, "you can't restructure the whole of the government service and leave local government out on a limb, given the fact that they employ about 50,000 plus people and have a budget of about \$4.6 billion a year." (Bassett, Hyde, 1988, 83)

To this end, in December 1987, the Labour Government released an Economic statement 'tacked on' to which was a statement of principles that

were to guide the reform of local government in New Zealand. The Minister at the time, Dr Michael Bassett, noted that unlike the previous piecemeal reform, which had reviewed funding, then structure without any relation between the two, the reform would address every part of the problem. "These principles are similar to those which are driving the government's reform of the public sector, including the establishment of the state owned enterprises, the reorganisation of Government's environmental responsibilities, the continuing reviews of the structures of government departments, and the various reviews of social policy." (Bassett, 1988b, 18). Horner (1989, 3) notes that "the guiding principles of the reform become a blend of long standing calls for a more rational system of local government, going back at least to 1912, together with the application to local government of appropriate elements of the policy behind the reform of the public sector, particularly those of separation of conflicting objectives and clearer accountability." Given this commitment to reforms the Labour government was therefore doubly pressed to find some means to co-opt the dissident authorities into reforms. This it is argued added further impetus to the creation of small statutory bodies in the New Zealand local government system.

ii) The Fourth Labour Government - Effect of Ideological Division

However by 1987 the other reforms of the Labour Government and the way in which they had carried them out were, it was feared by those within the Labour Party, leading to a decline in electoral support. In reaction to this and other clashes within the Labour Caucus itself, a cabinet reshuffle saw the Labour Party attempt to distance itself from the 'hard liners' and their emphasis on economic measures by softening their approach to reforms. This led to a change in emphasis in local government reforms. As in pre Thatcherite Britain, the government would attempt to gain support for their reforms by stressing the devolutionary and community control aspects of their policies. Local Government Reform now became linked with such liberal motives as this statement from the Department of Internal Affairs about the purpose of local government demonstrates. "Local government is about empowering communities within the nation to make their own decisions on local matters." (Dept Internal Affairs, 1989, 37) Clearly therefore, the concept of a small statutory body was one way in which the Labour Government could demonstrate its 'commitment' to devolution

and thereby control the electoral conflicts it was facing. In fact as will be discussed in the analysis of the reforms that follows, it was this change of emphasis that was to gain for community boards a statutory status and powers not envisaged for them by the LGC.

Labour and the Neighbourhood Movement

In addition to all the above considerations the fact that the Labour Government would support the idea of some form of small statutory body in the reforms of 1989 can be predicted from a consideration of their own attempts to introduce such a body to the urban areas of New Zealand in their 1974 reforms. In analysing the previous reforms carried out by the National government it was argued by Labour Party commentators that,

"the second deficiency in National's legislation was that it made no provision for community organisations within the larger territorial authorities. In England legislative rights and protection were being given to community committees that established themselves according to specific rules. These committees could act legally in advancing the interests of their residents. In New Zealand National opposed the creation of community committees, and left itself open to the charge that while encouraging amalgamation of small local authorities into larger units, it was not prepared to do anything to ensure that local community rights were maintained " (Basset, 1979, 45).

In the 1972 electoral campaign. Labour policies on Local Government were based on the idea of 'correcting' this 'failing' espousing the setting up of safeguards for local interests, in the form of community councils. Two possible reasons for this policy may be advanced. Firstly it may be argued that, as was the case in the later 1989 reforms, the Labour Party had recognised that if it was to be successful in persuading small authorities to amalgamate there must be at least some sort of a 'reward'. Few councils it was realised were going to vote themselves out of an existence without an

assurance that local people would still have a say and local councillors would still have a some sort of input and status. This type of status could be provided by community councils. Wood (1979) argues that in addition Labour saw urban community councils as a way of extending their political control in urban areas where the control of local authorities was in the hands of National supporters. "By offering community councils as part of its new local government system, the Labour Government could have been in the position of reaching past the elected local authorities to the electorate at large." (Wood, 1972, 2)

The 1974 Local Government Act therefore introduced three tiers of local government. The other areas of debate over regional government were resolved by the creation of regional councils after the Auckland Regional Council mould for the urban areas and United councils in the rural areas. Below them the cities, boroughs and county councils would operate as usual, although amalgamations were to be encouraged and the poll provisions were strengthened. Below these levels the county towns were to continue to operate, albeit under the new designations of district community councils and community councils. These bodies were still to be used as a way of coopting small local authorities into amalgamations. "Amalgamations of small local authorities left local residents bereft of their small elected councils. Community councils were a substitute offered by the minister - go into (or be absorbed into) a bigger, more meaningful unit of local government, but retain your own elected committee, to which the 'district' might delegate some of it's powers." (Wood, 1979, 5-6) The concept was to be extended with the creation of community councils in urban areas. Basset (1974, 47) describes how these urban bodies were perceived. "These bodies were to be neighbourhood councils something akin to ratepayers' organisations. They were to be the voice of the local people on matters of community concern, and forums where anything from the sealing of footpaths to overall planning of the neighbourhood could be discussed. As the Labour Party saw them they would at their best work to re-establish a sense of community in areas where the concept had long since vanished; at worst they would provide forums for neighbourhood enthusiasts and possibly cranks. On balance the experiment was worth trying." (Bassett, 1979, 47) However the concept of urban community councils had no real trial. Such urban councils as were set up in 1974 were few and far between with two only in operation in Porirua before the 1975-78 National

Government removed the urban community councils from the act. The Labour Party saw this as a purely political move based on the poor reception of the concept by the territorial authorities. "Community councils were a bold experiment. They jarred the established order of conducting local government. Conservative office holders saw them as a threat to their omniscience; and the National Party seized such opposition as a stick to beat Labour with." (Basset, 1979, 47)

Despite the removal of the urban community councils from the act, informal community committees based on the idea operated in some New Zealand cities. In Auckland, in anticipation of the 1974 Act, 14 community committees had been set up in the year preceding the legislation and these continued to operate. "Not all had worked, but many, especially in redeveloping areas of the city such as Freemans Bay were providing an excellent opportunity for the Council to receive, as well as try out, new ideas." (Milburn, 1977, 14) Most importantly the operations of these committees was to have an influence on the future local government minister Bassett, as his experience of such urban 'councils' lead him to become a firm supporter of the concept. It can also be suggested that this experience enabled the Minister to see how useful such community councils could be as a control mechanism, as this speech from 1985 demonstrates. "My Government has always been a warm supporter of the concept of community councils and community committees. Ratepayers groups, irritating as they can sometimes be, must be drawn into discussions. They should not be used as excuses for doing nothing but as sources of ideas. The Auckland City council of which I was once a councillor, established an important process with its community committees set up in 1973. Not all have worked and it would be an exaggeration to say that councillors loved them all, or their members. But there is a higher degree of acceptance of council decisions, the Aotea Cultural centre notwithstanding, in Auckland City than in many other authorities around the Country." (Bassett, 1985, 17)

Summary ...

It can be seen that, as in the British example, movements towards the introduction of community boards can be linked to some of the factors identified as being part of the general western problem, e.g the need to

restructure, public demands for participation opportunities and the attempts to avoid delays to the planning process. The movement can also be traced to some specifically local factors, eg the ideology of the Labour Party in the 1970's and 1980's, the effect of the environmental protest movement and the effect of resource management reforms. It remains that the evolution of community boards in New Zealand can be linked with the desire to produce a control mechanism for internal and external pressures on the local government system. It is necessary then to look at the reforms to see if this desire lead to the flexible type of legislation, and lack of agreement over rights and roles; a situation that has been shown to lead to problems in the operation of the small statutory bodies in Great Britain.

PART TWO: THE REFORMS IN NEW ZEALAND

Introduction ...

Local government reform in New Zealand really began with the Fourth Labour Government being returned for a second term in office in late 1987. Before that, in Labour's first term (1984-87), a Local Government Commission had been appointed by the government to review the structure of local government throughout New Zealand. The Commission directed each local authority to survey it's total operations according to the specifications sent out to them and to submit a detailed report to the commission by 1 October 1985. In addition the authorities were to take into consideration their future needs and, in the interest of efficiency, the possibility by amalgamation with one or more councils contiguous to them." (Mogford, 1989, 138) At this point in time it appeared that the government was indicating that if local authorities would enter into small scale local amalgamations, they would be spared any further reorganisations. Many authorities began to negotiate amalgamations with their neighbours, e.g the 1987 amalgamation proposals between Rodney County and Helensville Borough, and the 1987 amalgamation proposals between Ellerslie, One Tree Hill and Onehunga Boroughs in Auckland. However Labours re-election for a second term in 1987 saw the end of this 'soft' approach to reforms. This occurred for a number of reasons. Firstly it was perceived that the electorate had given the Government a mandate to carry on with their restructuring of the public sector. Secondly the more important reforms of this programme, that of the state owned enterprises etc, had already taken place and attention could be focused on the lesser

priority reforms. Thirdly, the government had the necessary three years in which to push the reforms through to their conclusion, thereby avoiding losing the reform legislation should there be a change of government at the next election.

Economic Statement 1987 ...

The extent of the reforms and the speed with which they were to be carried out was outlined by the Minister of Local Government, Dr Michael Bassett, in an addenda to the Economic Statement, December 1987. He outlined that the reforms were to be run along the same principles as those previously carried out, that of accountability, efficiency and separation of service and regulation functions. In addition the reforms were to be run to a very tight timetable beginning in early 1988 and ending with the local body elections in November 1989 with the new local government system up and running. The timetable would be adhered to by the use of provisions of the Local Government Amendment Act No 3 1988 which allowed for the vacation of existing procedures of the Local Government Commission where they involved consultation or agreement with authorities or rights of appeal. What this meant in essence was that the Commission, if they so wished, could produce for the country a set of reorganisation schemes for the government to implement without any reference to the authorities concerned or to the public. However it was indicated that there would be a chance for local authorities and the public to contribute through a round of consultation presided over by the Officials Coordinating Committee. The committee, made up of officials from the Department of Internal Affairs, the Ministry for the Environment, the Local Government Commission, the State Service Commission and the Treasury, and other specialists produced their first document in February 1988. This 'Blue Book' posed several questions about the structure, operations and financing of Local Government to be answered by participants. This information, received after submissions closed a month later, was then considered and framed the guidelines for the Local Government Commission to produce indicative reorganisation schemes.

The Local Government Commission ...

Like the Great Britain Commissions, the New Zealand Local Government Commission too, reached the conclusion that in order for local government to function efficiently in a modern world, larger authorities would have to be created to achieve the necessary economies of scale. However it was also recognised that, given the number of submissions that had emphasised this point and the Labour government's commitment to empowering communities, the Commission would also have to ensure that local government, to a certain extent, remained local. As Elwood (1990,12) noted, "although greater efficiency and effectiveness could be achieved through having a smaller number of larger and better resourced authorities, it was necessary to recognise that within New Zealand's particular society which requires access to and accountability of elected representatives, a community scale and involvement was both necessary and desirable." The problem then became how to, having recognised the rights of communities, balance this with the emphasis on creation of larger and fewer territorial authorities. "It was decided that this could be achieved by the provision of a formal channel for expression of community preferences to the parent territorial authority." (Dept of Internal Affairs, 1989, 41)

Ward Committees ...

With the release of the Local Government Commission's indicative schemes in December 1988, it was indicated what sort of form this channel of communication might take. Within these schemes the Commission had introduced the idea of Ward Committees. It was explained that, "in some parts of New Zealand the territorial authorities would be very large and it was unrealistic to suggest that within those large areas there was a single community of interest. So the subdistrict system was designed to recognise the reality that there were small communities in the system that were discreet, distinct and separate." (Elwood, Interview, 1993) However the Commission went on to caution that these ward committees were, as their name suggested, to be a sub level of the larger territorial authorities, not autonomous bodies in their own right. To give these sub - district bodies autonomous status would further fragment the local government system, a condition that it was hoped the reforms would remedy. The Commission decided to base the subdistrict level around the ward because it reinforced the significance of the ward for electoral purposes and because it allowed a

greater flexibility in structure than the 1974 types. Significantly too the idea already had the support of Elwood who had introduced citizen advisory groups into a council committee structure during his term as Mayor of Palmerston North

It is argued that as well as being one way of meeting the concerns of the public about keeping the local in local government the ward committees were designed to defuse the situation in Auckland. This argument is given further support when it is noted that it was at this stage that the smaller Auckland authorities were beginning to indicate that they would fight amalgamation. Thus the idea of ward committees may have been the first attempt to provide a sweetener to these smaller bodies by ensuring them a place after the reforms and thus ensuring their acceptance of the restructuring. References to other of the Chairmans writings in 1988 would seem to suggest that the creation of the ward committees may have been envisualised as enabling the restructuring of government along even more radical lines. In commenting on the amalgamation of Blenheim and Picton Borough with Marlborough County Elwood noted that if Kaikoura County was to join the trio then, "a single unit of local government carrying out district and regional functions is potentially close. Marlborough may lead the way into a new era of local government carrying out district and regional functions with a precedent structure which could be copied in other parts of New Zealand." (Elwood, 1988, Local Government Management, Jan 13) How the Chairman saw ward committees facilitating this is explained by considering a suggestion he later made about the formation of a Wellington unitary authority. "Under this system a single council would carry out all territorial and regional functions of local government. There could be a series of district community councils under the unitary authority he said."(New Zealand Local Government, 1988, 4b)

Given these varying reasons for some sort of statutory body to be set up, it is unsurprising that there were differences in the way the ward committees were to operate. If ward committees in large districts were to operate as some form of unitary authority, while those in the city were to act as some sort of pressure valve, they would need different powers. The rural ward committees the Commission was in favour of giving the widest powers, where the ward was isolated, but such wide powers were considered to be correct for urban areas. In these areas the Commission felt that the powers

and function of the ward committees should be limited to an advisory, coordinating and overseeing role in the way communities of interest could be granted recognition, "without the need to establish separate units of local government and the attendant need to duplicate administrative and organisational overheads." (Elwood, 1988, 11).

In keeping with this flexible approach the Commission was also loath to delineate areas or population sizes for ward committees. Elwood (1993, Interview) claims this was because, "the Commission felt it was better to approach the idea of communities with no set idea about ideal size etc due to a belief that a.) there could be no optimum size anyway and b.) that it was more important to build an institution which was relevant to the community for which it was being constructed and which would have a reasonable chance to survive further." This ultimately became a subjective value judgement of what and where the community was and was, "the value judgement of the Commission after consultation with those most effected." (Elwood, 1993).

Thus, in deciding where ward committees should be set up, the Commission looked for two basic factors. "First we looked to see whether there was an expression of community being an identifiable community and secondly whether there was a willingness of those in the community to take an element of commitment. So there had to be identification and commitment." (Elwood, 1993). It is unsurprising given these criteria the places where it was indicated that ward committees were to be set up and maintained were places which had lost their status as boroughs, and small district and county councils. The fact that it was these very communities that had indicated that they would fight reforms lends weight to the argument that the community boards were created in part to avoid appeals against the reforms from the smaller councils, on the grounds that with a community board representation would still be available to them.

The response of the local authorities to the idea of ward committees was mixed. The split was on largely attitudinal grounds. There were those authorities that were traditional in outlook and didn't wish to see any power sharing and "others who were less traditional [and] were able to see that properly used the subdistrict structures would enable the isolation of

issues and the concentration of resources and minds upon those issues by having a subdistrict structure." (Elwood, 1993, Interview)

Government Response to the Idea ...

The Minister of local Government also supported the idea of a sub - district body. This is not unsurprising given Labour's attempts to set up such bodies in the previous local government reforms in 1974, nor given the Minister's support as an Auckland City Councillor for the operation of community committees. It is also argued that the Minister too saw a use for small statutory bodies in deflecting protest over the proposed reforms. At the Local Government Association Conference in 1988, "Featherston Borough mayor Mr W.A. McKerrow asked [the Minister about the position of] the smaller authorities with historic values. [He noted that] some 10,000 troops trained at Featherston during World War Two, some 4,000 of them lie in graves on the other side of the world. [Further he claimed that] people today have a right to have a say about their areas. He described the Local Government Amendment Bill as the most undemocratic he had never seen. 'You've expressed your view', replied Dr Bassett, 'I do think if you have a special case it should be made to the Local Government Commission. District community councils and community councils may be kept for historical purposes.'(Black, 1988, 12).

The Legislation ...

As in Great Britain, the idea of the Local Government Commission in relation to the creation of a small statutory body, was to undergo some changes in its passage through Parliament. This was due to a number of factors. Firstly, since setting out the guiding principles for local government reforms in the 1987 Economic Statement, the Labour Government had become aware that the stress placed on efficiency and accountability and the economic overtones of the statement was generating public disapproval of their policies. With the election only two years away this loss of electorate support had led to a split in Labour's ranks and in an effort to reassure the electorate the victorious Lange faction sought to soften the approach of their policies and the legislation. As Horner notes, when considering the Local Government Amendment Act No 2, which set up the actual structure of the new local government system, "compared with the guiding principles

of reform announced in December 1987 it is possible to see a shift in emphasis from efficiency/rationality towards some of the more traditional values ascribed to local government, for example recognition of the existence of different communities which may have different values and different ways of delivering services." (Horner, 1989, 6)

Another method of creating support for their policies too was to push the idea that the new policies were about devolution of functions and powers downwards to local government and ultimately to the public. Indeed by 1988 the Minister was advancing this idea in interviews with the press, "the government says reorganisation is necessary because local authorities will be given responsibilities that until now have been directed from Wellington. That is what is commonly called 'devolution' or the transfer of power and resources from central government to lower levels of decision making." (Hyde, 1988, 78) What this meant in terms of the ward committees was that now suddenly their creation could be utilised to gain public support not only for local government reforms as indicated previously, but also to gain support for government reforms in general, rather as it has been suggested was the case in Great Britain. In addition with the reforms in Auckland becoming increasingly fraught it was all the more imperative that some way of controlling these protests be found. This could be achieved through the concept of the ward committee. However the government decided that it would be necessary to endow the concept with a statutory status and a set of legally defined powers and rights, as it was feared that unless the ward committees were given greater status they would not be an acceptable substitute to the smaller authorities, nor would it be believed that it was intended to devolve powers onto the bodies.

However the actual provisions concerning the small statutory body were not to change radically from what the LGC had envisaged. To have debated further on the purposes and functions of a community board and further defined and clarified their roles would have meant delaying the amendment of the Local Government Act concerning the boards and this would have meant that the legislation would be uncompleted at the time of the deadlines. This was unacceptable on two grounds. Firstly, the Government had committed themselves to the completion of full reform by the November Local Government elections of 1989 and therefore could not delay the decisions over community boards etc if the reforms were to be

completed by that date. Secondly, to have delayed the sub district level to have considered it further would have allowed detractors of the reforms to argue for a delay at other levels till there had been more discussions of the factors involved.

Thus a political decision saw the creation of community boards and their substitution in the final reorganisation schemes in place of the ward committees. It has already been noted that the LGC had had two prototypes in mind for ward committees, one with wide and functional powers for rural areas, and another of an advisory nature only for the urban areas. Similarly the Commission had indicated that areas to be covered by boards would also need to be flexible. However ways had to be found to underline the fact that the community boards were not to function as an autonomous body and this was achieved by not enshrining a set of responsibilities in statute other than those of an advisory nature, under Section 101 ZY and by allowing functional responsibilities to be delegated by the parent authority under section 101ZZ. (See appendix 1.0) This flexibility allowed for the two prototypes to continue and by placing the decisions in the hands of the parent authorities located the boards into a subservient position in the local government structure emphasising their lack of autonomy. However the community boards were not totally bereft of protections as it was stipulated that Boards were to be maintained until October 1993, and could only be abolished by adjudication of the Local Government Commission or by agreement between the community board and the parent authority. Another factor which had the potential to give the community boards greater powers was to be the passing of the 1991 Resource Management Act. Reforms of the Resource Management legislation of New Zealand had been under way at the same time as the Local Government Reforms. In addition to the permissive powers under Section 101 ZZ of the Local Government Act Community Boards stood to gain equally permissive powers under Section 34(2) of the Resource Management Act which allowed a territorial authority to delegate any function, powers or duties under the Act of any matter of significance to the community other than the approval of a plan or any change to that plan. As the functions of a territorial authority under the Resource Management Act (1991) include the establishment, implementation and review of objectives, policies and methods to achieve integrated resource management; the control of actual and potential effect of land uses, the

functions such as information collection, monitoring; the clause gives to the community boards a potential wide and important role to play in resource management activities. It must however be noted, that, like the permissive powers in Section 101 ZZ the powers in Section 34(2) are also subject to the parent authorities decision about delegation and as such must be won from the local authority rather than given as of right. It is surmised that the intention of the section was to enable community boards in remote rural places to carry out functions under the Resource Management Act that, for geographic reasons the local authority could not themselves carry out, rather than open up resource management to the community boards. Thus the Government was in this way able to put the boards into the legislation quickly so that they could operated as a control mechanism for the pressures besetting local government, while at the same time leaving the provisions flexible enough so that questions about the actual operations of the boards could be left to local government and central government would not have to participate any further in terms of resource provisions, devolution etc.

In response to the Government's moves on small statutory bodies the Local Government Commission also decided that the provision that they had made for ward committees, in regard to the location, in the draft reorganisation schemes, could stand for community boards. This also reflects the fact that the Commission had to make the decision to go to the final draft schemes without any provision for the subdistrict level because they had not had time to discuss the community board option, and thus not completely reform the system, or to go with what they had in terms of ward committees. As the two were not seen to be so dissimilar in intent the Commission in 99% of the cases placed community boards in places where ward committees had been indicated in the draft schemes. However the way was left open for electors from the areas without community boards to apply to their parent authority for the Boards to be set up. However the pattern of distribution, as in the draft schemes, still reflected the fact that the small statutory bodies were set up in areas where their existence would help to deflect the conflict from within the structure and from the community at large against the restructuring.

Position of the Boards after Reforms ...

It can thus be seen that the creation of community boards in the New Zealand local government system was in response to several of the pressures previously identified as contributing factors. What can also be recognised is that because the boards were seen as a control mechanism effort was put towards getting them into the Act with the legislation governing them left as flexible as possible. The functions assigned to community boards were in the main advisory with the promise of further delegated powers under Section 101 ZZ powers and under Section 34 of the Resource Management Act. This meant that the parent authorities then had to make the decision as to what the boards were to do and what the role of the boards was to entail. Although the boards had been heralded to the public as a means of empowerment and a means of ensuring accountability in government and allowing the making of some decisions by the community, it was recognised nevertheless that, "the potential role [was] largely limited by the decision of the council in fixing the limit of delegations it [was] prepared to allow." (Elwood, 1990, 12)

Such flexibility, it was seen in the Great Britain example, lead to conflict between the parent authorities and their local councils as each had a differing perception of the role of local councils, and to debate which centred around whether the local councils advised or made decisions. The flexibility also lead to territorial authorities making the decisions about what functions the boards should carry out and it was argued that this lead further to conflict between the local councils and their parent authorities. It was indicated however that despite these external problems the internal relationships between the councils and the councillors and or staff of their parent authority may have just as much bearing on the success or otherwise of small statutory bodies. Three hypotheses were therefore put forward for testing in the New Zealand example. These were that:

1. The flexibility of the legislation governing small statutory bodies leads to a marginalisation of the powers and roles of community boards in New Zealand and that this lead to conflict between community boards and their parent authorities; and

2. that the flexibility of the legislation leads to a failure to clearly define the respective roles of parent authorities and community boards and this lack of agreement leads to conflicts between community boards and their parent authorities; and

3. that internal factors such as the relationships among staff, councillors and board members may decide the success or failure of the community board system.

As was previously discussed the first of these two hypotheses rested on it being proved that the legislation governing the small statutory bodies was shown to be flexible, and that this flexibility was due to government seeing the boards as control mechanisms for the bureaucratic, public and ideological pressures on the local government system, rather than as a means of handing control over to the local community. It is believed that the analysis of both the pressures and reforms preceding this section has achieved this. It remains therefore to enter into the case studies of the operation of New Zealand community boards in order to establish whether the other segments of the hypotheses can be proved. This analysis turns first to a general consideration of the operation of New Zealand community boards from their inception in 1989 to the present day. This overview is based on two collections of evidence, the literature concerned with the very first reviews of the community boards positions and on the results of a mail survey conducted by the author in early 1993.

CHAPTER FIVE: THE EARLY YEARS - COMMUNITY BOARDS FROM 1989 TO 1993

INTRODUCTION

On the 1 November 1989, 159 community boards took office in 49 of the 73 territorial authority districts. From the beginning it was a learning process for all those involved and one that was not without conflict. By 1993 some boards had been abolished while a few new boards had been established, (See Fig 5.1) and while some of the conflicts were resolved others continued.

PART ONE: THE EARLY CONFLICTS

Local Government's Response to the Boards ...

In the Great Britain discussion, it was noted that many of the problems surrounding the operation of the community and parish councils were due to the flexibility of the legislation which left local authorities to decide the form and functions of their small statutory bodies and which often lead to a marginalisation of the small statutory bodies and to conflict between the body and its parent authority. This, combined with an inability to clarify and agree on the role of the bodies and the negative effects of these often conflicting negotiations on the relationships, lead to further conflicts between the two bodies.

Through a review of the early stages of the community boards' operation in New Zealand we can see that this was true of the New Zealand situation as well. The legislation in New Zealand was flexible giving to territorial parent authorities the rights to decide what, if any functions, were to be delegated under the permissive section of the legislation as represented by section 101ZZ. Soon after the 1989 local body elections the press was beginning to report that there were conflicts between community boards and the parent authorities. The aim of this section is to determine what these conflicts were and whether they were as hypothesised connected with the flexibility of the legislation and differing perceptions of roles and responsibilities as in the Great Britain example. This analysis will be twofold. Firstly a review of the early days of the boards will be undertaken



Fig 5.1 Location/status of New Zealand Community Boards, 1989 - 1993

based on the literature of the time. Secondly a snapshot of the situation as at May 1993 will be outlined through a consideration of a mail survey undertaken by the author at that time.

Statutory Flexibility / Weakness ...

The provisions of the act regarding the boards had been rather rushed. A political decision saw the creation of community boards and their substitution in the final reorganisation schemes in place of the ward committees. The LGC had had two prototypes in mind for ward committees, one with wide functional powers for rural areas, and another of an advisory nature only for the urban areas. The Government too wished to retain this flexibility, and to avoid the delays to the reforms that a reworking of provisions for small statutory bodies could cause. This was achieved by not enshrining a set of responsibilities in statute other than those of an advisory nature, and by allowing functional responsibilities to be delegated by the parent authority. While this flexibility served the purposes of the government in completing the reform and allowing for a flexibility in structure according to situation (eg rural/urban) as the LGC had deemed necessary it left local authorities with the decision of what functions to give their community boards and to define more specifically their roles and responsibilities within their area. Even before the legislation had been passed there was dissent from the local authorities, who felt that despite this much emphasised flexibility the LGC had unfairly placed an obligation to maintain boards for five years on local authorities who did not need such a body. The feeling from outside of Auckland was that community boards had been foisted on them due to the need to pacify the small Auckland boroughs who were due to be abolished in the amalgamations. There were mutterings too about the fact that while some areas had to support three or four boards other areas had no community boards at all.

These general complaints aside, conflicts were soon to arise between the parent authorities and the newly created community boards due to the flexibility of the legislation which left it up to parent authorities to decide what functions/roles their boards should have.

Conflict over Roles and Responsibilities ...

As early as February 1990, these conflicts were beginning to be documented. In the Nelson Evening Mail, an article appeared complaining that after four attempts at delegating powers to the boards of that area they were still, "all set up with nothing to do." (New Zealand Local Government, 1990, 26(2)) This was to become one of the central complaints put forward by community boards. Boards felt that their role in local government was not being acknowledged and that their attempts to take up their role were being blocked by councillors who were playing power games. Councillors on the other hand felt it was the boards who were overstepping the mark. They felt that the boards were asking for too many powers and were not acknowledging their subservience to the parent authority, as one Christchurch Councillor noted, "the whole is greater than the sum of the parts. The ultimate sovereign body in political terms is the council sitting around the table." (Crichton, 1991, 35).

It can be conjectured that these problems were caused by a lack of vision as to what the roles of the two bodies were to be - a factor many people felt should have been better outlined in the legislation. As it was there were criticisms that the boards were duplicating roles that were already being carried out by the councils and that this duplication was costing the rate payer a lot of money that could well be spent on other things. In Manukau city, the Mayor himself came out against the community boards. "At a cost of between \$600,000 and \$1 million a year, Curtis [argued] that their role [could] be adequately filled by the voluntary ratepayers organisations...where once 24 councillors and a mayor ran the city...there are now 67 people who have a say. The boards create an enormous amount of extra work and duplication, tie up council officers preparing agendas and attending meetings and cost too much." (Phare, 1991, 1) However board members saw this sort of comment in a different light, "those politicians who see the boards as irritants highlight their cost instead of addressing their real reason for opposition, their interest in retaining power." (Crichton, 1991, 35)

Some councillors claimed that it was the community boards who were interested in retaining power. R. Wright, a councillor of Christchurch City saw the boards as empire building and handing out 'jobs for the boys',

something which was costing the ratepayers a million dollars a year in board members' wages.

The costs aside some ratepayer associations were dubious as to whether the boards could really carry out the role allocated to them in the act of being the voices of the community. "It's very important we try and build a relationship with the board [but] they should liaise a lot more with neighbourhood groups. They should be asking questions, not just waiting for the groups to ring up complaining. The new system was supposed to allow community groups to be pro-active rather than reactive." (Crichton, 1991, 36) There were even doubts amongst the neighbourhood groups that the community boards were best suited to be communication channels/neighbourhood voices any way. "If the community board is a midway point between the council and the residents [it] may not necessarily support the residents' concerns...if they don't think it's a significant cause." (Crichton, 1991, 36)

Opinions about the boards were to vary widely over the country and even within regions. Examination of the early situation in Auckland bears this out. In the middle of the spectrum was Auckland City. Phil Warren the deputy mayor was openly critical in the media about community boards, a fact which earned him several letters of rebuke from community boards in the city, and further soured the relations between the groups. The Mayor, Les Mills, on the other hand lobbied his councillors to increase the boards' powers, "that way we start to achieve what community boards were intended to do. They were not meant to be just a continuation of community committees." (Phare, 1991, 1) However he also felt that the boards should have limits. Town planning was not to become tangled in the political process and amalgamation of boards to reduce costs was another option that it was indicated would be considered. The North Shore Mayor of that time Ann Hartley, whose campaign platform included a push for community boards in an area where the LGC had not provided for them in the final scheme, was supportive of the Boards in the area. "We really make them work. They are here to stay. Without them we would find it very difficult to find the sort of information they are able to get." (Phare, 1991, 1) The North Shore City Council therefore delegated a full range of powers to its boards, including most town planning decisions etc

In Manukau City the Mayor was eager to get rid of the boards, and by falling back onto voluntary agencies, save time, money and duplication of functions.

As Crichton noted (1991) the Boards were basically doing a tightrope act. On one hand they couldn't claim too many powers and oppose the council, on the other hand they needed to provide to the community that they were relevant, that they did have the power to make decisions that would affect the community concerned, that they were worth what they were costing the ratepayer and that they were not just another level of bureaucracy but were actually working for the people of the area.

Conflicts however continued and much of the blame was laid on the lack of guidance provided by the Government and the LGC on the subject of community boards delegations, roles etc. However the LGC replied that the conflict was not caused by the flexibility of the legislation persay but by councils' interpretation of the legislation at its narrowest level. Elwood himself noted, "boards who have got into situations of strife are where the parent council have been those who have not given sufficient delegation, who therefore in other words have seen themselves as not making a valuable contribution to the good government of their community." (Elwood, 1993) It was argued that it was up to the parent authorities to correct this and was not due to flawed legislation. In addition it was argued that in part the conflicts were due to community boards' some what broader interpretation of the legislation and their refusal to see their true place in the structure and keep to it. "Some community boards could well be meeting too often and going into too much detail. Community boards are not local authorities. They are part of the political structure of the council and they derive their power and their resources from that council, there are those community board members who need to accept that they are not councillors. They are board members." (Elwood in Phare, 1991, 1)

Therefore by early 1990 conflict had arisen over responsibilities and roles of community boards, in part it was argued to the flexibility of the legislation which left it up to parent authorities to delegate functions to their community boards. This it can be seen, lead in many areas, to a marginalisation of community board powers and conflicts between the two bodies. Disagreements over roles further fuelled such conflicts with the

result being that by late 1990/early 1991 many authorities were seeking ways to address the issues raised through renegotiation of the boards responsibilities and in some instances by abolishing the community boards altogether.

Reaction to Early Conflicts - Abolition Applications and Renegotiation ...

Abolition Applications

The reaction of some parent authorities to the early conflicts was to attempt to divest themselves of their community boards altogether. These attempts were made at the time of the first triennial review of the new local authorities. The Far North District Council, the Franklin District Council, the Grey District Council and the Dunedin City Council applied to the LGC to abolish, and or reduce board numbers by amalgamation. The reasons varied in each case but in general the parent authorities cited costs, a slowing down of the system due to expanded consultation, the lack of full agendas for community boards, and the unnecessary duplication of councillors responsibilities and roles as their grounds for abolition. The community boards concerned fought against such moves and cited their own list of grievances against their parent authorities, principal among them the lack of any meaningful delegated functions, the lack of a clear definition of the role of a community board, the lack of time given for the system to prove itself and the lack of councillors and staff support for their efforts to become useful, working components of the local government system. The LGC in all cases declined the applications. They were also of the opinion that the time given to the system was not sufficient for the learning curve to have been completed. In addition the Commission was critical of the lack of dialogue between the parent authorities and community boards and in most cases directed that a dialogue be entered into the aim of which was to be the clarification of the roles, functions and powers of community boards. However the LGC noted that such negotiations were dependant on the recognition by community boards that "they are not separate stand alone entities but are part of the councils constitutional organisation. To that extent community boards are required to operate within the policy environment finally determined by the council, but given that the community boards exist and have a role in assisting the council the council should make use of them." (LGC, 1992, File 104/18,13)

Despite these cautions however the Local Government Commission's position appeared to be that unless there was agreement on both sides over abolition, abolition would not occur. This position was no doubt backed by a desire to avoid re-reforming the reforms so soon after their completion and by a desire to be consistent with the legislation which had stipulated a maintenance period of five years for the community boards.

Attempts at Negotiation

Other parent authorities had attempted to resolve the conflicts with their community boards through seminars. These seminars too brought out the fact that the conflicts were centred around the levels of delegation given to boards, the roles boards were to play and the perceived negative attitudes of councillors and officers to community boards and their members. For example, a community board forum held by North Shore City Council in 1991, and attended by 87 people from councils and community boards in the Auckland region, worked through questions about good decision making, the components necessary for good decision making, the components of good local authority decision making and the role of the community board and identified that many of the problems that had arisen were due to a lack of sufficient delegation to and support of community boards. In addition it was argued that such conflicts would continue unless attempts were made to make correct these faults and delegate more meaningful functions to community boards as, "a genuine partnership cannot exist where one partner has all the power and control." (Lee, Auckland Forum Proceedings, 1991, 28) The Minister's representative's reply to these calls was to point out that "there is provision for community boards to do anything precedent to the exercise of the territorial authority of those excluded powers." (Smith, Auckland Forum Proceedings, 1991, 33), a stance which returned the issues to the community boards to be worked through, rather than provided the boards with any central government support for their concerns.

In the course of the forum it also emerged that there were concerns that the role of the community board as perceived by the community board, differed from that perceived by councillors and council staff, and some councillors indicated that it was considered that the community had no clear view of what the community boards roles were. It was identified that this lack of agreement had lead to conflict The blame for this state of affairs was placed

not only on the local authorities themselves but also on the legislation. "Mr Silcock outlined the problems encountered by Manukau community boards, at the outset, in determining the basis for their existence in terms of their purpose, their role etc. He attributed this factor to the failure of the LGC to properly set up community boards." (Proceedings, Auckland Community Board Forum, 1991, 12).

However the community boards did admit that they themselves needed to be a little more proactive in order to be successful, particularly in their capacity as representatives of the community and information collectors. There was concern that the public did not identify the community boards with this role, a role under Section 101ZY that all community boards had. Thus the findings of the forum were that the community boards needed to look at ways of promoting themselves within the community, through newsletters, leaflets, constituent clinics, etc. At the same time however, parent authorities needed to show more support for their community boards, including the delegation of functions with the opportunity to exercise these, and that officers of council needed to be better prepared to deal with community boards needs. (Summary of Auckland Community Board Forum, 1991, 60-61) Other community board forums around the country also came to similar conclusions. (Banks Peninsula, Community Board Forum, 1991)

Government Involvement ...

The parent authorities and the community boards were not the only bodies that in 1991 were looking to sort out the organisational problems created. In 1990 the Minister for Local Government, Warren Cooper commissioned a report from the Local Government Business Group outlining the functions given to community boards nationwide. The call for the report was sparked by the 'mixed reaction' the boards had received. In light of this and the moves by some authorities to abolish their boards the Minister felt that the benefits of the system were perhaps not being seen and that, "local authorities should consider very carefully the benefits that this system can bring before making decisions to either abolish them or limit their functions." (Cooper, 1991, i) The Minister's view of that time was that, "while the circumstances of different districts vary and thus the role and functions of community boards will also vary, they can be a valuable part of

the system of local government. They enable genuinely local services to be provided with the maximum degree of local control, and enable a community input into the broader decision making of larger local authorities, without necessarily imposing significant cost." (Cooper, 1991, i)

The Minister's implicit support for Community Boards may have been to do with their usefulness in picking up functions if his quest to abolish regional councils was successful. Certainly the Minister was not keen to see community boards which had been former councils sue for autonomy as this would weaken the local authority structure. "The Minister of Local Government believes that it is essential that there be a strong system of territorial Local Government. He seriously considers that many regional council functions could be undertaken by territorial authorities, either individually, or on a joint basis. Fragmentation of the present territorial authority structure could possibly jeopardise the ability of territorial authorities to assume appropriate regional council functions. Furthermore, this type of activity is not conducive to allowing the new territorial authorities to settle down and consolidate. Such tensions do not result in a good working relationship between the parent territorial authority and the Community Board." (Smith, Auckland Community Board Forum proceedings, 1991, 14)

It was as part of this process of settling in the community boards as part of local government and giving some indication of the benefits of the boards the Minister requested a review, which was to look at the roles and functions of community boards on a nationwide basis.

Review of the Community Boards Functions 1991 ...

The Review, which took the form of a mail survey of all territorial authorities, was published in July 1991. Limited in its scope to a factual summary of community board functions, levels of delegations by territorial authorities and the links between delegation and expenditure and how these might duplicate existing committee structures, the review kept away from a qualitative evaluation of the boards efficiency/usefulness and the perceptions that were held of them; although comments by authorities of this nature were noted. (Local Government Business Group, 1991).

In setting out to look at the varying functions of the community boards in existence a distinction was made between advisory and decision making functions. The distinction was explained thus;

"Advisory: a community board's role in a function is to advise the council on local needs, comment on proposals, or make recommendations."

"Decision making: in connection with a function, a community board has the power to take action or make expenditure decisions without reference to Council."

(Local Government Business Group, 1991, 5)

The functions were further grouped as to whether they were regulatory, or concerned with service delivery, town and country planning or rating and finance. Secondly there was an attempt to analyse whether the functions differed as to type of locality. The typologies of rural, urban, mixed urban were set up in an attempt to test this. Other questions looked at the cost in resources, both monetary and human, of community boards. Each authority was also asked whether any changes to the existing delegations were envisaged to occur over the next two years.

The questionnaire was answered by 85% of the authorities contacted.(41 authorities responsible for 141 community boards.)

The main conclusions reached were that generally speaking Board activity was more of an advisory nature than a decision making nature and many councils gave no decision making role to their community boards at all. In general too the boards seemed to be most involved with service delivery functions (eg overview of sewage, refuse collection) and least involved with regulatory functions but played a large advisory role in matters involved in town and country planning. The number of functions given to the boards appeared to be influenced by two main factors. Boards in areas where there was full coverage of the district by communities were more utilised in terms of decision making functions than Boards where there was only partial coverage where functions tended to be advisory in nature. Secondly boards representing small urban towns/mixed rural/urban areas tended to carry out more functions than those in purely urban or rural areas. In addition these boards tended to attract more funding than their

metropolitan cousins. However the rate of funding for boards was not high overall with, "most territorial authorities [spending] less than 1% of their annual expenditure on each community board, and less than 10% of their annual expenditure on all their boards." (Local Government Business Group, 1991, iii.) In the case of duplication of functions by community boards and council committees the review found a large amount of overlap but felt that this didn't necessarily imply duplication. It was also found that staff didn't appear to spend greater amounts of time on boards that had a greater amount of functions but that the metropolitan community boards appear to take up more of the staff's time than the other types. In terms of changing the boards' functions from those originally set few councils had considered this. This can perhaps be attributed to the fact that many of the authorities were unsure if their boards were going to continue on past the first triennial review or past the next change of council. "They tended to explain that no changes were envisaged in the foreseeable future, but often indicated that they could not tell whether, or when, council policy on community boards might change." (Local Government Business Group, 1991, 18)

Summary ...

In terms of the hypotheses it can be seen that the flexibility of the legislation did lead to a marginalisation of community boards roles and status because the territorial authorities perceived the community boards in their narrowest role as mere advisory bodies and in addition many authorities perceived them as a nuisance factor. It is also noted that the boards received only some small support from the government in their requests for further functions, such support running only to central government suggesting in the most general terms that local authorities might reconsider the benefits of community boards before they abolished them.

In addition, it is noted the flexibility of the legislation lead to conflicting perceptions of the boards role and often not just between the boards and their parent authorities. It is noted that the boards were being advised by central authorities on one hand that they must be careful not to overstep their boundaries , meet too often or go into too much detail (Elwood) and on the other being advised that they did not need any delegated functions as they could do anything that was not under the act the responsibility of the

Act of another authority. (Smith) Further even between local authorities there were differences of perceptions of roles community boards would play and this, although it didn't lead to disagreement between authorities, meant that some boards did themselves feel inferior or superior to boards in other parts of the region. For example Rodney was often held up as a example of true delegation to boards and other authorities compared, usually unfavourably, with that District's approach.

It is noted too that internal infighting between councillors and community board members and allegations of unfair practise on both sides further fuelled conflicts about the role and functions of community boards and their members and the worth of community boards in general.

However it must be noted that by 1991 the community board scene had settled down somewhat. Most of the boards were operating as advisory bodies although some had wider powers. The rural urban pattern foreseen by the LGC had not eventuated and boards were a mixture of advisory and functional bodies regardless of their geographical location and conflicts between boards and their parent authorities were no longer being so widely reported, nor were parent authorities applying for the abolition of their community boards. Could it be the case that the conflicts were only as had been suggested teething problems, or did the conflicts still exist but were not as out in the open. as in the early days of the new structure. To ascertain which scenario was correct, it was necessary to conduct another review of the position of community boards as they are at the present, four years after their inception at the 1989 local body elections.

PART TWO: THE MAIL SURVEY

Introduction ...

To gain an overall picture of the current situation and operation of community boards in New Zealand, the author undertook a mail survey covering each community board, and each district/city authority who operated community boards in New Zealand. Of the 49 district/city authorities 33 or 67% replied. This compares favourably with the reply rate of 88% to the official Business Group survey which incorporated reminder surveys and phone calls which this survey did not. The reply rate from the

169 community boards was much lower only 37, or about 22% replying. The low response rate of the community boards means that the conclusions drawn from this material must be treated with caution. However, as the responses tally with the feelings expressed by community boards both in the preceding historical section and in the detailed case studies that follow, the responses would seem to provide a fair cross section of experiences and positions.

It can be seen with reference to Fig 5.2 that the replies received were spread all over the country. Admittedly more replies were received from the North Island, and particularly it's Northern half than from elsewhere. It is interesting to note that the return from the South Island for this questionnaire was 11% as compared with 16 % for the Business Group survey. It can be suggested that the low rate of return from the South Island reflects the effect of the contracting out of functions with it's corresponding drop in full time support staff, and the isolated nature of many of the boards in this area.

Design ...

Unlike the Business Group survey which focused on 'a factual summary of community board functions', and contacted only the parent authorities, the mail survey carried out in March - June of 1993 focused on building up a picture of the relationships between the community boards and their parent authorities, the roles seen for community boards, and the types of participation of community boards in the local government system. Questions were also asked about the causes of conflicts and arguments between the bodies and about the more positive success stories of the boards. In this way it was intended to further test the hypotheses that conflicts between community boards and their parent authorities were due to the flexibility of the legislation and to the ensuing disagreements about responsibilities and roles, as well to to gain some indication of whether the success or failure of boards was dependant on the existence of good relationships between all those involved.

The Format of the survey differed depending on whether the respondent was a district/city council or a community board. The parent authorities survey took the form of check lists with only a few questions requiring a

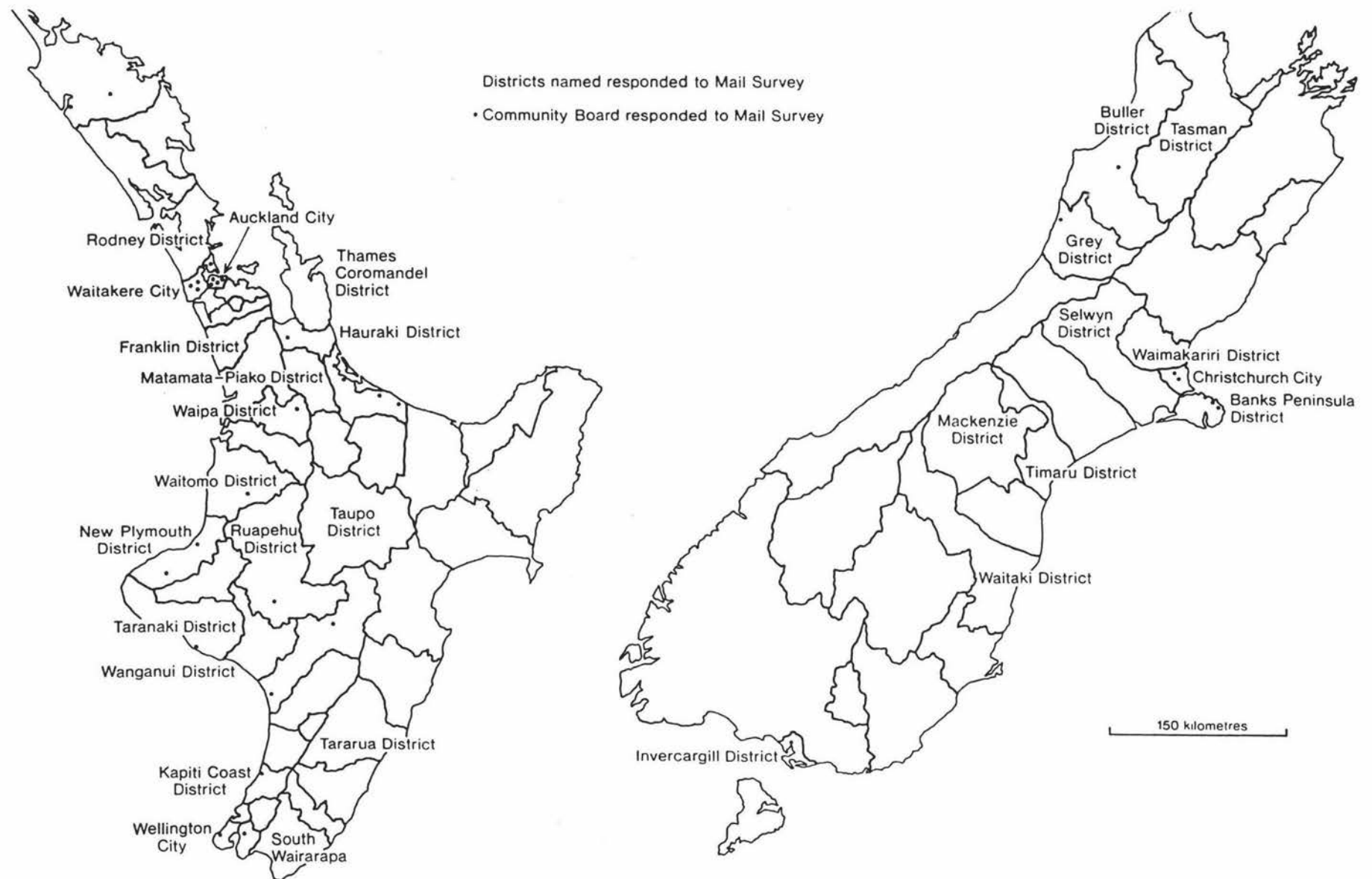


Fig 5.2 Location of Respondants to 1993 Mail Survey

fuller written reply. (See Appendix 1.1) It was felt that this would facilitate the questionnaire being answered quickly by the staff and sent back. It was hoped in this way to avoid the questionnaire being left to one side for when 'time was available'.

The community board survey differed in that the format was aimed at receiving more detailed answers from the community boards eg a written answer rather than a tick in a box, the length or brevity of which was up to the individual community boards. (See Appendix 1.2) This was in order to get as detailed a reply as possible about the nature of the relationships/conflicts etc from the community board correspondents, who it was hoped would have more time to fill out the questionnaire. The length and detail of some of the replies received proved the format useful, however in other cases respondents indicated that a checklist questionnaire would have been better for them. Other community boards were loath to answer at all, *"I don't know whether I should thank you for your letter or not!"* (Community Boards, Correspondence, March 1993)

However as there are no other comparative figures of return rates to materials sent to community boards there is no indication as to whether the format was responsible for the relatively low rate of return. It should also be noted that in some cases it was the council's administration officer who answered for the community boards and in such replies answers about relationships and conflicts were invariably guarded.

Consideration of Replies ...

Statutory Flexibility/Weakness

Even without entering into a discussion of the statutory delegations that councils gave their boards - it was pointed out by some correspondents that even the setting up of community boards by the LGC was not consistent throughout the country.

"I would like to point out that the Local Government Commission did not, when it decided how local government should proceed for the five years after the 1989 election, make the

playing ground equal for all authorities. For example Auckland City has community boards covering all of it's territory, while the Western Bay of Plenty District has areas that have no representation to a community board." (Community Board, Mail Survey, 1993).

Comments about the setting up of community boards went even further with respondents indicating that they felt the boards were set up with 'ulterior motives' rather than part of a plan aimed at greater citizen participation. *"It was established as part of the pay off with amalgamation."* (Community Board, Mail Survey, 1993) Others were less than complementary about the whole idea of statutory community boards. one of the respondents labelling the idea, *"Bassett's Bungle"* (Community Board, Mail Survey, 1993)

Like wise the flexibility of the provisions of the act concerning community boards, which allowed the parent authorities to decide what functions community boards in New Zealand could undertake, was also the centre of some criticism. Opinions were divided however as to whether the actual statute setting out the functions of the boards should have been more concrete. *"[The] legislation requiring boards to be established by the 1989 reorganisation order should specify the roles of the boards rather than leave it to the council to decide."* (District Council, Mail Survey, 1993) Others disagreed. *"The legislative framework under which the boards are currently formulated is very permissive and I don't think needs amendment."* (District Council, Mail Survey, 1993) Indeed some councils indicated that the permissiveness of the statue allowed the Boards to have a great deal of power. *"While the law constrains Boards from authorising such things as rates, levies, bylaws, action etc, in our model the Boards set the rates, the District Council levies and raises them and the Board spends them."* (District Council, Mail Survey, 1993) Other councils indicated that the problem lay, not in the flexibility of the legislation, but in the interpretation of the legislation.

"We believe that [we] have introduced and operate our community boards in the 'spirit' as well as the letter of the law. By allocating full

recommendatory powers, and by not operating any standing committees, (except for a judiciary or regulatory committee), the Boards have the right to determine local decisions."

(District Council, Mail Survey, 1993)

The flexibility of the legislation had however seen many different types of boards set up. and this lead to differing views on the relevance of community boards.

"Normally the area of a board has been limited to the area of a defined community (ie a township), whereas in our instance the community board encompasses one half of the district. It is effectively the area of the former county. The other half of the area which was previously a community board considered this status to be inappropriate and recommended that it be disestablished."

(District Council, Mail Survey, 1993).

Another authority commented, however that, *"we could not run a city this size without the community boards system."* (City Council, Mail Survey, 1993)

The size of populations served by community boards differed widely. The smallest community board served only 428 people while the largest served a population of some 47,952 residents. In general though, a pattern could be seen where the rural boards served small distinct populations on average 4,683, where the average for the urban areas was 31,150. There were other differences too, particularly in terms of salaries, with a board member in the city area receiving on average twice as much per year than his rural counterpart. (Rural average \$2 342, urban average \$4 857) The disparity between Chairpersons was even wider, urban chairs being paid just under double the wage for the position in a rural area. (Rural average \$6 758, Urban average \$11 200) Boards nationwide however tended to follow the same monthly pattern for holding meetings (68%), while others held

meeting on a six weekly cycle (19%), others met more frequently eg once a fortnight (5%) and a small number met only four times a year.(3%)

Community boards in general have largely advisory powers. In the previous section it was seen that this had led to conflicts between the boards and their parent authorities, and that it had been claimed that these conflicts could only be resolved if community boards were delegated meaningful functions. Some authorities and their boards had taken the opportunity to renegotiate the functions. However the mail survey revealed that by and large the boards delegations are still advisory. (See Table 1.1)

Table 1.1 Functions delegated to Community Boards

Functions	% of Boards
Submissions to Councils Annual/District Plan	97%
Submissions to Councils Budgetary Process	100%
Communication with other Community Organisations	93%
Amenity Operations Overseeing	80%
Overseeing Community Activities/ Recreational Facilities	73%
Allocation of Funds for Local Improvement Schemes	70%
Distribution of Other Funds from External Sources E.g. Hillary Commission	30%
Allocation of Community Reserves	

Expenditure	7%
Administers Expenditure of Local Amenities Rate	7%
Acts on behalf of the Former Harbour Board	3%
Resource Consent Applications Relating to Ward	3%
Local Traffic and Parking Control	3%
Competitions for Schools - Bursaries etc	3%
Prioritise Works for Consideration for Ward	3%

It may be noted that while the figures for amenity overseeing etc are high at 70%, much of this control is dependant on the council confirming the resolution: however it is an increase on the 1991 figures.

A small percentage of the community boards (8%) had purely advisory functions while others (11%) had basically advisory functions with some limited overseeing functions. However it is indicated that in other areas the boards were given large functional responsibilities.

Roles ...

In the analysis of the early operation of the New Zealand boards, the hypothesis that a lack of agreement between the boards and their parent authorities over what the roles of each body were lead to problems in the operation of community boards held. To test the hypothesis through the mail survey it was necessary to ask both bodies what their view of the role of community boards was to see whether there was an agreement on these roles, and secondly to discover if their views differed, whether these differences were still causing problems.

Councils' View of Role

The District/City Councils were asked which of the following roles they perceived for the community board to play - an advisory body, an extension of the council at community level, a watchdog group for citizens. While some councils indicated multiple roles for their community boards, 81% of parent authorities viewed their boards as advisory bodies, 58% viewed them as an extension of the council while 36% felt that they were a citizen watchdog group.

In a large number of areas therefore, the boards were not expected to carry out much more than a recommendatory role and were not by and large seen as having a service delivery function. This was reflected in one council's statement that, "*community boards are not autonomous or semi autonomous local authorities. They are a political structure only.*" (District Council, Mail survey, 1993) Despite this they were viewed as a very useful political structure in that they could be used to provide support for council among the general public. "*Community boards in this area do provide a valuable role in that they communicate council's role and policies, aims and goals and objectives on a local basis and the public can associate themselves with their local board and appreciate that their rates are being spent locally.*" (District Council, Mail Survey, 1993).

Remembering that it has been hypothesised that good relationships between the parent authority and the community board are necessary for community boards to be successful, it can be suggested that although a community board may have only an advisory role, the opportunity existed for community boards to boost their status and power at the council table in return for this type of defence work in the community. Indeed some of the boards appeared to have already reached this type of status. "*The board is treated (within limits) as though it were a special committee of council and receives the corresponding consideration.*" (District Council, Mail Survey, 1993).

Other areas however indicated that their boards were expected to take responsibility for some of their parent authorities functions. "*In this district the District Council and its community boards amicably share*

responsibility for all the council's functions by functional division. The Boards are not 'add-ons' for some public relations purpose, but an integral part of council's service delivery functions." (District Council, Mail survey, 1993).

By and large however the actual use made of community boards reflected the majority view that community boards were advisory with the added attraction of being able to disseminate the council's views back down to the public

Table 2.1 District Councils use of Boards

Use	% of Boards
As an Indicator of Public Feeling	84%
To Carry out Delegated Functions	56%
As a Means of Providing the Public with Information	44%

In addition the councils found the information given to them by the community councils to be helpful (50%) with many indicating that they found it very helpful (37%). Again this was a way in which it is argued small statutory bodies can ensure their involvement in local government. This seems to be borne out by the fact that the advice of a community board member was usually seen as equivalent to the advice given by a district councillor.

Table 2.2 Weight given to Boards' Submissions by District Councils

Weight given	% of Boards
Same as Staffs	32%
Same as District/City Councillor	56%
Other Public Submissions	14%

Boards' View of Role

The boards' view of their role differed slightly. In their replies the boards' role was seen to have more of a community base and to be expanded (and expanding) beyond merely advisory input. In addition the boards often saw more than one role for themselves as can be seen with reference to Table 2.3

Table 2.3 District Councils Perceptions of Community Board Roles

Perception	% of Boards
Part of the Council	31%
Advisory Body	65%
Community Advocates	62%
Mixture	23%

Clearly most boards viewed their location in the structure a little differently than their parent authorities. While some boards indicated that they felt they were part of the council structure, a large number located themselves in the community. For example while one board avered, *"quite simply we are the eyes and ears of the council."* (Community Board, Mail survey, 1993). Another argued, *"it is important we are not a committee of council, otherwise we would be swamped and dictated to by council. We wish to run our own affairs on all matters applicable to our area, but not ignoring the wider interests of the city."* (Community Board, Mail survey, 1993)

It is interesting to note that of those who replied that they were advisory bodies, only 39% indicated that it was their belief that, *"by law community boards act as advisory bodies and community advocates."* (Community Board, Mail survey, 1993) This belief, expressed in more or less the same terms by about 19% of the respondents, seemed to be linked to an emphasis by parent authorities on Section 101ZY rather than on the permissive powers in Section.101ZZ. Again the 'weakness' of the legislation in placing one 'partner' above the other becomes clear. The parent authorities can

utilise the legislation at their discretion to keep the boards in a merely advisory capacity without delegating functional responsibilities.

As well as the advisory role, boards indicated through comments four other types of roles for themselves. These can be roughly characterised as governing, umbrella status, community advocates and extended community advocates.

Boards in the governing role saw themselves as carrying out the decision making and overseeing of the running of their areas. *"Very simply I believe that the community boards job is to keep the local in local government and to give their personal village type government that small authorities were so well known for."* (Community Board, Mail Survey, 1993) Somewhat unsurprisingly these boards tended to be in areas that had previously had autonomy, such as small urban boroughs. These boards' actions were influenced by the style of governing of the previous authorities. Thus it can be argued that historical factors influenced the way in which the boards might operate.

Other boards also took up a role that was close to this traditional view but chose to carry it out by acting as an umbrella organisation for community groups below them.

"Our community board feels that decisions should be made at the lowest level possible and is therefore keen to help council with this as much as possible. Conversely we have 25 Residents Associations in our board area and we have regular, ongoing, communication with them. This takes the form of a specific slot for them at each meeting, quarterly meetings of representatives of all Residents Associations with the boards to exchange ideas, problems etc, and to have input on specific projects or issues e.g City Plan Review. There is a regular newsletter to residents groups. Each elected community board member is a liaison person to 3-4 residents groups and has regular contact with them and consults

them on all matters. As part of the budget process each Residents Association is asked what the priorities for their area are for the main council budget, as well as the community boards funds."

(Community Board, Mail Survey, 1993)

This type of role usually occurred in well populated areas where there was already a flourishing Residents Association network etc. This is an important point as it indicates again that other factors besides the legislation and views of the two bodies could shape the way in which the community boards might operate.

Other boards eschewed this umbrella role to represent the community directly, seeing themselves as community advocates and their roles as being, *"To reflect to council the wishes and aspirations of the community. We present advice if asked by council and act as a sounding board to the community."* (Community Board, Mail Survey, 1993) Some boards took this role even wider to act as community representatives for matters outside of local government. *"I personally do not restrict our role to solely 'council problems' but try to act as the connection between local governments, other agencies and community issues."* (Community Board, Mail Survey, 1993)

Clearly then, there was a divergence of opinion on what the role of a community board was, not only between the community boards and their parent authorities, but also between parent authorities and between community boards. It was also noted that historical, geographical and political factors could also shape the boards' roles. The main question however becomes, does this divergence in views between the two bodies cause conflict?

72% of the parent authorities that responded to the mail survey indicated that there had been conflict between themselves and their boards. Of these 71% of the authorities indicated that some of the conflict had been/was caused by disagreement over the respective roles of the two bodies. In the opinion of one council this conflict could be stopped quite easily. *"What is required is an acceptance of the role provided for in the legislation"* (District Council, Mail Survey, 1993)

The problem with this answer is that the role provided in the legislation has been and can be interpreted in many broad and narrow ways. As in the Great Britain example and in the analysis of the early New Zealand situation, problems may be caused because the roles are not sufficiently negotiated and agreed upon at the outset. This lack of agreement may be due to uneasy relationships between the parent authorities and the board and this is considered in the following section.

Relationships ...

Relationships with Parent Authorities

In Lumb's (1980) work there was an emphasis on the building up of relationships between the parish council and councillors to ensure that the parish council could build a power base and gain the support of the councillor at the council table. Hain (1976) too noted that the relationships between the two bodies would be critical and would help determine their exact role. Earlier in this chapter it has been indicated that conflict between the New Zealand boards and their parent authorities over roles and responsibilities had led to a downturn in the relations between the two bodies and in some cases abolition requests. This section seeks to examine the relationships that exist now between authorities and boards to see if time has made any improvement.

The majority of relationships between the two bodies had been, and were still in some cases, one of conflict. As had already been noted 71% of the local authority respondents had indicated that there had been disagreement between themselves and their boards. Table 3.1 shows the causes of such disagreement.

Table 3.1 Causes of Disagreement between Parent Authorities and Boards.

Causes	% of Boards
Respective Roles	71%
Areas of Responsibility	71%

Scope of Functions	58%
Funding Staff Resources	38%
Members Salaries	8%
Representation/Membership	4%
Priorities on Projects	4%
Rating	4%
Policy	4%
No Reason Given	8%

It must be noted that some of the Authorities (10%) indicated that the conflict was from time to time and not constant, others noted that it had been in the past, "*before [the community boards] had accepted what their role was.*" (District Council, Mail Survey, 1993) Never the less it was clear that conflicts remained.

Many of the causes of these conflicts have already been analysed in the previous sections looking at the effects of the statutory weakness/flexibility and the differing perceptions of roles, but outside of these conflicts there remain other conflicts to explore, particularly conflicts over the roles of councillors who were appointed to community boards. The previous section on the early days of the boards in New Zealand indicated that conflicts between the councillor and the boards had hampered the early operation of the board. The question remains whether this has changed.

Asked how helpful their councillors were the boards were divided.

Table 3.1 Boards' Perception of Councillors Helpfulness

	% of Boards
Helpful	56%
Variable	40%
Not Helpful	3%

However those who answered that their councillors help was variable indicated that it was only over certain issues. *"Councillors and the mayor likewise are helpful but sometimes on defence when recommendations from the community board are pending."* (Community Board, Mail Survey, 1993) Others indicated that the conflict was tied up with power struggles, *"councillors still feel a little that the boards are a threat to their control."* (Community Board, Mail Survey, 1993)

Respondents in this category indicated that it was not all their councillors but a small number of them. *"Our Mayors and Councillors are mostly very helpful. But there is a disruptive element unhappy about the large change in members at the last elections and a perceived threat by some of the Alliance members."* (Community Board, Mail Survey, 1993). Again it is noted that external factors, in this case national politics, can influence the relationships between parent authorities and their community boards. This type of external factor can be seen in the comments of another community board.

"..... Borough before amalgamation had a fully functional Borough Council and wanted to have it's own District Council based onand it's surrounding rural area. However it was forced to join with and County. There is a great deal of resentment on the part of the Community board and a great deal of centralising and power positions taken up over in where the headquarters are. The Mayor and General manager are careful not to give the community board any real autonomy or power."
(Community Board, Mail Survey, 1993)

However it must be remembered that the majority view (56%) was that councillors on the whole were helpful, indeed respondents reported that at the 1992 elections councils had been elected on the promise of supporting community boards and attitudes were changing. *"Other councillors are supportive of us and the boards are working well and hopefully our present role will continue for the full term of council, by which time we should be accepted as having a major role to play."* (Community Board, Mail survey, 1993)

It should be noted that not only community boards indicated that there had been problems with settling the relationship between councillors and community boards. One district council noted that the acceptance of the community boards was, *"not a short or easy process, particularly for council members who felt their election gave them a mandate to rule."* (District Council, Mail survey, 1993)

Relationships with Staff

Another important set of relationships for the community boards were those with staff. It was noted that staff perceptions of the community board's ability often influenced the type of information the small statutory bodies were provided with. Thus it can be argued the better the relationships are the better the chance of the community boards being involved in issues is. Community boards were in general very happy with their treatment by the staff of the parent authorities.

Table 3.2 Boards' Perception of Staffs Helpfulness

	% of Boards
Very Helpful	3%
Helpful	69%
Variable	16%
Very Variable	12%

However in some areas the staff were not regarded as being particularly supportive. *"I find the staff helpful, but not particularly forthcoming, with a tendency to be reactive rather than proactive. They tend to view the board as a pesky relic from a bygone era, they both wittingly and unwittingly bypass the community board as often as possible."* (Community Board, Mail survey, 1993)

The comments from the District and City Councils about relationships between staff and community boards indicated that perhaps community boards needed to understand that officers might have other duties that lead them to 'go against' the boards. *"Area managers provide administrative services to the community board particularly in respect of meetings, but it must be understood that those managers have a much wider role as part of the management structure of the District Council."* (District Council, Mail Survey, 1993)

Organisational Relationships

If good relationships with staff and councillors and staff are crucial to the operation of community boards, then the type of organisational contact between the groups is of importance.

Table 3.3 Boards' Contact with Parent Authority

Group	% of Boards
Secretarial	71%
Any officer as required	54%
CEO/General/District/Area Manager	14%
Coordinator	14%
Mayor	6%
Councillors	3%

Departmental Heads 3%

Clearly community boards did have access to staff and to senior staff if they so wished. Many of the boards (37%) indicated that they had a full time secretary. However this secretary was often shared by 2-3 boards. Many boards indicated that they were connected to a service centre (26%) and many of these identified themselves and their role closely with that centre. *"The staff at the service centre and the community board members see themselves as a team working together towards the same end. At our board the relationships with staff and between the Board members themselves is friendly, helpful and supportive in both directions."* (Community Board, Mail Survey, 1993) Service centres seemed to be a particularly useful way of building good relations as it gave focus to the board who identified with 'our centre and our staff.'

The types of contact the boards had with their parent authorities were wide and varied.

Table 3.4 Type of Boards' Contact with Parent Authority

Type	% of Boards
Phone	52%
Memos	44%
Meetings	38%
Face to face	36%
Council Minutes/Agendas	16%
Training Seminars	16%
Councillors	16%
Service Centre	9%

Chairpersons Meetings/Meetings with the Mayor	9%
Coopted Onto Subcommittees	3%
Fax	3%

While most of the contact was by phone or memo it can be seen that many other techniques were employed. Each had something different to offer. Training seminars and meetings with the Mayor, for example, are likely to build a greater understanding of what council are trying to achieve and could go some way to muting disagreements over policy matters for the council. At the same time a way is opened up for community boards to have more influence on policy decisions. However as one respondent noted, "*contact is what you make it.*" (Community Board, Mail survey, 1993)

It can be argued that with more effort towards improving relationships on both sides the role and operation of the community boards can not only run more smoothly, providing the parent authorities with better information, but it can also enhance and promote the community boards status.

Summary ...

The mail survey too therefore, upheld the hypotheses that evolved out of a consideration of the operation of the Great Britain statutory bodies. As in the Great Britain case, the New Zealand small statutory bodies also operated under flexible legislation, which allowed the parent authorities to decide what functions and status to accord to their community boards. This lead to the majority of community boards in New Zealand operating in a merely advisory capacity. In New Zealand this also lead to conflicts between community boards and their parent authorities. Similarly the flexibility of the legislation lead to disagreements over the roles of community boards and further conflicts. It was also seen that relationships between those involved in community boards do have some bearing on how smoothly or otherwise the boards run. However it must be noted that for some of the boards the flexibility of the legislation had not lead to a marginalisation of

the boards' roles. Rather it had allowed the boards to take up quite full responsibilities. In other areas too, the boards functioned in a number of different roles without these differing perceptions leading to conflict between the boards and their parent authorities. It becomes clear therefore, that while the hypotheses for the most part hold, in some areas the conflicts have nevertheless been resolved. In most cases this is due to factors that are internal, for example past history, geography and politics. In addition several ways in which the problems may be resolved have been indicated, for example more negotiation and contact between the boards and their parent authorities.

It must be acknowledged however that the findings of the mail survey are based on the experiences of councils and boards still operating. The experiences of those boards which have been abolished was not documented nor were the factors for the abolition examined. In addition it was unclear what part 'internal factors', eg political parties, geography, played as opposed to the 'external factors' eg the flexible legislation. It may even be the case that these internal factors could continue to hamper the boards even if the external factors could be resolved.

It was decided therefore to conduct four detailed case studies so that these questions could be considered further. Case studies focused on again on the external factors (statutory flexibility, roles, relationships) but also looked at internal factors. Ways of improving the boards operations were also looked for. The four case studies, which were based on detailed interviews with board members, councillors and staff were carried out with the support of four New Zealand local authorities. Of these authorities two were in urban areas (Auckland, Palmerston North) and two were in rural areas. (Rodney, Whakatane). In addition, two of the authorities maintained community boards (Auckland, Whakatane) and while the other two had abolished their boards. (Palmerston North, Rodney).

As the participants were guaranteed confidentiality, the names of those interviewed do not appear in the text although their position eg board member, councillor is indicated. In places where discussion and use of a board name would identify the speaker the board name has been replaced. Every attempt has been made however to keep this to a minimum so to keep the nature of the comments as clear as possible.

CHAPTER SIX: AUCKLAND THE EFFECT OF THE POLITICS OF THE PAST AND THE PRESENT

INTRODUCTION

Auckland City Council operates some eleven community boards within its boundaries. In addition to having an advisory capacity the boards have a sum of \$250,000 a year to spend on small local improvements as well as some monies from the Hillary Commission to distribute, by the way of grants, to other groups in the community. There is some evidence that the flexibility of the Act has allowed some of the boards to actually increase their powers, although this is due to the ability of these boards to manipulate internal factors and to their use of 'trading'. Despite this, there remain conflicts over the proper delegations and roles of community boards as compared to their parent authorities. However many of these conflicts arise from political clashes between the ruling Citizen and Ratepayers Association and the Alliance Party.

PART ONE: THE EFFECT OF LEGISLATIVE FLEXIBILITY

Introduction ...

In order to come to some conclusions about whether the flexibility of the legislation marginalised community boards in Auckland it is necessary to look at the delegations given to boards when they were first set up and to what extent the boards have been able to derive power and status from those delegations.

Amalgamation Frictions ...

In 1989 a new Auckland City was created. Encompassing the areas of the former Auckland and Tamaki cities, the former boroughs of Newmarket, Mount Albert, Mount Roskill, Mount Eden, One Tree Hill, Onehunga, Ellerslie, the former counties of Waiheke and Great Barrier Island and the One Tree Hill Domain Board, the Auckland amalgamation was one of the greatest pushes behind the creation of community boards.

The moves towards creating a new isthmus wide Auckland city were not to be without conflict. Much of the conflict was caused by disagreements between the former Auckland City and the urban boroughs that had surrounded it. These borough councils themselves were fairly small, the areas they served usually about the size of a suburb. However they were fiercely defensive of their authority and powers and furthermore were quite against the idea of merging with Auckland city, whose organisation they felt was patronising often without any good reason to be. *"The old Auckland city councillors tended to be a little arrogant. They tended to think that those of us who had been on smaller councils didn't really know anything at all."* (Councillor, Auckland, June 1993) Auckland city councillors saw the friction another way, *"a lot of it was well we did it this way and we did it that way and on the isthmus over a number of years had been built up [a feeling] that Auckland is the enemy, Auckland is always wrong and we've got to work to beat Auckland. It was a stupid sort of one up manship really. So there was that element under the surface."* (Councillor, Auckland, June 1993)

Despite this antipathy Auckland city was in favour of amalgamation. *"We knew it would be difficult for us but certainly that the economies of scale [made it worthwhile]. For instance we were involved heavily in transportation planning. It stopped at the boundaries of Mt Albert, it stopped at the boundaries of roading etc. That's just crazy in a region of roading networks where people are moving around the isthmus."* (Councillor, Auckland, June 1993)

The smaller borough councils however made several attempts to avoid amalgamation. Firstly by proposing alternative amalgamation schemes, and secondly by threatening to take the Local Government Commission to court if they were 'forced' into an amalgamation with Auckland. However as time went on and it became clear that neither the LGC nor the Government had altered their position on the proposal reforms, the borough councillors altered their arguments about the reform slightly and pushed for the creation of some sort of small statutory body. A former councillor of One Tree Hill Borough noted that in addition to arguing for the three borough proposal, *"we argued that if there were going to be amalgamations then there should be something at a lower level than the*

council to allow for the sort of local government that people perceived they had with the smaller local authorities". (Councillor, Auckland, June 1993).

Deliberations about Community Boards ...

Such a body was provided for by the LGC's provision for ward committees in the Draft Reorganisation Schemes. Later, in the final reorganisation schemes, these committees were replaced by community boards. The decision of where to place community boards and what powers to delegate to them was taken by the transitional committee who then made recommendations to the LGC. The committee was made up of representatives from all the authorities who were to amalgamate into the new Auckland city. Even at the transitional stage, there were to be disagreements over which of the flexible options provided for in the legislation, the new city should model its boards on.

The views of the Auckland city representatives were very much influenced by experiences they had had with community committees. As previously noted these had been set up in the early 1970's in anticipation of the incorporation of urban neighbourhood councils in Labour's local government reform. In addition they had been envisaged as a way to, "*keep the western suburbs of Auckland satisfied with some sort of quasi democratic representation because [prior to ward based representation] there were never councillors elected from the west of the city.*" (Councillor, Auckland, June 1993) Unlike Minister Bassett, who had lauded these committees as an asset, the Auckland city representatives viewed the community committees as a liability. "*The Auckland city councillors thought that community boards were going to be like community committees. The community committees had been a real pain in their side because they'd given them no authority and they tended to have been taken over by people who agitated*" (Councillor, Auckland, June 1993)

Thus when the question of community boards arose and it became apparent that the new city council would be bound to supporting some eleven boards the representatives from Auckland city argued for the advisory option as epitomised by Section 101ZY. "*We looked at supporting what was in the original set of recommendations, advisory ward committees.*" (Councillor, Auckland, June 1993) However the borough council representatives,

argued for the boards to be given the full delegations possible. By taking up the opportunities afforded by Section 101ZZ it was thought that the boroughs could under the guise of the community boards remain fairly much self governing.

In the end the smaller boroughs were successful in that they managed to force through community boards that had functional as well as advisory powers.

Delegation of Functions ...

Having set the community boards up and having decided that the boards would have some functional responsibilities under Section 101ZZ, the decision needed to be made as to what these functions would be. This too was to be the centre of some conflict. One councillor noted that at the beginning of the boards tenure, *"the formative council still hadn't decided what authority to delegate."* (Councillor, Auckland, June 1993)

Again the disagreements were between the former city and the former boroughs. Given their support for a functional community board, and their hopes that such a body would allow the borough to continue to run as before, *"the boroughs that had been amalgamated wanted as much power as they possibly could get and that was what had suggested."* (Councillor, Auckland, June 1993) Auckland City on the other hand wanted to emphasise the advisory nature of the boards under Section 101 ZY. In the end a compromise was reached in that, *"they followed the government guidelines and they accepted the minimum with the idea that if they were successful then they would add to their powers."* (Councillor, Auckland June 1993) (See Appendix)

This was accepted by the former Auckland City because,

"a lot of it's quite practical. It's silly to retain everything, so a lot of it was done by sensible processes, you know why are we here discussing these stupid little things when a lot of it could be done at a local level. But a lot of it was done by agitation by those people who had been former

former boroughs." (Councillor, Auckland, June 1993)

Boards' Reaction to Delegated Functions ...

The boards on the whole were not as satisfied with their level of delegation as the Councillors. In July 1990 there had been severe criticism of the level and nature of delegations to community boards. In an open letter to all community boards and the council, one board member claimed that,

"In choosing to empower community boards, the Auckland City Council has not applied the principle of maximum delegation in a manner consistent with city wide interests. It has not built on the traditions and experience of the previously autonomous local authorities and asked how local concerns can be harmonised with those of the city as a whole. Instead it has emphasised the advisory roles of the old Auckland City Council community committees and has added to them some planning and other functions. In this way powers of decision making remain largely in the hands of the Auckland City Council as a body corporate, and are not being shared adequately with community boards which are closer to local people."

(Report, July, 1990)

In addition to this criticism, the Chairpersons of the community boards set up an group to agitate for greater delegation. Their recommendation of alternative delegations for community boards followed the list set out by the council but substituted the word advise with the word decided. (See Appendix) However the delegations remained largely unamended except for some extra powers that were given to the boards in former borough council areas. A discussion of why this occurred follows.

Community Board Boundaries ...

Once the decision had been made to accept community boards, decisions had to be made about where their boundaries would be. In consultation with the transitional committee the LGC produced schemes showing that there would be eleven community boards in the new Auckland City. The flexibility of the Act allowed for boundaries to be drawn around communities of interest. These communities of interest corresponded to a large degree with the boundaries of the old authorities.

"I think that they were a substitute for what was already there. In Auckland city there was the amalgamation of 11 councils and boroughs, and people really lost their representatives. Their local council was only round the corner, their local councillor was only a phone call away. In the likes of Mt Roskill you could ring up the Mayor if you wanted to. Suddenly instead of having eight to ten councillors and a mayor and deputy mayor they had perhaps two representatives. So [the Transitional committee] sort of split the wards up and in doing so they decided okay we'll replace the 11 [councils] with 11 community boards."
(Councillor, Auckland, June 1993)

Fig 6.1 shows just how closely the old boundaries were to be replicated by the 'new' community board structures. Some councillors indicated their concern that this had led to problems in establishing a new identity for community boards.

"Sadly when the boundaries were drawn there was one borough in the Auckland isthmus that was left more or less virtually intact as a ward and that was Mt Roskill Borough, so they had this beast that was almost like the old Mt Roskill Borough Council. And that was the downfall of the community board structuring structuring in 1989."

PRE 1989 - CITY/BOROUGH BOUNDARIES



POST 1989 - COMMUNITY BOARDS

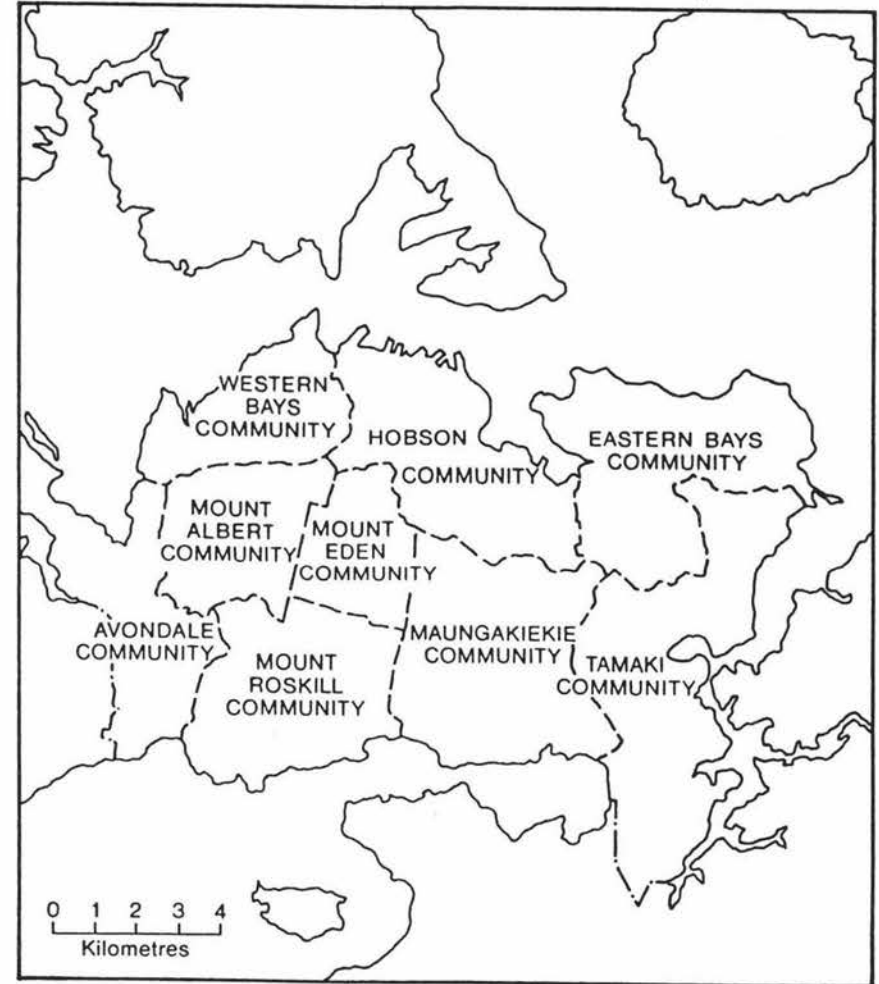


Fig 6.1 Lowest Tier Administration Boundaries - Auckland City

The effect that keeping the old local authority boundaries was to have on the operations of community boards was to be indicated by many of those interviewed. It was to lead to two very distinct types of community board, those who operated as if they were still a borough and those who operated as if they were still an advisory body. In turn these perceptions were to lead to accusations of inequalities in funding; and accusations that the board structure was perpetuating the pre amalgamation conflicts to the detriment of the city.

Old Boroughs versus Old Community Councils ...

In the first term of the community boards in Auckland the boards in the old borough areas were characterised by the fact that the 'new boards' had almost exactly the same membership as the 'old boroughs.' The fact that the boards were in large part the old borough councils, at least for the first term in Auckland city, also had an effect on the business the boards interested themselves in and the way they organised themselves.

In one board that had formerly been a borough council and whose membership was largely former borough councillors the board interested itself in deliberations over whether the traditional Anzac day parades should still be held in the town centre, and in ensuring that the organic refuse collections, cycle safety campaigns and design guidelines of the old borough should still be adhered to. In addition the board continued with the social trappings of local authority government, sending out letters of commendation etc. While this continuance meant that the transition would have caused fewer ripples in appearance and style of local control, and had the advantage of ensuring important programmes were carried over, it had an effect on how the community boards perceived their roles. By acting very much like a territorial authority the board aggravated its parent authority. However these community boards at least had an image to mould themselves on whereas the community boards, which were set up in the previous community committee areas, had only their own model of debate and making recommendations to follow. This meant, as one councillor indicated, "*[they] could go round and round for hours and never make a decision. They weren't used to it.*" (Councillor, Auckland, June 1993) In stark contrast, the boards who had been previous local authorities could not only make decisions, but had the experience necessary to make

and pursue demands upon the council and this, coupled with the flexibility of the Act as regards community boards, meant that these boards started to increase their powers. *"You had the position whereby two of the boards, Mt Roskill and Maungakiekie both had councillors as the chair. Mt Roskill ended up having the deputy mayor of Auckland sitting as the chairperson for them. Therefore those boards started to get real power delegated to them from Auckland City."* (Councillor, Auckland, 1993, June) Further these boards had the knowledge and status to exercise influence to gain 'informal' delegations.

"Now Auckland City said any park over a certain size would be controlled from the recreation committee of the central city, not the community boards. We objected very strongly to that. We felt that it was quite wrong. What we did was we set up a committee which was the community board plus two appointees from the public and that sits every two months during the meeting of the community board. It has no power because it wasn't delegated any but it decides what should happen. We now have officers which while they don't have to refer to that committee, won't dream of doing anything up there without giving [us] a ring."

(Councillor, Auckland, June, 1993)

While this was occurring in one part of the city, it was perceived by some commentators that in other parts of the city the community boards were not gaining power and in fact were being disadvantaged by the strengths of the former Boroughs.

"In other parts of the city such as Avondale, Western Bays, Eastern Bays and parts of Mt Eden which had previously been in Auckland city, they had community committees which had no power at all and a lot of those people had got onto those boards. So you had people who were used to working under a purely advisory role versus those

people who were used to making the definitive decisions of the area."

(Councillor, Auckland, June 1993)

This lead, some of the interviewees claimed, to inequalities in the way that budgets were decided etc.

"I think it is a sign of pre amalgamation friction. I think that some of the ways this council decides funding for instance during its capital works and annual financing round, it doesn't do it in an equitable way. For instance we are told that certain areas get money for drainage where the drainage is worst and other areas get more parks money where they need more parks but that is not entirely correct. The western area has missed out entirely on parks, missed out on maintenance. Mt Eden, Mt Roskill gets a lot more money than us and yet we've got three boards in the area office and we get far less money per head of population and I don't think that's entirely fair."

(Councillor, Auckland 1993, June.)

Other councillors disagreed however that there were inequalities between board areas. "None of the boards have been particularly parochial which is quite surprising taking into account they have no power outside their own areas I think part of that is that all boards have at least two councillors on them and that the councillors generally speaking are non parochial despite the fact they are elected under a ward system." (Councillor, Auckland, June 1993)

It was acknowledged however that there were differences in the way that the community boards might choose to spend their monies,

"You get a difference in the city, for example in a simple thing like mowing the berms. We have 22 cuts a year, other wards only have eight cuts per year. It's because our ward think its very

important to keep everything looking neat and tidy and always have. It's always been part of what our little boroughs did. In the old Auckland city they didn't bother doing it at all so getting eight a year they're perfectly happy with that."
(Councillor, Auckland, June 1993)

It becomes apparent then that the former boroughs were able to utilise the flexibility of the legislation to not only gain more delegated functions as time went by, but to also pick up and exercise informal functions under Section 101ZZ.

Delegations - The Position Today ...

The levels of delegation to community boards in parts of Auckland city remain a source of conflict between boards and their parent authority. Some boards even indicated that they felt that they had since lost some delegated functions due to financial decisions, *"I believe community boards have lost a lot of delegated functions because we've lost a lot of staff over the last two years in a series of reviews. Like in this area office we used to have six community resource officers. Now we've got three so what sort of work can we do for community groups?"* (Councillor, Auckland, June 1993)

This aside, concerns about lack of delegations were almost without exception held by those boards in the west of the city, who feel that they are disadvantaged by the success of the boards in former borough councils. There was of course exceptions to this. *"I was happy with the amount delegated, if they delegated too much power to the boards we may as well deamalgamate."* (Former Community Board Member, Auckland, June 1993) This however was very much a minority view. When pushed as to what further delegations the dissenting community boards would like, interviewees were unable to be specific. In general they made vague statements about more control and being listened to. They failed also, unlike the 'former boroughs', to recognise that there were opportunities to gain informal delegation despite advice from their councillors.

"I always said to community boards you have as much power as you want. Look to your

community, there is what you can do, you can be politically active in your community, you can make real changes, affect real changes in your community. The community is waiting for people to be proactive and get in amongst them and say well what's the problem with this community and hold meetings and seminars and summits and heavens knows what and from that develop an action."

(Councillor, Auckland, June 1993)

It is however suggested that much of the failure to take up these informal type delegations was due to the conflicts and confusion surrounding the roles of community boards, which had also arisen in part because of the flexibility of the legislation. This will be examined in the consideration that follows of the second hypothesis, that the flexibility of the legislation lead to a failure to clearly define the respective roles of parent authorities and community boards, and this lack of agreement lead to conflicts between community boards and their parent authorities.

PART TWO: CONFLICT - DIFFERING PERCEPTIONS OF ROLES

Introduction ...

In Auckland, it is clear that in the past conflicts have centred around the roles of the community boards and their parent authority, with the boards questioning early on their list of delegations and the council's failure to recognise the expertise and experience of the boards in local government. This situation persists. As one board member noted, *"I think this is something that hasn't been resolved in the now three and three quarter years of the existence of the community boards."* (Board Member, Auckland, June 1993) Although it has ceased to be a day to day point of conflict, there are still differences of opinion about what the roles of the community boards are, with almost everyone having a different view of these roles. Moreover, as revealed by the mail survey, these roles include the categories outlined of governing body, community activists and wider community bodies. Surprisingly, although the boards do liaise with community bodies, few identify themselves as umbrella groups, stressing

instead their paramountcy as the voice of the community. Many of the interviewees went as far as to indicate that in ten years time they saw the boards as the main functional forum in the city structure with council reduced to observer status with a policy role only in so far as the issue affected the whole city. This, not unnaturally, is often in direct contrast with the views of the councillors of Auckland City.

Role of the Boards as Perceived by the Council ...

In deciding the delegations to the community boards, it was noted that the difference in opinion lead to the boards being delegated the minimum of functions, with the promise that as the boards proved themselves they could be delegated further powers. However the former Auckland city councillors emphasised and continued to emphasise the advisory role of the boards. Unlike other district/city councils, who went to great lengths to try to delineate the roles in introductory seminars, papers etc, Auckland City Council did not take up this opportunity.

"We have training in specific areas. The area manager introduces his key managerial staff and what they do. We give manuals out with general information. The planning people give a seminar on town planning and what it's all about, how commissioners work and planning hearings how they work. As we go through the year when the annual plan comes to the boards for comment the staff will come to give a fairly detailed break down. So I guess there's an ongoing continuing instruction, but there's no two days of this is what a community board does, so no the training is probably inadequate."

(Councillor, Auckland, June 1993)

In addition the councillors themselves often had differing perceptions of the boards' roles and often gave the boards advice which seemed to suggest that the boards were much more of an active body than a merely advisory group. One councillor for example encouraged their board to make use of

the fact that they could do anything precedent that was not the business of some other body.

"There was a lot of ferment inside the community boards [about their delegated functions and they worried about that] instead of looking at and identifying their role and saying we have as much power as we want. I always said to them you can make real changes, affect real changes in your community. You don't need huge amounts of delegated power, the community is waiting for people to be proactive and get in amongst them and say well what's the problem with this community and hold meetings and seminars and summits and heavens knows what and from that develop an action."

(Councillor, Auckland, June 1993)

This proactive/reactive mixture indicates that right at the outset the community boards were receiving mixed messages as to what their role was; on one hand they were being encouraged to be largely reactive and advisory, on the other they were being told to be proactive. This latter advice often left the boards with the impression that they were to play a much more active role in making decisions for the community

Even in the present term, councillors have no consensus on what the role of the community board is. One councillor indicated that in considering the role the community boards should play, *"I emphasised the advisory thing, it's that level of collecting information and it's a check on the council, you know [reporting to the council] this is what the community said."* (Councillor, Auckland, June 1993) Others felt that it was the community board level that was of paramount importance. *"I actually take it very seriously, and when it comes to council issues I treat them not in a lighter light, but I do think that community boards are a lot more important and I treat community board issues a lot more importantly."* (Councillor, Auckland, June 1993)

There was a secondary role for community boards that all the councillors interviewed identified and agreed upon, that of providing a training ground for new politicians. *"The community board should be a sort of a training for people. So you've got people who come in and have a bit of a go and find out what level they want [to work at] and then they move on, so they sort of need to be an ever changing thing."* (Councillor, Auckland, June 1993)

Roles as Identified by the Community Boards ...

Board members too noted that their exact role had been rather ill defined. *"Initially for the first three years I think its a learning process and one really doesn't know whether the responsibilities given at that time were adequate. We were the first role model. Really at the end of the three years we were defining our roles for this three year term."* (Board Member, Auckland, June 1993)

Despite this, the community board members envisaged and still envisaged a much greater role for the boards than mere advisory functions. Many indicated that the role of the community board differed greatly from the one they had understood before their election. Some indicated that they were disappointed by the advisory nature of the board as they had understood their role as being one of making decisions. Others, who had come from a history of the community committees, were surprised by the level of delegations and monies that the boards had to oversee. However all the board members interviewed indicated that they felt that the boards had a much more than advisory role to play. Almost without exception they felt that they should be making all the decisions, including policy, in their wards; a few indicating that they should be involved in other matters than purely local government eg policing, housing, and that council should only make decisions that affected all the city. Several board members outlined how this would work.

"The boards could be self sufficient in looking after their own wards. I believe that way there wouldn't be the need for councillors as such. I think that the boards could look after their own wards and then all you need is a Mayor, I guess

you've got to have a mayor and then you've got your executive staff. Decisions can be made in the board, they don't have to be to go to council as such because the board is part of the council."

(Board Member, Auckland, June 1993)

"We would be given perhaps an annual budget and the board alone would decide the annual expenditure of their budget without further reference to the council which gave the funds in the first place. This would certainly increase the influence of locally elected politicians and then really the function of the full council would be for making decisions on items which over ride individual wards, maybe even matters that over ride two or more wards. But where a decision like even a new library or a major road which is entirely within the ward [had to made it] could be made by the ward. [This] would then reduce the role of the full council to things which concern a plural number of wards or are in a nature so politically sensitive or of major importance that it would be unfair to people or politicians beyond the ward to not be allowed a say in the matter."

(Board Member, Auckland, June 1993)

The board members justified this extension of powers by explaining that, as board members they were the ones in touch with the public, that councillors due to the large number of constituents were out of touch, and that therefore the community board members were better placed to make decisions on behalf of the community. Thus it can be seen, that the boards identified with a role as a governing body, with some overtones of being community advocates. This was in sharp contrast to the official role of advisory bodies allocated by the council, but in some cases at least complementary to the wider roles advocated by some individual members of council.

Looking at the roles that the board did in actual fact carry out, as opposed to those that it was felt they should carry out it can be seen that they are basically fulfilling the advisory role set out for them by the council, despite some attempts at a more proactive role.

One of the roles indicated for the board was to give advice for the district plan and annual plan etc. As the Auckland District plan was being released at the time of the interviews the community board members were asked what role they saw themselves as undertaking in the process. Several indicated that they saw a role in gathering together submissions for the council. Staff involved with the District scheme however indicated that, while they had briefed the boards on the plan and while the boards hosted the public meeting section of the plans, the boards were not expected to act as a clearing house for submissions. Despite this missed opportunity the boards did play a useful role in explaining to people what the various plans were all about,

"We couldn't believe it when we had the annual plan and then two weeks later we had the strategic plan, and then when the district plan came again. We just couldn't believe that everything could come at once. The people feel the same because that's some of the phone calls I've been having. 'Should we come along to this?', 'Should we come along to that?', 'Now what are they talking about?' You have to try and explain that the annual plan is the usual thing they come up with when you know you're going to have a rates increase, that the strategic plan is for the next twenty years of what's going to happen, and your district plan is all about the area where you live and what's protected and all your tree policies, what residential area you live in and what you're going to be living in after the 1 of July and things like that."

(Board Member, Auckland, June 1993)

Many boards found that this process of advising the public took up a lot of their time and often went beyond what they could help with. *"Sometimes it's got nothing to do with council. Often it's a police problem or something like that, so you sort of involve the police when you know it's not a straight out council thing. I think sometimes they just see your name and they'll use you to do their work for them because they're too scared to do something like that themselves."* (Board Member, Auckland, June 1993)

Often this go - between role produced good results for the community that might not have otherwise been achieved if it was not for the medium of the community board. One such opportunity which provided dividends for the council, community and one Auckland family was recounted by a Community Board Chairperson.

"I [was contacted] by a family who wanted to purchase some land outside their place that belonged to the council but which they'd been looking after for many years. They couldn't see any point in looking after it when it was the council's job and they wanted to know if they could buy it because they were keen gardeners. It was only a little corner bit of a section on the street and it was no good to council. So I saw the Operations Manager about that and he started off the formal process and they've been able to purchase it."

(Community Board Member, Auckland, June 1993)

From this intervention the council was released from the responsibility of looking after a 'worthless' piece of land as well as receiving monies from sale, the community got a garden instead of a piece of derelict land, and the family was able to continue cultivating the land with the satisfaction of knowing it was all theirs.

Other boards made more proactive attempts to achieve the best results for their community. One another board attempted to focus their activities through producing a strategic plan.

"Well the strategic plan here is almost totally ward based and we're really looking at formulating our own vision of what we would like the ward to look like in two, five, ten, whatever years time. So that, rather than sort of looking at fixing that pothole today and fixing that pothole next week and really just sort of doing a week by week reaction to needs, we lift our scope to the horizon. For example traffic flows are getting up on certain roads. Instead of say adding a lane this year and adding another lane next year to a certain road to keep up with it, we lift our vision upward and say we can't forever be adding roads but we can take a complete overview look at the situation and find a different solution and work on it now. Even if we can't afford it let's work on it now and maybe a year from now, or even two years from now we can start on it. At least we know what the vision is and we cease to merely just look at trees but go above the the tree tops and see the entire forest."

(Board Member, Auckland, June 1993)

This type of approach however, based on a board's perception of a governing type role, was often the sort of action that could lead them into direct conflict with the council who were likely to consider that this type of planning was their role. In addition, it was likely to cause conflicts if there was a difference in policy between the two bodies. *"That sort of thing is alright, but the board has to realise that they are bound by council's policy. For example, if they decided they were going to provide pre school education/creches in their area and the Council policy said the council was not in the business of providing such things then there'd be trouble."*

(Councillor, Auckland, June 1993)

This type of governing role also frustrated some of the councillors who had envisaged for the boards a more proactive role.

"There's far too much agenda gazing. I mean they'd still have their formal meeting once a

month but once every couple of months they could have a forum in the local pub if they really wanted to, or the local school. There's a million things. They could do a lot of things and not get paid for them. They're operating like little councils and that certainly doesn't do anything for that level of local government in my opinion."

(Councillor, Auckland, June 1993)

Further, it was felt that by having this image of being a little council, the boards were missing out on extending their functions beyond the delegated powers if they wished to do so. Councillors noted the example of the One Tree Hill Park Committee as an example and other noted,

"I think also that there are a lot of things traditionally being done in our country that we've done centrally that are now being devolved. I think the community board should become involved in all manner of things and actively participate in submission making on all sorts of issues that affect their community. They are the only elected people in their community, there is no reason why they can't make submissions on health matters, education matters. They don't have to be tied to the bounds of their delegations. I think if they did [do this] they would be sort of respected and people would actually see them as a force and an effective democratic operation really."

(Councillor, Auckland, June 1993)

Really then, it was argued, that what was needed was for the community boards to explore areas outside of delegation functions and build up their power base in this way to force the council to take notice of them. However it can be seen from these comments, that the boards would then be in a position of walking the tightrope described by Critchton. On the one hand, by failing to take up these outside opportunities the board was missing out on important trading information and status, on the other hand by taking up these opportunities too vigorously the boards were in danger of clashing

detrimentally with their parent authority. However, the example of the community board, who set up their own park committee shows this balance can be struck, usually however this is dependant on the relationships between the two bodies.

Just as there was a disagreement about the role of the community board as a whole there was disagreement about the roles that would be played by components of the community board, particularly by it's appointed members in contrast to it's elected members. Again it will be noted, that this has occurred because the roles were not defined from the beginnings of the boards' existence. Under the legislation, council appointed councillors to serve on the boards, usually the councillors for the ward areas that corresponded with the community boards area of authority. The role indicated for these appointed councillors was as a liaison link between the board and the council. However, exactly what this would involve was never spelt out, often leaving it for the individual concerned to decide how active or otherwise they would be. From the beginning of the boards' tenure there were arguments about what role the councillors should play if any, between the community boards and the councillors and between councillors, and community board members alike.

Councillors Perceptions of the Role of the Appointed Member ...

Some councillors indicated that they felt that councillors should never have been part of the boards. *"I mean at the time we talked about whether councillors should be on community boards. Now I was opposed to that. I thought the community boards should be independent. I also pushed for not having councillors as the chairmen of the community boards."* (Councillor, Auckland, June 1993)

Other councillors felt however that yes they should be on the boards. In the course of their interviews several roles were indicated for councillors. Firstly it was felt that the councillor could bring the wider and financial view into the discussion, thus tempering some of the community boards' 'less practical ideas' and making for some consistency over the city. In the process of bringing this wider view, it was felt that the councillor had the responsibility to make sure that the community board did not overstep it's authority or make decisions which went against council policy.

"That is where there's the possibility of conflict between the two and this is where the councillors on the community board are important. I don't believe they're doing their job if they're arguing at community board level for something that's against the council's policy. Once it has been decided at the council, once something's councils policy it's up to the board not to go against that policy. You can argue against that policy at the appropriate time, for example at the strategic planning stage. You can argue against it there but I really think you're heading for disaster at community board level if you start going against policy. They would self destruct, if they went on that line."

(Councillor, Auckland, June 1993)

Another role that was indicated for councillors was that of trying to get the 'best' people for the job onto the community boards.

"What I believe councillors have to do if they're going to have good community boards, is to make sure that you're going to get people selected and elected to the community board who are able to debate and make decisions. You don't want people who have got a hobby horse, they're going to agitate about that and not get anywhere." (Councillor, Auckland, June 1993) Other councillors however rejected this overseer's role and indicated that as far as they were concerned it was their role to serve the boards, rather than the council's, interests.

The point was made that, in view of the vagueness of the councillor's roles, the boards had failed to grasp their opportunity to indicate to the councillors what their roles should be. *"For example they don't require the councillors to report to the community board. You know that's something they hadn't sort of thought about and to me that's the sort of thing you would require"* (Councillor, Auckland, June 1993) The implication of course is that the boards needed to be more proactive and, rather than wait for the council to define their role and the role of its councillors, define the roles themselves.

Some community boards had made an effort to do this requiring of their councillors that they present them with a report of what had happened at council meetings. This was only partially successful as some of the councillors declined to do this and the board had no means to compel them to do so.

Community Boards' Perceptions of the Role of the Appointed Member ...

Community boards by and large were not very impressed by their councillors' attitude. To begin, with many felt that an attitude persisted that community board members were beneath councillors and as such could be treated as second class citizens. It was indicated that the nature of the appointed members' rights had much to do with this.

"Here we have community boards which actually share the decision making with the councillors, and my feeling is it's an uneasy sharing of power particularly as councillors have two bites at the cherry. They are both councillors at the council table, and then they are councillors at community board level where they have the voting rights also. So at board level in fact you have first class and second class politicians."

(Board Member, Auckland, June 1993)

Some of the community board members indicated that this situation could be changed by changing the nature of the appointed board members' rights.

"I think it would be better for the boards if councillors could attend board meetings as of right but not actually sit on them as decision making people. I think then you'd truly have a board of all relatively equal politicians in fact the only member of the board who would be first among equals as the expression goes would be the chairperson in that the only additional power that they would exercise would be the casting vote."

(Board Member, Auckland, June 1993)

Others suggested that the councillors should remain on the boards but this would only be justified by a devolution of powers to community board level.

It was also felt by some, that councillors sometimes overstepped the bounds of their role within the board. *"We do have a councillor who actually should do their job as a councillor and board member rather than trying to be chairman as well. [The councillor] seemed to have a very dominating effect on the chairman who is very capable, and needs to stand back and let him do his job."* (Board Member, Auckland, June 1993) Others admired the work of their councillors and indicated the strength that having a powerful councillor on the board could bring to the board. Others indicated that they believed they added to their councillors powers. *"I believe that the councillors are really out of touch with the people in their ward and the community board members are the people in touch. I think they use us as a intermediary to find out the feelings of the people."* (Board Member, Auckland, June 1993)

The issue of whether councillors should be the chairperson of community boards was also a contentious one. Those councillors who advocated that the councillor should not be part of the board naturally indicated that no councillors should be board chairperson. Others felt that for practical reasons councillors should not be Chairpersons. *"It's not necessarily a good idea. It cuts down on too many contacts. If they are two different people you've got two avenues to go to. If the boards are going to be successful, councillors should be there but not dominate it."* (Board Member, Auckland, June 1993) It was also indicated by some, that giving the councillor the chairperson's job would allow them to dominate even more, given the way in which community boards meetings were run. As one board member noted,

"the meetings are essentially run on approving a pre formulated list of the chairperson's resolutions so the chairperson, speaking as someone who is not a chairperson, has considerable influence in that they decide the

direction of the meeting privately in consultation with the officers. So the actual meeting of the board is just a rubber stamp exercise, in that we are invited to essentially vote yes or no to a pre drawn list of proposed resolutions."

(Board Member, Auckland, June 1993)

Thus the position of the Chairperson could be a particularly powerful one.

Summary ...

Thus it can be seen that there was still disagreement over the roles of the boards and that this had the potential to cause problems. Particularly if the community board attempted to take up a role that lead them into conflict with their parent authority's policy, or was perceived as being a parent authority's role, e.g strategic planning. However it is also been noted that the flexibility of the Act can also allow the board to redefine its roles both as a group, and as individual members, in any way it so wishes. It can be seen that these attempts have met with varying success. Importantly it should be noted that many of the attempts to redefine roles, such as requiring councillors to present reports to community boards, have been thwarted by the lack of convivial relationships. It thus becomes important to explore the relationships that exist, and the way in which they can influence the success or failure of community board initiatives.

PART THREE: RELATIONSHIPS

Introduction ...

The third hypothesis to be tested is that the success or failure of the community boards rested on whether there were good relationships between the boards and their councillors and the council staff. It has already been noted that tensions existed between councillors and community board members over the roles to be played by councillors as appointed members of the community board. Relationships however, several interviewees indicated, did not always ended up antagonistic. Most councillors were supportive of the community boards as long as they did not feel their positions were threatened. This desire to protect power can be seen to be

due to real political motivations as many of the board members indicated that they wished to take up the position of councillor at the next election. Therefore to be too open with the boards, particularly about political mistakes or policies, could end by the information being produced against the politician on the hustings. Given this fact it was unlikely that councillors would wish to be too open with their boards.

Despite the fact that this situation did exist in some of the boards, where good relationships were built up on the basis of information trading. Some councillors could and did use their community boards to carry the day at the council table.

"I know, even with the current board, the councillors can manipulate it to do what they want it to by using influence and bribes. But that's not such a bad thing. I mean a councillor may have a major group come to them and they want to access the aid of the community board and it becomes a sort of joint local project and that happens a lot of the time. And it comes back down the other way. Something comes up at council and you come back to the community board and say look I'm going to fight hard for this so let's get together with this aim and work it through. The community board does have a lot of influence in setting targets for council. For example my board has pushed the council into funding an extra \$100,000 for beautification of the industrial area in Auckland South, it has been a major force in pushing the councils for \$45 million in the budget this year for improvements to the south eastern industrial area, so the boards have got a reasonable amount of power"

(Councillor, Auckland, June 1993)

It is pertinent to note that this councillor had respect for the board and board members' abilities and had been among those calling for delegations to the boards to be widened. It can therefore be suggested that this

councillor's abilities to draw on the board's support could be due to the fact that in the past he had 'looked' after the boards interests.

However, while councillors noted that such a use could be made of community boards, they noted that the success of community boards in trading information depended on what role the community boards had had before. If they had been former borough councils, they knew the ways to influence councils and they were already a respected group. In addition their councillors were also equally powerful on the council. In areas where there had only been advisory boards, a power base had yet to be built, the board was still feeling its way as a decision making authority and learning how to apply pressure and were therefore of less use to their councillors.

Other councillors however, indicated that other internal factors played their part in deciding the relationship between the councillors and community boards, in particular, conflicts between the Citizen and Ratepayers dominated Council and the Alliance dominated community boards of the west of Auckland.

The Effect of Party Politics ...

The Local Body Elections of 1992 saw a new facet to local body politics in Auckland, that of national political parties standing for election on national political platforms. Political parties had always been involved behind the scenes in Auckland. It is widely held that in general the Citizen & Ratepayers team was the National Party with another name and the Auckland Community Team was Labour in disguise. Members of these groups however refuted this labelling.

"The political situation in Auckland is that the dominant political group is Citizens and Ratepayers and that is a collection of small groups in different areas. For example in Maungakiekie there's the Maungakiekie Citizens and Ratepayers, in Mt Eden there's the Mt Eden Citizens and Ratepayers and in Avondale there's the Avondale Citizens and Ratepayers. It's not like the National Party and the Labour Party. It gives no allegiance

to the central government or board. It's not another name for the National Party, its not another name for the Labour Party."

(Councillor, Auckland, June 1993)

What ever the truth behind the political orientation of the C&R body, the entrance of the Alliance party into the local body elections was not by and large welcomed by the C&R councillors, nor they suggested by 'the public' who in their opinion did not want to see national politics at local body level.

Whether this is so, is debatable, particularly in light of the fact that over 80 Alliance politicians were returned at the Auckland elections particularly at the community board level to the point of some community boards being wholly Alliance. The Auckland City Council however remained dominated by C&R Councillors. Early on it was indicated that this situation was viewed with unease. *"The C&R saw [us] as a threat to them and they treat us like that. [Even] the mayor was worried that the Alliance was taking over the west. He mentioned it to one of the C&R councillors."* (Board Member, Auckland, June 1993) It was reported that councillors too were worried about the Alliance and even made attempts to curb the Alliance Boards activities at the outset.

"We do have one on our board who is like that on almost any issue and that's because this particular councillor cannot stand the Alliance. In fact on the night of the elections this councillor rang the two C&R members on our board and said the Alliance have won, they're going to dominate our board, let's gang together and knock everything they want to do."

(Board Member, Auckland, June 1993)

However, in general now that the first reaction has worn off, it is recognised by both sides that the differences of political hue should make little difference to the deliberations of the boards. This, say members of both parties is due to the fact that the functional service provision goals of local government, differ little from party to party.

"The philosophical differences between tickets are not really as radical as say between parties standing at a general elections. Essentially we all want to see better conditions within the areas that we represent and issues like poor versus rich tend not to be the issues. There have been notable exceptions but for most things we agree, strange to say, and the disagreements tend to be personal rather than along party lines."

(Board Member, Auckland, June 1993)

However while there was general agreement that the two could get along under the surface much distrust existed. Potentially this distrust could lead it was argued to the abolition of the community boards in Auckland.

"The potential is probably if a community board suddenly decided they wanted to get very deeply involved in spending ratepayers money on something that the council itself wasn't willing to spend money on, but that to date hasn't happened. The potential probably would be if you had an Alliance Community Board suddenly saying that they wanted to provide child care for all children under five who are in our area. Now that would be a major policy change, costing the council money in large quantities and that would lead to conflict."

(Councillor, Auckland, June 1993)

The Alliance board members too were aware of this potential. However the conflict between the two bodies/groups, while potentially disastrous for the boards in Auckland should the council move to cut the power base of its rival, does have its bonuses for the boards. Firstly it produces within the boards an agenda to act and a impetus to continue to act proactively and fulfil a watchdog role. It also means that much publicity accompanies the boards' deliberations thus educating the public about not only the boards' existence and roles but also about council's policy as well. While the idea of

political parties at the local body level is often shunned, it must be realised that politics occur and will always occur in any situation where the allocation of resources is being decided. This being so, it is a bonus if these politics can involve and interest more people in local government. As one of the aims of the community boards was to make people aware of local government then the rise of political parties at this level can only help to do this. Attempts to abolish the boards because of differences in political agendas is surely against the purposes of the Boards establishment and should be blocked by the LGC.

Relationships with Staff ...

It can also be argued that the relationships between board members and the staff were important factors too in how successful or otherwise the boards can be. Staff also have information that they may be willing to 'trade' in return for backing on some projects or a favourable response for recommendations. In general the board members interviewed indicated that they had good relationships with the staff, *"the staff are helpful, not only helpful but cheerfully helpful."* (Board Member, Auckland, June 1993) Despite this however, several of the board members expressed concern at the way staff over rode some of their suggestions and projects. Concern was also expressed that the staff had delegated powers to decide things without the community board being asked. This friction over status also spilt over into other quarrels, such as who and what appeared in the council's publication City Scene.

"Well it would be nice if they put in the stuff they tell you they're going to put in. They have a meeting every month and sort of work out what they are going to put in City Scene and the City Scene comes out and its totally different to what they said they're putting out. And they dwell too much on the staff rather than the public. They'll do a photo of the latest play equipment or something and instead of having kids stuck in the photo they'll have a staff member."

(Board Member, Auckland, June 1993)

It was recognised by some of the board members interviewed that while, "[they] play very much a Sir Humphrey role", (Board Member, Auckland, June 1993) this was not so much something to get angry about but something on which to work. By building good relationships with the staff it was argued the work of the community board would get much more support, "when they see we're not nutters, then they'll be much more happy to work with us." (Board Member, Auckland, June 1993).

Relationships with the Community ...

Contact with the community was attempted through a diverse set of means. As with all local body meetings the community boards' actual meetings were open to the public. In addition the community boards operated a public forum section to their meetings. The public however still had to ring the Council Area offices and indicate that they wished to speak and many were loath to do this. This sometimes led to people, who turned up and wished to speak, being turned away because the public forum was already full, although attempts were made to be flexible enough to hear speakers if time allowed. Most of the boards held their meetings in the community centre and these were advertised. In addition public meetings were also held to discuss the annual plan etc but the community board really only hosted these meetings and control of the proceedings was left to the staff. Much of the advertising was done through the 'City Scene' produced by the council to explain to the public what the council was doing. While the outside pages explained issues of citywide concern the inside pages dealt with events in the local area and included an editorial from the area's councillors and from a member of the community board. Some doubts were expressed however as to how successful these measures were in terms of involving the public. Most boards reported that on average about ten people turned up to their meetings. Board members did however indicate that they were often approached by the public individually and some of the community board members made a point of moving around in the community speaking to community groups and making themselves known. These were in general, people who had made the community board work a 'job' to complement their retirement or other part time work. Such community work included visiting pensioner flats, monitoring traffic problems by watching the areas for a certain length of time every day etc, and shopping at their local shops. Other members with young children got

feedback from talking to other parents at Saturday morning sport, school gatherings etc. However the amount of contact depended very much on the individual's inclination and as an organisation the community boards waited for the public to contact them. In general though, the boards reported that people were very supportive of the board concept and that the public did not hesitate to utilise the boards.

The Future for the Auckland Community Boards ...

At present the community boards in Auckland are working for the most part smoothly, although conflict over delegations and roles and over political persuasion does from time to time, and in some of the boards a lot of the time, lead to disruptions in the boards operations. In general however, most of those interviewed indicated that they felt confident of the boards' continued operation, a few even going so far as to speculate that in the future all community based decisions will be made by the boards with the council playing a policy/overseeing role only. This is however limited to community board members themselves and as the question of delegations lies in the hands of the councillors, the vast majority of whom do not see the community boards playing this role, this is highly unlikely. Indeed it seems more likely that there will be a contraction in the community boards roles. This may occur for two reasons. Firstly powers may be curbed if there is a major argument between Alliance board members and C&R councillors. This however is rather unlikely as conflicts between the two, while at times lively, have yet to escalate to such levels. In addition it is recognised by those involved that this danger exists and there is a realisation that compromise rather than conflict is desirable. What is mostly likely to see a further curbing of community boards and a reduction in their numbers in Auckland is a drive for efficiency and for a streamlining of the representative system. It was indicated by some interviewees that such a process had already begun within the Auckland City Council with the circulation of a discussion document, which looks at halving councillor numbers. This has a flow on effect for community boards in that if it is considered councillor numbers are too high, then the maintenance of six board members for every community may also be unacceptable. As one councillor noted,

"I'm not sure that we need all the community boards that we have got. Certainly we don't need all the councillors we've got, we've got two councillors in the Avondale ward and it's just a waste of the democracy. You don't need two councillors to represent 29,000 people, it's just crazy. I think it behoves us to save money in an area and offer better service. We made people redundant in our work force in the name of efficiency, but we've done nothing at the level of democracy."

(Councillor, Auckland, June 1993)

Board members too, indicated that they felt that their community board was likely to be removed from the system at the next local government elections as part of this streamlining. Therefore it would appear, that despite all the other conflicts effecting the boards, it is a desire for greater efficiencies and a lowering of costs that are mostly likely to lead to the abolition of community boards in Auckland City. Indeed the findings of the Rodney case study, where the community boards closed in part due to the desire to streamline the system of representation, adds weight to this argument.

Summary ...

The Auckland case study would appear to support the hypotheses made about the operations of community boards, namely that the flexibility of the legislation concerning delegations and roles lead to conflict between the boards and their parent authority; and that the success or failure of boards is dependant on the relationships between those involved in their operation. However it is necessary to in part qualify some of this agreement.

For instance, it can be seen that the flexibility of the legislation as regards the giving of delegations, did lead to a marginalisation of the powers of community boards and to conflicts not only between community boards and their parent authorities but also between the councillors of the parent authority itself. However it must also be noted, that the flexibility of the legislation allowed some of the community boards to actually extend their powers at a later stage. It would appear then, that while the flexibility of the

legislation and the hands off approach of central government towards the delegation of community board powers, does allow the parent authority to marginalise community boards, some boards, such as the former boroughs of Auckland, who have the ability to effectively lobby their parent authority, actually benefit from this flexible approach. Other boards however, such as the former community committees, are unable to do this and remain marginalised.

The second hypothesis that the flexibility of the legislation as regarding roles lead to conflict was also upheld. However again the flexibility of the legislation lead to the boards being able to have several different roles and this lead to benefits for the community. Also the flexibility could be used to the benefit of the boards in that it allowed them to gain informal delegations, as the example of one community board which set up an informal parks committee demonstrates. Conflict over roles however, particularly in the case of the role of the appointed member or councillor, was often fuelled by other factors unrelated to the flexibility, the state of the relationship between the boards and their councillor for example. It was seen that, where the councillor had a good rapport with the board and information trading was occurring, conflict over roles was almost non existent. On the other hand where political factions were involved, this infighting often spilled over into arguments about roles, delegations etc. Thus the hypothesis that the success or failure of the boards depends on relationships between the councillors and boards also holds. It was also identified that relationships with staff were also crucial to the boards' operation.

Therefore what the case study showed most importantly though was that, although the conflicts were caused in part by the flexibility of the legislation, other internal factors eg past history, political infighting could also play just as important part in shaping the running of community boards. It is also noted that other internal concerns and pressures e.g the desire for efficiencies in cost and process might be more likely to lead to the abolition of community boards than the conflicts which exist at present.

CHAPTER SEVEN: COMMUNITY BOARDS IN WHAKATANE - BUSINESS AS USUAL

INTRODUCTION

Whakatane District Council operates five community boards. One, Murapara, was a Borough Council before amalgamation, the other four, Edgecumbe, Taneatua, Matata and Ohope had a long history of semi autonomy having operated as county towns and later as community councils. All but Ohope were constituted as communities in 1989. Ohope was constituted a community in October 1992 as the result of a public referendum. (See Fig 7.1) All operate fairly smoothly although there are differences in approach and attitude between both the boards themselves and between the boards and the Whakatane District Council.

PART ONE: THE EFFECT OF LEGISLATIVE FLEXIBILITY

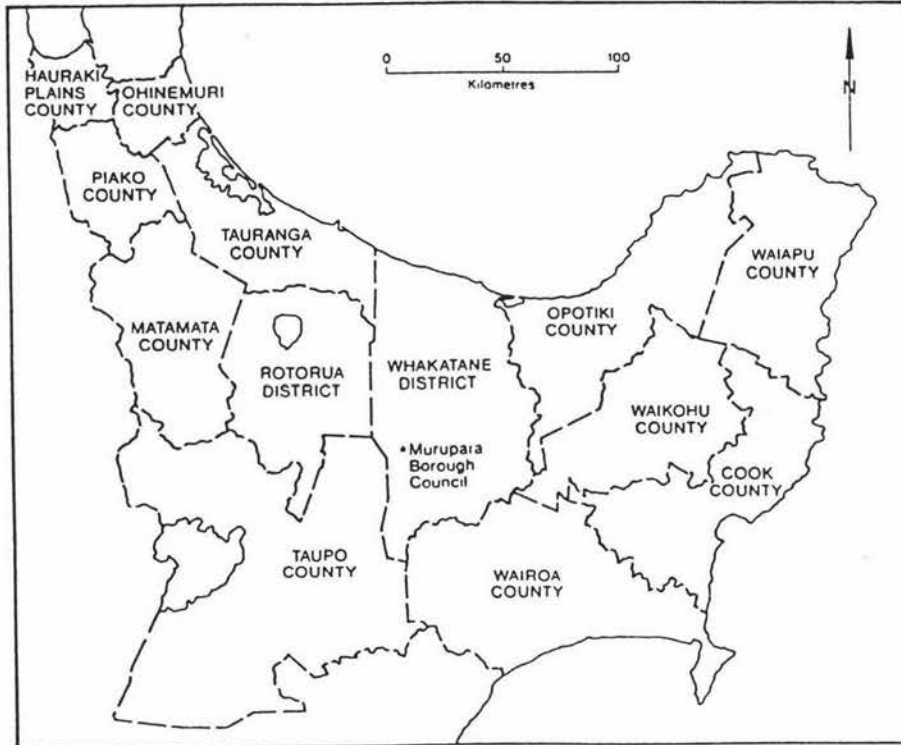
Introduction ...

Before the reorganisation in 1989, the area now controlled by the Whakatane District was controlled by a number of local authorities, namely the Whakatane District Council, the Murapara Borough Council, the Taupo County Council and the Galatea Domain Board.

Of these authorities, Whakatane District had in operation four community councils, at Ohope (constituted 1967), Matata (1967), Taneatua (1960) and Edgecumbe (1964).

Tracing the reported actions of the community councils through the local press (The Beacon, Whakatane) it becomes clear that with the exception of Ohope the business of the community councils moved along smoothly enough with each council having it's own distinct concerns. In Taneatua the community council focused on dog control, ways of combating rising crime rates and opposing cross leasing. The latter concern was connected with fears that Taneatua would become a ghetto should this type of settlement pattern be allowed. The Matata Community Council were also concerned to halt the practice of infill housing, in their case to avoid the costs of a sewerage reticulation update that such growth would necessitate.

PRE 1989 - COUNTY/DISTRICT/BOROUGH BOUNDARIES



POST 1989 - DISTRICT/COMMUNITY BOARD BOUNDARIES

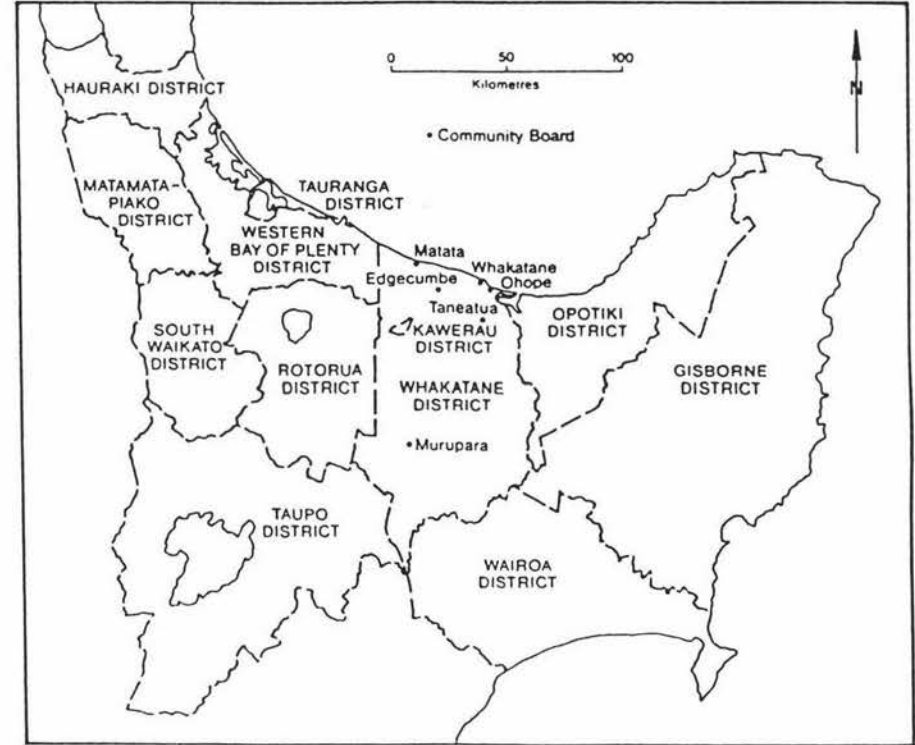


Fig 7.1 Lowest Tier Administrative Boundaries - Whakatane District

To this end the community council focused on lobbying the council to change district plan ordinances to increase the average size of sections in the area. The Edgecumbe Community Council focused on their town's appearance. Most of their efforts centred around the planting of gardens etc within the township as well as with maintaining a high standard of services. There was little disagreement between these community councils and the district council and business proceeded with few if any disruptions.

This was not to be the case where the Ohope Community Council was concerned. The battles between the the old Whakatane District Council and the Ohope Community Council were well reported in the press and carried accusations of bad form from both sides. The Whakatane District councillors accused the community councillors of overstepping their authority (Beacon, 17.10.84) in attempting to appeal district schemes in favour of their own variations, and lobbying for inquiries into the business of the district council of which they were a part. In addition to these conflicts there were complaints from the community council that they were not treated seriously, "I feel very strongly that we are treated as a laughing matter. " (Whakatane Beacon, 11 4 84)

Relationships between the council's staff and the community council were also a little strained due to wrangles over the non preparation of requested special reports. It was felt by the council staff that there was no understanding by the community council of the work load that the extra reports being requested was placing on them, or of the time necessary to complete the types of reports that were being asked for.

In the mid eighties the Ohope Community Council, in an effort to gain more authority, sought to become a district community council which would give, "Ohope similar status to a ward with its own councillor on the Whakatane District Council", and greater powers in terms of decision making. (Whakatane Beacon, 27 8 85) At about the same time further arguments about areas of responsibility arose when the community council authorised the removal of sand dunes along the main road through Ohope. The fall out over this event soured relations between the two bodies further still. At the time of the preparation of the draft reorganisation schemes in 1988 the Ohope Community Council was again calling for an inquiry into the decisions and operations of it's parent authority.

The Local Government Commission's first draft scheme recommended the establishment of a Ward Committee, "at Murapara [to be maintained] at least until the 14th day of October 1995."(LGC,1988,25) The committee was to have the functions, duties, and powers of a district community council under Part XLI of the Local Government Act 1974. The District council was not adverse to this idea for a number of reasons. Firstly Murapara had been, until the amalgamation process, a fully functioning borough and the Whakatane District Council felt that given this they had to be "particularly sensitive to Murapara." In addition to this concern, another factor further enforced Murapara's need to continue to operate fairly autonomously. This was the isolation of Murapara from the rest of the District and more importantly from the District's Offices. At over an hours drive from Whakatane it was only sensible that Murapara retain it's own offices and workmen and the ability to make day to day decisions in the interests of effectiveness and efficiency.

The position of the District Council toward boards for the previous community councils of the area was, with the exception of Ohope, one of *laissez faire*. As the General Manager of the Whakatane District Council noted, having community committees/boards gave a focus to the communities and if the people wanted them they could stay. As well, the urban nature of these small settlements, as opposed to the rest of the essentially rural district, meant that there was support for the continuance of boards to provide for the interests of these small urban communities, who might otherwise lose their representation if simply part of a larger rural ward. However the communities themselves had to indicate that they wished to have a committee for their township. One Matata community board member noted, "*we had to fight fairly hard this last time to try and hold it as a community council or a community board as it is now.*" (Board Member, Whakatane, May 1993).

The only area which had an existing community council that the District Council felt would not be served by the creation of a community board was Ohope. In this case it was felt that, the time had come to recognise that Ohope was a dormitory suburb of Whakatane and as such dependant on Whakatane for services. It was felt that having a community board for this township would impede the acceptance of this position. Furthermore it

was considered that if Ohope retained some sort of separate status Whakatane rate payers would continue to subsidise the services Ohope ratepayers received, and that this was unfair to the residents of Whakatane. The Ohope Community Council quite naturally did not agree. They began a campaign to oppose the District Council's recommendations and to agitate for community status for Ohope, calling public meetings and lodging appeals in the Press. (Whakatane Beacon, 25.11.88, 23.11.88, 9.11.88, 16.8.88) Many of the previous arguments between the community council and the district council were reaired and it was asserted that the recommendations of the Whakatane District Council were the latest round in a vendetta against the Ohope body. Indeed one community council member held that, "the local government review was 'a godsent opportunity to obtain the result that the Whakatane District Council has been trying to achieve for years'." (The Beacon, 9.11.88)

That the tacit support from the District Council and from the public for the rural and Murapara Community Boards was successful, while the Ohope bodies protests were not, can be measured by the fact that when the final reorganisation schemes came out in June 1989, the LGC indicated that communities were to be constituted in Murapara, Matata, Edgecumbe and Taneatua, while Ohope was to become a ward of Whakatane township. Again, as in the Auckland area, the boundaries of the communities lay in much the same places as before. Although the District Council had spent some time looking at boundaries under the ward committee situation, *"when the Local Government Commission threw that away we didn't spend any more time looking at it. The boundaries of those communities were already distinguished and there was no point in changing the boundaries. Geographically they stop where they stop."* (Staff, Whakatane, May 1993).

Clearly, under the community of interest magnifying glass the previous areas of the district community councils and the borough council would have been very clear. Again this can be seen to support the hypothesis that community boards were employed as a device to secure support for the reform from smaller local authorities/bodies. If community boards had truly been an attempt to secure community input there were other identifiable communities such as the Awakeri, Galatea and Wainui areas that could have laid claim to the right to a board. The fact that it was only

the out going community, district community and borough councils that received community status, and that the community was the same as their previous local authority area, indicates that it was not a new approach that was being attempted but a smoothing over of potential conflict.

The creation of the Ohope Community Board ...

The efforts of Ohope to be created a community and maintain a community board did not end with the set back to their ambitions in 1989. After the 1989 local body elections a Residents Association was formed. The Residents Association was in fact a sort of de facto community council, represented as it was by a large number of members of the previous Ohope community council. The past ill feeling between the Ohope and the Whakatane bodies thus continued to disrupt relations between the District Council and the Ohope Association, with past slights being dragged out and reaired whenever the Residents Association and the District council held opposing views. This continued till 1992 when a public campaign, led by the Residents Association, was successful in gaining community status for Ohope through the polling provisions of the Local Government Act Amendment No 2 1989 which allowed a community to be established wherever 15% of the electors signed a proposal asking the territorial authority to do so. However the conflict did not end at this point, as many of the protagonists from both the Ohope Community Council and the Ohope Residents Association were elected onto the new Ohope board bringing with them a view of the District Council's decisions and operations that was the result of a decade of conflict.

Statutory Delegations ...

It remains to be tested whether the flexibility of the legislation lead to a marginalisation of the community boards in Whakatane and whether this lead to conflict. In deciding what functions to delegate to it's boards the Whakatane District Council, unlike the Auckland City Council where there had been a strong group advocating for the community boards to be purely advisory, took the approach that the boards be given a blend of advisory and permissive powers. That this approach was taken could perhaps be due to the fact that the area had had a long history of community councils who had operated fairly smoothly when given such a mixture of functions in the

past and that the District was happy for this state of affairs to continue. The level of delegation decided upon by the Council, was a mixture of the advisory powers under section 101YZ and some decision making powers under Section 101ZZ, mainly the ability to be involved in making decisions about minor planning matters as affected the community board area, and to prioritise works in the area as well as allocate reserve funds etc. (See Appendix 2.2). However not all the boards were to be delegated the same level of functions. In setting the delegations the District Council had sought to be, *"particularly sensitive in Murapara's case because that self same community board had in fact been the Borough Council and had been very much in charge of the area."* (Staff, Whakatane, May 1993) It can be seen here that the flexibility of the Act was in this case being used as it had been intended to give fuller powers to isolated rural townships allowing them to continue on much the same as before. In addition to this, the district council reviewed its delegations to community boards in 1991 and, after advising the boards of the standard delegations as decided by council, asked if there were any further areas that they wished to participate in. The boards responded with some suggestions, usually that they wanted more control over planning matters, while others asked for and received the right to let contracts in terms of the supervision of community pools and halls. Murapara, having been before the amalgamations, a Borough Council and fully responsible for all local government activities in their area, asked to be given the maximum delegation possible. Council considered these requests, and allowed some of the extra delegations to be given. (See Appendix 2.2) However it was reluctant to allow the boards to become further involved with planning matters than they already were. As has been previously noted it is possible under the Resource Management Act 1991 Section 34 for community boards to deal with all planning issues other than the adoption of, or changes to, a district scheme. Thus as the Board could be considered a committee of council it could be delegated the same powers as the Environmental/Planning Control Committee and/or the Hearings Committee. Contracts too could be delegated up to a specific limit and subject to the Board reporting to the Council on its actions in this respect.

In considering whether these functions should be handed over it was noted that the matters of consistency and timeliness needed to be borne in mind. While, *"obviously of no real concern when you are dealing with the*

budgets and contracts and the like, it does have importance when the question of setting fees, waiving certain payments or considering planning or other applications arises." (Staff, Whakatane, May 1993) Further it was felt that as these decisions could impact on Council's policies it was better for responsibility to remain for the most part with the Council itself. Planning staff also felt it only proper to resist devolving planning decisions down to community boards. *"Even at council level the community is small enough that often the councillors know the people involved well. Decisions are made on the grounds of 'he's a good bloke' etc and as the community boards are so small in population base it would be even more difficult for those people to avoid that type of pressure, make rational decisions and be able to stand by those decisions comfortably without backchat."* (Staff, Whakatane, May 1993) Timeliness was also an issue and the extra time staff would be caught up in meetings. It was also noted, *"the volume of applications wouldn't be high. Decision making is something a politician learns by experience and if they are not getting adequate experience then you can't fulfil the role adequately. [It's] better then to devolve decision making down to staff, or on the major ones better that it is handled by council."* (Staff, Whakatane, May 1993) These concerns are reflected in the fact that while some planning functions were delegated to the community boards these were smaller planning matters, eg extensions to houses etc. More complicated matters, the vesting of public roads, notified applications etc were not to be considered by community boards but decided by Council, although the Boards were delegated the power to make submissions on these matters.

Clearly then, despite this set back to the boards' hopes, there had been an effort to delegate fairly to the boards and the flexibility of the legislation had allowed this and allowed a fine tuning of the boards' delegations, although as regards the possible delegations under the Act the Boards were marginalised. However the flexibility of the Act had allowed the former borough to retain many of its powers altogether and allowed it to continue to operate much as before. This marginalisation did lead to some conflict, as in the Auckland case study, some of the community board members interviewed indicated that they were not happy with the delegations given. However, on being questioned further, it became apparent that it was not really further delegations that the boards wanted but the reassurance that they were the ones who were really making the decisions. As one

community board member noted, *"somebody actually commented a long time ago if you're on the board you're really only yes men to town, they make the main decisions. You can suggest things but they usually go with what they feel is better for the town ... so sometimes I feel we could have a bit more input into it."* (Board Member, Whakatane, May 1993) Another board member commented, *"I generally sometimes feel that we're wasting our time when Whakatane over rides what we decide."* (Board Member, Whakatane, May 1993) Others indicated that they hadn't really thought about it but felt that in time they would probably question the delegations while others were happy with what they had to do. *"Our delegation is to look after Matata and we've got to make the most of that, to feed back to the District Council what we require."* (Board Member, Whakatane, May 1993).

These complaints about levels of delegation were met with much the same advice as given by several of the councillors interviewed in Auckland. A senior member of Council staff pointed out that under section 101ZY the boards could have an extraordinary wide agenda. It was argued that Section 101ZY allowed the board to become involved in all sorts of research and lobbying activities within their community and that the Boards needed to grasp at these opportunities more firmly. However, as in Auckland, it was noted that the board had to recognise its place and role in the structure and accept that it was the Council who set policy and had the last say in local government matters. As a rider to this position it was indicated that of course the community board had every right and many opportunities to influence policy.

What becomes apparent from this examination of the statutory deliberations in Whakatane is that while some marginalisation of community boards powers did occur, eg the turning down of further planning powers, in other cases the flexibility of the legislation actually allowed boards to increase their delegation and allowed the former borough to run in much the same way as it had run before. It can be concluded too, that while there was some conflict over levels of delegations, this conflict was really linked to the boards' perceptions of its role and their desire to be recognised as the decision makers of the area. Analysis therefore turns to the consideration of whether the hypothesis that the flexibility of the legislation concerning the roles of community boards and their members leads to conflict holds in the case of the Whakatane case study.

PART TWO: CONFLICT DIFFERING PERCEPTIONS OF ROLES

Introduction ...

As in the Auckland case study there was a wide variation of roles perceived for community boards and their members. These perceptions differed between staff, councillors and community board members and in some cases did lead to conflict. However such conflict was of a much lower level than that in Auckland.

Council's Perception of Roles ...

It may be drawn from the comments of staff, that the community board should recognise that while they could try to influence policy before it was set they were thereafter bound by it in all their duties, that the council staff at least saw the role of the community board as being an extension of the council at community level. This, as we have seen, is no different from the vast majority of parent authorities who responded to the mail survey. However the staff noted that it was up to the boards themselves to decide how to carry out this role. For example the boards were delegated some responsibilities under the annual plan process such as setting priorities for works or making recommendations for expenditure. It was left to the board to decide how they would go about this. *"They can talk to the community and put forward ideas either on their own initiative or through contact with the community. They could draw response from the community to back up their own response. But it is up to each community board to decide how to make use of the opportunity."* (Staff, Whakatane, May 1993) This flexibility of approach led to some community board members being confused about what their roles were and how wide their responsibilities were. This was further complicated by the fact that the role of the community boards had not, it was felt by board members, been explained. While the candidates for both district council and community board positions were invited to a preliminary meeting at council offices, it was felt by board members who attended, that the meeting had been a general introduction to local government rather than an introduction to community boards. *"We had one meeting in the council chambers. Anybody who was standing for any of the boards, they just had to go there*

and they had a chat about the very very basics and that was it. Other than that you went in blindfolded." (Board Member, Whakatane, May 1993). In addition to this pre election training, the members were provided, in the minutes of their first meeting, with a summary of the legislation affecting Members and Meetings. This document covered the Local Government Official Information and Meetings Act 1987, The Local Authority (Members Interests) Act 1968, the Crimes Act 1961 and the Secret Commissions Act 1910. Also explained were the responsibilities of the standing committees of council. Community board members themselves felt that more could have been explained about community boards specifically and had some ideas about how this could have been done. One member felt that extra training was required, *"probably a half day workshop just to go over the duties and what is expected of them as community board members and particularly to go through what the functions of a community board are."* (Board Member, Whakatane, May 1993). Another, thought a sheet of guidelines outlining what they could and could not do as community board, would be useful.

Councillor's Perception of Role ...

The councillors view of the role of community boards was mixed. The boards were perceived by some as a threat to their responsibilities and position and as such they were against the idea of the boards taking a political role. However, as one staff member noted, *"the councillors want the community boards to be apolitical but they don't operate that way themselves so they can't really expect it of the boards."* (Staff, Whakatane, May 1993). One councillor indicated that the role of consultation with the public was what the councillor was elected to do, and that a councillor could carry out this function on their own, thus there was no need for community boards. All the boards contributed, this councillor felt, was a costly duplication of functions. Another councillor disagreed. This councillor thought that the board played a crucial part in putting the concerns of the community squarely before the council and in making sure that the council took note of those concerns. However this councillor also stressed that boards might be more useful in some areas than others, particularly areas where the boards were more isolated. These isolated boards, it was argued, had an extremely important role in seeing that services etc were kept up.

As in Auckland the role that the community boards could play in getting candidates 'ready' for council level was indicated. However this was not really borne out by the aspirations of the board members talked to. One of the interviewees felt that it was useful in enabling people to find their own level at which to work, noting that of the previous term only one community board member had moved onto the council. The other interviewees seemed to support this statement indicating that the community board was as far as they wanted to go in local government, while a few indicated that they had been unsuccessful in previous elections and had settled to work at the community board level.

Boards' Perception of Role ...

The boards too, saw a number of roles for themselves. In general there was an agreement among the boards that they were there to serve the people of their settlement. This service, as in Auckland, could take several forms. One community board member used the community board as a way of bringing forward the concerns of certain groups in the community who might otherwise not get involved in local government. *"My part is trying to assist the Maori part of the community and to help them as much as possible to be heard and their needs on the Maori side.[to be recognised]"* (Board Member, Whakatane, May 1993). Others had a more general aim, *"just to get the best for the community really."* (Board Member, Whakatane, May 1993).

In carrying out these roles most of the boards, with notable exceptions, did not attempt to utilise the permissive powers available to them attempting instead to carry out this role of getting the best for their community within the areas set out in their delegated functions. This approach did produce some good results for the community. For example one board's participation in a funding project lead to a cooperative approach in a new project between the district council and the community which, without the link of the community board, may not have occurred.

"The school had just done a project covering some of their drains and we gave them some money towards that and our engineer said well he actually had some pipes that weren't any good to

anyone else and if they wanted them they could cover in the drain further. The pipes weren't actually the right size but he came out one day and they said, 'we can't do any more, we haven't got a manhole cover', and he said, 'well here you are here's the manhole cover.' So you know they did the work and we supplied some of the necessary equipment so it was really good."

(Board Member, Whakatane, May 1993)

In another board there was an attempt to be more proactive, even to the extent of producing plans for their commercial area, although these efforts came to nothing as the board had not consulted the planning staff and their plans were not consistent with the district scheme. Whether the boards took up this type of proactive role seemed to be dependent on their confidence in their abilities. An illustration of the effect of this upon the roles the boards played can be demonstrated when the experiences of two boards in budget setting is compared.

The community boards while having no separate monies for their activities did have some say in how their budgets were arranged. The main budget was prepared, and the boards were provided with copies of that statement, with their monies for each expenditure highlighted on a six weekly basis. While it was felt that there was little need for the board to interfere with the budgets if matters were going along routinely, the Community Boards could make decisions about when to do repairs and what level of maintenance to aim for, although in the latter case the council staff advised the boards at what level they should seek to maintain the equipment. Further the community boards could negotiate to move funds between facilities. For some of the boards this was to prove somewhat of a lost opportunity. As one board member noted,

"it was very hard, because most of us are very new on the council. We got these absolutely sheets and sheets of papers with figures on them. We went absolutely blank, because we didn't know what you could question and what you couldn't. As far as that went you sort of had to take [the staff's advice]."

They're in charge and they know more about it than you do. We did manage to get a couple of things changed around as to spending but not to any great detail."

(Board Member, Whakatane, May 1993)

Others, while they understood the process, still felt that they didn't really have a lot of say in how the money could be spent. *"I mean the bulk of it we have to agree to anyway because it's Whakatane that handles it. We have no control over our library rating or our general rating, we don't have any say over those. It's really just our water, our sewerage or our parks and reserves."* (Board member, Whakatane, May 1993). Another board however was so confident in the process that they produced a document challenging the council's rating increases and budgeting based on an analysis of the annual budgets, and making suggestions as to where costs could be cut or where they had been inflated in their opinion. Clearly the boundaries for input into the budgets depended on the community boards' perception of their powers and abilities, with some sticking very closely to what they saw as their delegated functions, eg advising on the budget, and others taking up an a watchdog role outside of the delegated arena.

Despite all these differences in perceptions of roles, in one role at least the boards were to have roughly the same success rate. As well as bringing a wider group of people into local government as elected participants, it had been hoped that one of the major roles of the community board structure would empower people to have a say at the local level about their locality and what should happen in it. However, as in Auckland, the community board seemed to attract little public attention. Attempts to let the public know what was going on were varied. The press was one form relied upon by all the community boards. As required all the meetings were advertised in the local press and the press too usually reported what had occurred at the meetings especially if it was 'controversial' (eg disagreements between the boards and the parent authority). This was usually at the initiative of the press rather than the community board although some of interviewees indicated that from time to time they had passed stories onto the press. It was indicated that use could also be made of the small 'flyer' type very local newsletters put out either by local businesses or by the community board itself, but as yet this had remained an idea. *"There's supposed to be a*

newsletter letting [the community] know what the community board are doing or trying to do for the community, [we] don't have very many because there's not a lot of issues or anything." (Board member, Whakatane, May 1993). None of the boards published their names and telephone numbers, relying on the community to have picked up who they were, *"I think most of us are fairly well known, the community is only about 2500."* (Board Member, Whakatane, 1993). Given that, the size of the communities, this seems to be a reasonable assumption for Matata (700) and Taneatua (900) but for Ohope and Murapara less plausible. However in the case of Murapara, having had it's own borough council and many of those people still being involved in the community board, this identification is more likely.

Public Role ...

In general the community boards relied on people coming to them instead of reaching out to the people, except for larger issues like hall rebuilding and rates when there would be a public meeting. What public input there was, was as in Auckland, at a complaints and maintenance level. *"Basically trees hanging over the footpath, what can they do about it, that type of thing. Sports people ring up if something's not quite right with their fields. People ring up complaining about the state of their footpaths, generally just maintenance things."* (Board Member, Whakatane, May 1993).

Actual attendance at meetings was low. *"It depends on what's on. All the meetings are open but you don't get people unless there is something specific that they are coming down for."* (Board Member, Whakatane, May 1993). In the case of all the boards the most fully attended meetings had been those that dealt with the rates. Public wishing to attend and speak at the meetings could do so although the notice that each community board expected to be given differed. *"If anyone wants to come and discuss any particular issues they notify us about six weeks before."* (Board Member, Whakatane, May 1993). Other community boards would allow members of the public permission to speak if they arrived at the start of the meeting and indicated that they wished to speak. Thus there was some flexibility allowed should the public wish to make use of it. Little thought however seemed to have been given, by some community boards at least, as to whether their meeting times were commensurate with the times the public could attend.

"It's three o'clock so hopefully we'll be over and done and finished by half past six. (Do you think that this is a good time for the community to attend?) Yes well mostly, it certainly suits the community board members. As I see it it does suit. If there was concern it was unsuitable as far as the public were concerned we would listen to it and probably change the time." (Board Member, Whakatane, May 1993). Other boards had meetings at 5.30 pm, 5pm and & 7.30 pm.

Ideas for improvements eg flower beds, changes to rating, commercial zones etc seemed to come from the community board themselves but even this sort of activity was limited. *"They're reactive if asked to comment on policy, they're more proactive at the administrative level, at the formulation level they're reactive."* (Staff, Whakatane, May 1993).

As in Auckland therefore, the flexibility of the legislation lead to those involved board members, councillors and staff all having different perceptions of the boards' role. However, unlike in Auckland, this did not lead to conflict between the groups. This can be linked to the fact that while the boards indicated that they saw a more proactive, community based role for themselves, often they did not pick this role up. Instead they tended to stay firmly within their delegated functions. While it has been indicated that this may have been due to a lack of confidence in some boards, even in the more confident boards, the role tended to be reactive. Therefore in some areas at least differing perceptions of roles may not necessarily lead to conflict.

Role of the Councillor ...

The other role, which in Auckland had such a hotly debated issue, the role of the appointed member, caused little large scale conflict in Whakatane either. In Whakatane it was clearly recognised that the role of the councillor was to provide a liaison link between the boards and what was happening at council level. In addition to providing a liaison link, the councillor also had another less identified but nevertheless important role in providing for those new to the system an example of behaviour at meetings.

Councillors' Perception of their Role ...

In Whakatane the perceptions of the councillor toward their role varied. As already noted some councillors were of the opinion that community boards only duplicated their responsibilities and therefore could be managed without. Other councillors however felt that they were there to work as part of the board. Some of those councillors indicated that while there occasionally was a clash of conflict between their roles as a councillor and as a community board member, this had never yet caused problems as the board had always been able to work out their differences in a mature way. In addition, only four of the councillors were involved with community boards, the others being from wards which did not support boards. Therefore the debate about the role of the councillor was much more of an individual consideration than in Auckland.

Boards' Perception of Councillors' Role ...

The boards too also fell into two groups when the role of the councillor was considered. Some of the board members were, *"very pleased with his input to us"*, (Board Member, Whakatane, May 1993), while others felt, *"he tells us what he thinks we should know, not all that he knows."* (Board Member, Whakatane, May 1993). Others felt that this was justified as they indicated that they couldn't expect to hear things that had been discussed in camera or any thing else confidential. The detail and type of information too depended on the individual concerned. Again however, these differing perceptions of the councillors' role, didn't lead to as many conflicts as in Auckland. In Whakatane the right of each individual councillor to decide to what extent they should play a part in the community board seemed to be much more unquestioned, and when this fell short of what the board had hoped for, this was to a large extent accepted. It may be argued however that the fact that there were few disagreements over decisions between councillors and board members and no political party considerations in Whakatane lead to stronger and more positive internal relationships between the bodies and these as it has already been hypothesised are the reason behind the less troubled operation of the boards in Whakatane.

PART THREE: RELATIONSHIPS

Introduction ...

Relations between the board members, councillors and council staff as has been noted are of crucial importance when it comes to the actual operation of local councils. Although, as we have seen, there were some disagreements over delegated functions, and some disagreement over the role of councillors in relation to their community boards, this was muted and did not cause the same scale of ill feeling as it had in Auckland. This, in part, it is argued is due to the good relationships that exist between all the parties involved in the area.

Relations with Council ...

Disagreements over delegations, for example, were muted by the fact that for the most part the council was happy to rubber stamp the decisions of the community board. Although it was noted that sometimes the council provided secretary might indicate, *"that the boards were going to run something past the council to see if the council is actually awake,"* (Staff, Whakatane, May 1993) and in this case the recommendations/decisions would be looked at carefully. However, in general, the council didn't interfere with the decisions made by the boards and this played a crucial part in keeping the peace and maintaining good relationships between the two.

Relationships with Councillors ...

In addition to this collective good relationship, relationships between the individual councillors and their community boards were on the whole not conflictual. Although it was noted that this depended on the boards sticking to their own roles. *"If they start doing things that are the councillors' responsibility they soon get told."* (Staff, Whakatane, May 1993).

As in Auckland, some trading of information between the boards and their councillors did occur, particularly where the board was new and the councillor one of long standing. The councillor, in question, was the chair during both the terms of the board. As it was explained, *"he was the*

chairman because he was a councillor and he was the one who had more experience." (Board Member, Whakatane, May 1993). Similarly, because of this experience and knowledge the councillor was often the through point for any queries. *"Often what we do is ring N.. to see who to contact. Usually it's easiest to go through N.. because he knows who to get hold of, and who to jump up and down with, and that's the quickest way."* (Board Member, Whakatane, May 1993) This councillor had also approached people directly to encourage them to stand for the board, and this may have been a way of ensuring loyalty as well as ensuring that the board was made up of individuals with whom the councillor felt he could work with. (In other boards this was also the case with interviewees being approached by councillors or other older board members to stand.) Whether this gave the councillor involved any stronger power base is unclear. As a councillor of long standing, who had been identified with the area for a long time, it is difficult to tell whether he would have been any less informed about what was happening in the area than before or whether the community board would have shifted the focus from his position. Certainly the fact that the board was new and relatively inexperienced, meant that he was far more able to guide them and act as the pivotal contact with the council. Despite this, councillors rarely seemed to use their community boards as a backing for their position at council level.

In contrast, another board had no such feelings of loyalty towards their councillor. In the previous term this group was perceived by staff as treating their councillor as a 'go-for', an approach which did not endear them to the organisation. Staff felt slighted because they were treated like 'office boys' and didn't get any respect for their training etc. In the present term of this board the councillor is new to local government and the community board members, who have been involved with the local government in Whakatane over a long period, are providing the councillor with knowledge of contacts and other information. *"N...is a new councillor and just learning the ropes so I've been giving him a lot of the background about what has gone on in the last three years."* (Board Member, Whakatane, May 1993). In this case then, the community board is in a position to use its knowledge for power. However the new councillor has an alternative supply of information from the council and other councillors themselves so the community board is in a relatively weaker

trading position being only able to trade it's information in one direction not two as in the case of the councillor.

Despite these differences in attitude, relationships between the boards and councillors in Whakatane were not by and largely conflictual. This can be linked to a number of factors. To begin with there was little disagreement over role and functions of the community boards and so this did not have an effect on relationships as it did in other case studies. Secondly, unlike in Auckland, few of those interviewed indicated that they intended to challenge for the councillor's slot at the next election. Therefore political considerations did not cause any problems in the relationships. In addition there were no party politics to disrupt relations. A third factor may have lain in the fact that the board members in general had more contact with the staff than in Auckland, and perhaps therefore, the councillors' supply of information or otherwise was a less contentious issue. Most of the community board members interviewed indicated that they would contact the council directly by phone, in person or by letter if they had any concerns. In some of the boards this contact went as far as going in to see particular members of staff in person as issues arose.

Relations with Staff ...

Relations with staff were generally good. *"[The staff are] very good they know who you are and they're very helpful."* (Board Member, Whakatane, May 1993). This comradely feeling was also bolstered by the regard with which most of the council staff were held by the community board members. *"He is so experienced. He just had all these figures at his fingertips, he was just incredible."* (Board Member, Whakatane, May 1993) Others were a little more cautious.

"I find them very good, supportive, very helpful and I hope that continues. I know in the past with the community council there were problems from time to time. However I think so long as the staff give us the service we want and the information we require I'd like to work in harmony with them."

(Board Member, Whakatane, May 1993)

On the whole the staff too were happy enough to work with the community boards, although it was indicated that the boards needed to be a little more understanding about the time it took to write requested reports and to understand that the staff's workload extended beyond that boards' desires. Similarly it was also indicated that on the odd occasion the boards felt themselves blocked on an issue. Consultation with staff before hand might have solved this. Such an occasion occurred when a community board produced a plan for it's commercial centre. As they had not consulted staff the plan did not meet the District Schemes requirements and therefore could not be implemented, a occurrence which lead to a little friction.

Relations with the Public ...

The boards' relationships with the general public too were unproblematic. However this can be linked with public apathy perhaps rather than public approval. As has been seen, few of the members of the public interested themselves as a rule in the boards' operations unless the boards were discussing rates increases. At these meetings up to a hundred members of the public might turn up. As one board member noted, *"as long as you don't touch their wallet they don't care."* (Board Member, Whakatane, May 1993).

Future for Boards ...

The boards in the Whakatane area can therefore be seen to be running for the most part without complications. However, in Whakatane too, there are some reservations about the continued operations of the boards. These reservations again hinge on cost and the efficiency of the local government system. As one interviewee noted, *"when you look at the amounts of money the community boards look after and at the administration costs of running the community boards you have to wonder about the cost effectiveness."* (Staff, Whakatane, May 1993). In addition, it was noted that some of the boards looked after very small population numbers eg 800. The efficiency of this was also questioned, particularly when population numbers were compared against the wards of the district that had no community boards. Other councillors interviewed also indicated that the boards were, in their opinion, an unnecessary cost and were merely

duplicating unnecessarily the functions of the ward councillor. However at this point, unlike in Auckland, this concern had not crystallised into any reports advocating any cost cutting measures etc. The position of the council remains, that if the communities want the boards, then the council is happy for the boards to continue.

Summary

In Whakatane, the three hypotheses also held, but again, as in the Auckland case study, this was with some qualifications.

The flexibility of the legislation did lead to the marginalisation of the community boards at the outset. However the flexibility of the legislation also allowed the boards to increase their delegations at a later date. Again, as in Auckland, it was the former borough that had the knowledge and most importantly the sympathy of the council that allowed it to increase its delegations above and beyond those given to the other boards. This flexibility did much to defuse conflicts between the boards and their parent authorities, although admittedly, these conflicts had never reached the same levels as in Auckland. Conflicts over roles too were to be less prevalent in Whakatane than in Auckland although there was a wide divergence of perceptions about what roles the boards could play. However, unlike the Auckland situation, the Whakatane Boards did not for the most part actually carry out the more proactive and more potentially conflictual roles, seeming instead content to stay within the parameters set by their delegations. This gap, between ideal and practise, may have done much to avoid any potential conflicts over roles. This did not mean that there were not disagreements, but again what disagreements there were were isolated. The role of the councillor similarly, while the subject of some grumbles, lead to no great conflicts. One factor, that may account for this lack of conflict, was that the relationships between all those involved were good, largely because there was seen to be no real causes for disagreement.

The lack of conflict over all these factors could also be linked to the fact that, by and large, the boards seemed very much content to operate at a much more reactive level. This may be the result of their previous status as community district councils and the past tradition of these bodies running their affairs in a quiet non aggressive way. The one board, that did have a

history of conflict, did however seem to be a little more proactive and had had arguments with the council. These however, had for the most part, been over setting the board up and had not as yet focused on any other issues as the board, when interviewed, had only been in operation six months.

The laissez faire attitude to the boards also operated when it came to making decisions about the boards' future. Again, it seems likely, that cost and efficiency considerations may lead to the abolition of some of the community boards in the area. However, it noted that the isolation of Murapara from Whakatane(1.5 hours) meant that in practical terms, even if community boards disappeared from the rest of the district, a body would have to be maintained at Murapara because of the remoteness of the area and the need for efficiency/cost effectiveness etc. At this point in time however, the community boards of the area continue to operate smoothly, if somewhat less proactively than some had envisaged.

CHAPTER EIGHT: ASHHURST - A QUESTION OF COST

INTRODUCTION

The Ashhurst community board was set up as a means to smooth the way for Ashhurst to amalgamate with Palmerston North City in the 1989 reforms. (see Fig 8.1) In order to avoid conflict between the community board and the city council, the board was given maximum delegation and full financial autonomy, the rates of the Ashhurst township being spent in Ashhurst alone. This attempt, to avoid conflicts between the two bodies, was to lead to the abolition of the Ashhurst community board who, unable to effect major water supply upgrades, relinquished community status and became part of the Palmerston North city rating pool in order to gain the necessary financial backing for the venture. The Board, which survived only nine months was replaced by an advisory ward committee which meets quarterly and advises the council on Ashhurst issues.

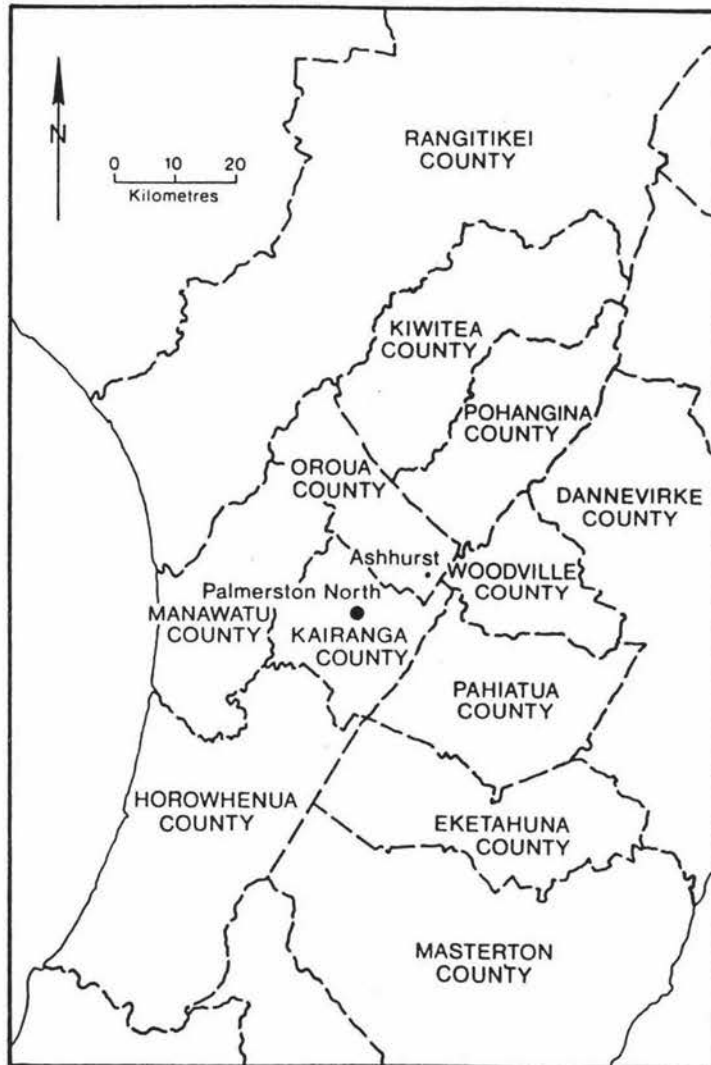
PART ONE: THE EFFECT OF FLEXIBLE LEGISLATION

The Reforms as Affecting Ashhurst ...

Before amalgamation, Ashhurst had been under the jurisdiction of the Oroua County Council. The town, had in fact, been recognised as a county town in the 1950's, and had been created a community complete with community council in 1974 during the Labour Government's reforms. Autonomy had extended to having a separate rate and control over town services and over all minor planning matters.

With the reorganisation of local government in 1989 Ashhurst citizens were faced with a choice. They could either opt to join with Fielding, Oroua, Kiwitea and Pohangina Counties to form the new Manawatu District Council or join the former Palmerston North City and its hinterland and become part of an enlarged Palmerston North City Council. Public feeling was mixed and changeable. *"[It was a] great bone of contention. Ashhurst was to go to Manawatu Council and that was all set and all of a sudden a great petition went around and Ashhurst changed to Palmerston North City Council."* (Councillor, Ashhurst, September 1993). In a town of 800, 2 opposing petitions were circulated. The petitions, one in

PRE 1989 - COUNTY BOUNDARIES



POST - 1989 DISTRICT/COMMUNITY BOARD BOUNDARIES

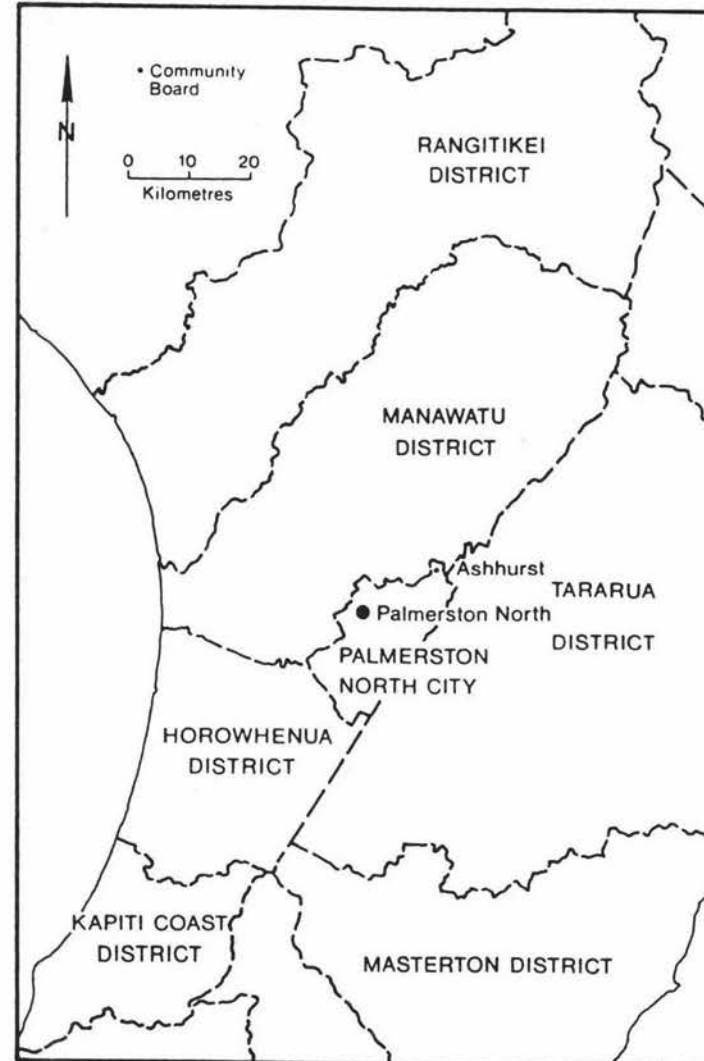


Fig 8.1 Lowest Tier Administrative Boundaries - Palmerston North City

favour of each option, gathered approximately 500 signatures each. This caused much infighting in the letters to the editor section of the Evening Standard, both groups claiming improper practises on the part of their opponents. Later at a special public meeting, the issue was put to a vote which was in favour of Palmerston North 42 to 36 with 9 abstaining. Despite this the Ashhurst Community Council itself voted to go to the Manawatu District 3 to 2.

Palmerston North itself was guarded about taking on Ashhurst. In earlier submissions to the LGC, they had indicated that Ashhurst belonged with the proposed Manawatu District. In later submissions however, they indicated that they would accept Ashhurst as a ward of the city if that was what Ashhurst wanted. This would be sensible it was indicated as 90% of Ashhurst's work force worked in Palmerston North and most Ashhurst citizens looked to Palmerston North as their main centre rather than Fielding.

The arguments around joining with one or the other were centred around the fears of Ashhurst people that after amalgamation they would lose their identity and the autonomy they had had as a community council. It was feared by urban Ashhurst, that if they joined with Palmerston North, Ashhurst would become part of a large rural ward and lose direct representation in it's own right. The rural population feared much the same thing arguing that if Ashhurst went to Palmerston North their representation on council would be decided by Ashhurst township and they would be left without representation. Rural ill feeling was further exacerbated by the fact that they had been assured that the amalgamation of Kairanga and Manawatu Counties the year before would mean that they would not have to be involved in any further amalgamations. Financial considerations too played their part. While some argued for going to Palmerston North because, *"they thought they would get a far better deal with the bigger body than they would with the District Council,"* (Board Member, Ashhurst, September 1993) others argued that Palmerston North would raise rates in Ashhurst in order to be able to drop rates in the city area. Palmerston North's answer to these accusations was to suggest that Ashhurst could continue to operate a ward committee or community council if that option remained after the Local Government Act was amended, and thus still have control of the spending of the rates for the

township. Feilding too, where the new Manawatu District was to be based, were eager to recruit Ashhurst into their rating area and indicated that the township could become a community council/ward committee within the new district.

All the publicity and counter claims lead to Ashhurst becoming, in the eyes of the LGC, a problem area. It was noted that, "two totally conflicting views are splitting the community and a Commissioner may have to go to Ashhurst and sort the whole thing out. Ashhurst is at present extremely confused." (Evening Standard, 22.3.88).

With the release of the final reorganisation schemes, the Local Government Commission finally decided the issue by placing Ashhurst in Palmerston North City area, but allowed for the existence of the community of interest at Ashhurst by stipulating that a service delivery centre and a community board be maintained for the old community council area. This follows the pattern around the rest of New Zealand, and gives strength to the argument that the object of community boards was to coopt dissenting factions into the reforms by providing them with a means to continue to be involved in local government at a lower semi autonomous level.

Statutory Deliberations ...

As has already been noted in the previous case studies, the interpretation of the flexible legislation of the amended Local Government Act 1989, particularly the weight or otherwise given to the permissive delegations contained in Section 101ZZ, lead to a marginalisation of the powers of community boards in some areas and this lead to conflicts between community boards and their parent authorities.

In Palmerston North, this was recognised early on and attempts were made to avoid this type of clash from the start of deliberations. As part of the requirements of the Palmerston North City Transitional Committee the Palmerston North City Council Manager developed a charter under which the board was to be run. In setting the charter it was noted that a number of key principles should be applied to the consideration of the operation of the Ashhurst Community Board. These included the fact that the board should have maximum delegation and financial autonomy, as it was noted that the

one depended on the other. In this way it was argued, there would be no dependency relationship created between the two parties, that could over time lead to frustrations and conflicts. (City Managers Report to the Palmerston North City Transitional Committee, A Charter for the Ashhurst Community Board, 27 Oct, 1989) In addition it was noted that, "the notion of a 'charter' rather than a straight delegation is quite important. A charter purports to set out not only the matters of delegation but also the general principles under which the Board shall operate, together with the aims and expectations of the Board." (City Managers Report to the Palmerston North City Transitional Committee, 27 Oct, 1989)

Clearly then, the realisation that the role and functions of community boards had to be decided and delineated at the outset to avoid problems, had been recognised. What this recognition meant for the Ashhurst community board in terms of its delegated functions was that Ashhurst would continue to be a separate rating district, rates raised in Ashhurst being spent only in Ashhurst, and self regulating excepting in those matters which could not by law be delegated or matters affecting a wider area than Ashhurst. (See Appendix 2.3) Despite this autonomy it was decided that, in the interests of fair cost sharing, part of Ashhurst's rates would have to be contributed to a general district fund to cover district wide services such as administration and some public amenities such as the Council's pool, library etc. The only other condition was that the board make an effort to separate their regulatory role from their service delivery functions. In a six member board this was achieved by electing a different chair for each function.

While the autonomy, financial or otherwise, was to stop conflicts between the authorities and maintain Ashhurst's status as a self governing settlement, it was this very measure that was to cause the abolition of the Ashhurst Community Board some 9 months after its constitution.

PART TWO: DIFFERING PERCEPTIONS OF ROLES

Introduction ...

Previous case studies have shown that the flexibility of the legislation also lead to differing perceptions of the role of community boards between

community boards and their parent authorities and that this lack of agreement as to the roles of each of the parties often lead to conflict between them. However, as has already been seen, the development of the Charter for Ashhurst sought to clearly delineate these roles from the outset. In this document, it was noted that as well as indicating the delegations to be given to the board, it was necessary to set out the general principles under which the Board would operate, together with the aims and expectations of the Board. These principles too, full delegation, financial autonomy and fair cost sharing, had been selected on the grounds that they were the best way to avoid conflict. The effect of this on the relationships of the two bodies will be examined separately, but from the start the effect of the charter was to delineate a role for the board, a role moreover that was clearly understood by the people on the community board and in the community, Ashhurst having operated as a community council since 1974. In this case it can be seen that, unlike in Auckland, past political tradition meant the board's role and limitations were accepted without question. Later the disadvantages of the role and responsibilities that the Charter had placed on the Ashhurst Community Board would be recognised. *"There were about three roles the community board could have played . The community board could have been self sufficient and have complete power and authority, or could have been the type of board that recommends to council and council decides. I felt [Ashhurst] should have gone that way cause they could have avoided the abolition that occurred because of going the other way [and having financial autonomy]."* (Board member, Ashhurst, September 1993). However at the time the Board was operating there was to be no conflict about the roles that the board was to play. This was undoubtedly helped by the attitude of the board, which was to get on with the business of running Ashhurst as had always been the case under the community council, and by the fact that there was little reason to argue with the council who invariably rubber stamped the boards decisions. *"[Our role was] mainly just to recommend to Palmerston North what had to be done. We had no authority to spend finance , but I will say all the things we asked for we got."* (Board member, Ashhurst, September 1993). In addition the board oversaw the service delivery centre as well as the township library, although the administration for these was based at the Civic Offices in Palmerston North. Thus the question of roles was not seen as having been the subject of any contention. However, it must be noted, that the board scarcely had time to establish their identity before they began to consider disestablishing

themselves and thus it cannot not be discounted that conflicts over roles may have risen in the future.

The role of the community board, in representing the wishes of the Ashhurst community, was likewise unproblematic. Like many of the community boards interviewed, the Ashhurst Board tended to rely on the public to come to them rather than go to the public themselves. While the meetings were held monthly at the community centre and open to the public few, if any, of the wider community attended. As one board member noted, people were by and large not interested in what the board was doing. *"As a community board it was reported in papers, I occasionally had something put in the local paper saying let me know if you agree /disagree with this. Well you got very few responses, very few people were bothered. I think mainly because people didn't really care. They moan afterwards though, but by then they've only got themselves to blame."* (Board Member, Ashhurst, September 1993).

The board's meetings were reported in the paper. However most of the reporting concerned the Board's financial woes and its proposals for abolition rather than any attempts at proactive action, although given the board's short tenure this is hardly surprising. Also, in common with the other case studies, the public brought forward mainly 'trivial matters' like potholes, rubbish collection failures etc. The Ashhurst board also found that people wanted them to do things that were outside of their responsibility. *"We used to get a lot of things that were better achieved elsewhere."* (Councillor, Ashhurst, September 1993). However it was felt that even this limited public role was worth while. *"The public know the people [on the board] and can approach them, whereas they may be a bit shy to approach Palmerston North. We're also on the spot and can see if something needs doing or repairing."* (Board Member, Ashhurst, September 1993). Other former board members were somewhat ambivalent about the role of community boards. *"I personally think that community boards are a bit of a waste of time. There are that many bureaucrats sitting in Palmerston North that they could be out here having a look. We pay them and councillors good money, let them earn it."* (Board Member, Ashhurst, September 1993). It must be remembered though that these comments were made after the decisions to abolish the community boards on financial grounds and as such may have been coloured by these events.

Role of the Councillor ...

In the Auckland case study, it was noted that the role played by the boards' appointed councillors was often a subject of contention. In Ashhurst this was not to be the case and what disagreements there were between the board and the councillor were seen in the light of personal disagreements over the best course of action rather than being based on an us against them attitude. A board member noted, "*[The councillor] was a member of the boards, and was good. There was never any conflict of interest there. We were all for Ashhurst and it was good.*" (Board Member, Ashhurst, September 1993).

The councillor took an egalitarian approach to board membership. "*[I was] just part of the Committee really - sometimes there were things that I brought back from town that I wanted to share with them, or I thought they should be investigating. Sometimes you'd hear things in wider committees and you'd think oh that could apply to Ashhurst and you'd go back to them and say I think you should be thinking about this, it's happened elsewhere.*" (Councillor Ashhurst, September 1993).

This approach, which made for good relations, could not however be equated with trading information for, although the councillor did use the board to provide different perspectives on issues the information was not used at the council table. The councillor also noted that in such a small town as Ashhurst having the community board made no difference to her accessibility or her own networks, which had been extended through the provision of councillor clinics, once a month on a Saturday morning. The impression gained was that the councillor had not considered the use of the boards in this way, regarding them as another of the community organisations she sat in on which provided her with information on the communities feelings. In addition, it must be noted that as the board existed for such a short time and much of that time was spent deciding whether to operate or not - its usefulness to the councillor in terms of providing support and information to back any projects at council level must have been extremely limited.

PART THREE: RELATIONSHIPS

Just as there was to be no conflict caused due to arguments over delegations or roles, relationships between the board and the council and the council staff were unproblematic. As has already been noted the board had no problems with their councillor, while the councillor found the board helpful. The council staff too were considered to be very helpful and the boards were considered to have been useful to them in carrying out their duties. *"Certainly from the officers point of view [we were]. If there was an area of interest to them they came out so we certainly got a lot better research and people came out to explain to us."* (Board Member, Ashhurst, September 1993). One board member did indicate however, that the board did place an extra administration load on the staff, the staff having to prepare reports for both the council and the board as well as separate budgets and rating schemes for the Ashhurst ward. While this administration load was to cause no open conflict a board member did indicate that this may have been one of the unofficial reasons for staff supporting the abolition of the community board. In general however, everyone agreed that there were no relationship conflicts, or indeed any conflicts between the boards and their parent authority.

Why then, given that the Ashhurst Community Board had had no conflicts caused by disagreements over statutory relationships, respective roles or uneasy relationships between board members, councillors or staff, was the Ashhurst Community Board abolished on the 16th of September 1990, barely 11 months after the 1989 local body elections that had first seen the community board go into operation?

PART FOUR: ABOLITION

Ironically the Board's abolition was to be due to the efforts made to avoid conflicts over delegations and roles, efforts which had been particularly successful. The Ashhurst Community Board Charter had been based on the principles of full delegations and financial autonomy. It was this financial autonomy that was to lead to the necessity to abolish the board. Early on, the fact that the maintenance and improvement of Ashhurst's services, as well as a district wide amenity rate, would have to be paid out of the money brought in by Ashhurst's rates had caused some concern. This was

especially so for one board member who saw large amounts of the budget disappearing on administration costs. This board member inquired of the city staff what could be done to avoid this. *"I saw a couple of guys in there and they said make submissions to get out of the community board set up."* (Board member, Ashhurst, September, 1993). However, it was to be the upgrade to the Ashhurst water supply that was to give impetus to this course of action. *"It was solely a financial consideration, we just could not afford to do the water from the rates we raised in Ashhurst. That was really the only thing that drove it - even then there was a bit of reluctance from some of the board members to give it up."* (Councillor, Ashhurst, September 1993). The water supply at Ashhurst had always been a contentious issue. It was known that soon, not only would new storage be needed, but also a new supply would have to be found. In addition by March 1990 the water supply was very inefficient. *"It was costing approximately a quarter of a million dollars per annum to make the water fit for human consumption."* (Board member, Ashhurst, September 1993). The Ashhurst Board began to make tentative approaches to the council to help them with financing. The council was not unsympathetic but had reservations about Ashhurst's requests for assistance.

"One of the disadvantages pointed out to me as recently as last night by the Ashhurst representative on the council, is that they are staggering under a massive increase in their rates because this small community is providing a radical renewal of their water supply! The councillor observed that had there been an identical situation in one of our suburbs, the City would have provided the water supply and that suburbs rates would have remained equivalent to all others. In this case Ashhurst pays the normal City rate plus an additional levy for the water supply. However, a good case can be made for both situations. On one hand, why should a specific community's costs be paid for by other groups, yet conversely I would be horrified if we were obliged to create differences to ensure that greater expenditure in any one suburb resulted in

a higher level of rating for them."
(Correspondence to Opposition Spokesman for
Local Government, Palmerston North City
Council, 1990)

Ashhurst's fears were realised with the publishing of the 1990/91 budget. Ashhurst's budget showed a massive rise in rates, necessary in order to pay for the upgrading of the water supply. The hike necessary to cover the water upgrade, a 147.8 percent increase in water rates, would mean that each Ashhurst property would pay \$264 dollars for their water, \$158 more than in previous years. In addition, Ashhurst was warned, that the presented budget did not include the discretionary district wide costs and this would add another \$245,000 to the rates bill for Ashhurst. However, the board was told, that if they were part of the city ie a ward rather than a community board then the extra costs for water would only be \$68 as then the burden would be carried by the whole city. However, this sharing of costs it was made clear, was dependent on the board abolishing itself. *"Generally it was felt, that if the board was to continue there would continue to be a separation of the costs from the council which would effectively mean ratepayers who lived in the Ashhurst ward would pay a lot more, than they would if Ashhurst was regarded as part of the city as a whole."* (Councillor, Ashhurst, September 1993). This had already been tentatively suggested to the board and the board chairman was certainly of the view that Ashhurst could not cope alone and that the board should be disbanded and Ashhurst made part of the city. *"We were facing the prospect of having rates higher than those in the rest of Palmerston North. We had to think about whether we were giving ratepayers the best deal by sitting here getting \$25,000 a year to run the board."* (Board member, Ashhurst, September, 1993). In addition he was somewhat sceptical about the extent of the autonomy that was leading to the problem in funding in the first place. *"We had no say whatsoever really and I could see no point in being there. I was sorry to see our independence go, but the ratepayers didn't lose."* (Board member, Ashhurst, September, 1993). Others of the board were to be more defensive of the boards existence pointing out the extremely short time that the board had been in operation, *"the people of Ashhurst wanted it, and I don't accept that eight months down the track we should have chucked it."* (Board member, Ashhurst, September, 1993). This concern to maintain the board was linked with a concern to maintain Ashhurst's

distinct identity and autonomy. *"I think they liked the feeling that they could decide what to do in Ashhurst."* (Councillor, Ashhurst, September 1993).

Others took a more cautious middle line, noting that costs were a problem but that the decision could be better made when the financial alternatives had been outlined for them. Meanwhile, the Councillor for the ward, canvassed support in the Council for retaining the board albeit without financial autonomy, in an advisory capacity. This received guarded support from the city council provided there was community support for such a move within Ashhurst.

In July 1990, a report was presented to the community board outlining three possible options for the future. The Board could stay as they were at present which would cost Ashhurst \$1,106,292 (plus the discretionary district rate) or become part of the city's rating structure without a community board, and contribute to the city budget of \$30,664,300, of which Ashhurst's share would be \$756,000. A third option, which would allow the board to retain some autonomy, was to levy the ward separately for refuse collection, sewerage disposal and water supply costs and amalgamate all other costs in the city budget. This halfway option would cost Ashhurst \$870,000 in rates although the board would have to take up a largely advisory role. This option was favoured by the city council, who indicated that at this stage in the budgeting, the excluded costs could not be added in. It was this compromise that was finally agreed upon. This was however granted at the cost of the community board although it was indicated that, "there would be a role for a community committee, which could meet quarterly and make recommendations to the council about issues of local importance." (Rankin, 1990, 3) As a result of these deliberations the board was asked to call a formal meeting to explain the options to the Ashhurst community who would then vote for their preferred options. Strangely the second request was that the board begin the paperwork to abolish itself making it difficult to see what would have happened if the community had voted to retain its board.

In the event the community, in a round about way, chose to abolish its board. Some members of the public however did speak against disbanding the board noting that, "if the council had not yet decided on the charging

system between 1990/91 period for the city and its wards, was the proposed dissolution of the Ashhurst Community Board on economic grounds not premature?" After the discussion of the options the meeting voted to become a ward within Palmerston North City, although it was accepted that this was not to be until the next budget round. Importantly the meeting also asked that the community board or a similar board be retained as an advisory group to the council. Although not asking for the community board to be abolished the wording did allow for some other board to be set up and this meant that the way was clear for the community board to be abolished, and another type of body put in its place. Whether this meant the community voted for abolition is subject to interpretation. One participant noted it was felt that the group present understood that they were voting for a change in the board's powers rather than its abolition. *"They thought that they were altering the powers of the board not the board, but it was suggested [the motion] would read better if it was altered by two or three words [eg or some similar type of body]. The majority of people thought they had altered the powers or the funding of the board as it was that that seemed to be causing the biggest problem."* (Board member, Ashhurst, September, 1993). The Board itself followed this line of reasoning asking that the board become an advisory body. The question arises, at this point, as to why the council did not make use of the flexibility of the Act to rescind the delegations given under section 101 ZZ and emphasise the advisory nature of the board under section 101ZY. The answer, it is suggested, lies in much the same reason that Ashhurst opted to lose its board - finance. Under the new system the replacement body would not have to be paid the statutory levels or reimbursement nor would they necessarily have to be provided with staff or resources. An interviewee also indicated that there was a power agenda behind the moves. *"[Having the Board] meant more administration. The managers were answerable to the community board as well as city council, that meant that there was another authority to be answerable to. The less people to be answerable too the better it was for them."* (Board member, Ashhurst, September, 1993). The recounting of the staff advice and help in abolishing the board might also back up this opinion. Such speculation aside, a member of council staff agreed that the abolition had lifted a load off administration staff. *"One [of the ward committees] advantages is of course that we still continue a forum for Ashhurst and they have a place to air their views to the centre. The other of course is that it doesn't require as much administration. For a start*

we don't have the costs of separate budgets or the costs of separate meetings." (Staff, Palmerston North, September, 1993). It was also indicated that it made planning hearings more straight forward with only one committee having to consider the applications relating to Ashhurst.

Whatever the line of thinking, the Ashhurst Community Board requested and received notice of their abolition on the 16 September 1990. At that point in time the Ashhurst community became the Ashhurst Ward, which maintained, through the request of the community and councillor, an advisory body to be known as the Ashhurst Advisory Committee.

PART FIVE: THE ASHHURST ADVISORY COMMITTEE - AN IMPROVEMENT TO A SYSTEM?

Introduction ...

Though one of the aims of the case studies is to look at ways of improving the performance of community boards, it can be argued that an analysis of the advantages/disadvantages of alternative community groups may provide a background against which to debate the advantages /disadvantages of community boards. In addition, it cannot be denied, that one of the options for 'improvement' available to district and city councils is to abolish the community boards altogether. As the November 1995 elections creep closer and the community boards situation becomes more precarious it may be useful to explore ways in which community boards may continue in a de facto way if the worse befalls them.

The Ashhurst ward committee began the day that the community board was abolished. It was in fact, made up of the same group of people as the community board and it was to be maintained until the Local Body elections in 1992, whereupon the position would be reviewed. (In 1992, it was decided to retain the Ashhurst Ward Committee for another term.) The Committee was shorn of all its permissive powers and became an advisory body, its powers paralleling those of a community board as drawn from section 101 ZY. The board was thus to advise the council on matters concerning Ashhurst, put in a submission concerning the same to the Annual Plan and oversee Ashhurst's service provisions. However, because the board was an advisory committee, members did not have to be paid the

wages set by Government for community boards, and wages were set at \$12 per meeting. Meetings, unlike the community board's monthly roster, were conducted every three months.

Despite these changes matters were to continue on much as before, with little conflict between the two bodies. As one board member noted, *"it is working well and I don't think any body's got any regrets, in fact I'm sure they'd have had lots of regrets if we'd stayed and their rates had gone up."* (Board member, Ashhurst, September, 1993). Within their new role as an advisory committee of council the Ashhurst ward committee continued to operate in much the same way as before, relying on the public to raise concerns with them, and the newspapers to report their meetings. The committee did occasionally invite groups or individuals that they considered would be interested in specific agenda items to their meetings, but as meetings occurred only every three months this type of public contact was minimal. The public response to the community committee was lower than that to the community board. As one community board member noted, *"I don't think they're interested half the time unless it affects them personally. Although as a board we got people [coming along], since we were a committee we don't get any one, unless someone gets up a petition. If it's anything else they have to ring the city council."* (Board Member, Ashhurst, October, 1993).

Although the role of the committee had changed, the councillor still found it a useful source of information. *"I've always said I'd like to have it here to keep me in touch with the community. One person trying to keep in touch with a community like Ashhurst is actually quite difficult. Half a dozen of you, who are within different spheres of the community, certainly get a much wider viewpoint. So I'm very happy to have the committee here."* (Councillor, Ashhurst, September 1993). Indeed the councillor treated the committee with the same courtesy afforded to the community board, as did the staff of the City Council. It was noted however, that although the committee was still provided with a minute secretary, *"and we still have [staff] come out if we want them, [it's] possibly not as much as under the old system."* (Board member, Ashhurst, September, 1993). Relations between the groups however remained as cordial as before.

Despite this, it was felt by some of the community board/committee members interviewed that, since the community board had been abolished and the advisory committee had been set up, recommendations from the Ashhurst body were passed over a little more than in the past. *"[The] Ward advisory committee hasn't got the clout and that's what I object to. Under the old community board we could push Ashhurst's maintenance etc higher on the priorities list. Now Ashhurst is pushed back down the list every time. Nothing is getting through from Ashhurst."* (Committee Member, Ashhurst, October 1993).

A further disappointment was the loss of decision making powers in relation to planning matters. *"Under the old community board we had the power to say things. The town planning issues came to Ashhurst. Under the new ward committee we don't get to do the planning and I disagree with that."* (Committee Member, Ashhurst, October 1993) It was suggested that this could be overcome by coopting members onto the hearing committee at the City Council when applications in the Ashhurst area were being discussed.

Advantages/Disadvantages ...

It can be seen, that the operation of a ward committee in place of a community board, does have some advantages, although these are mostly administrative and financial. To begin with, the reduction in the number of meetings and the reduced salaries can save a lot of the administration budget. In addition there is a vast reduction in paper work for staff. Planning applications too, only have to have one hearing, and this cuts down on the time staff have to spend on deciding which applications should also go to a community board, and limits the possibility of applications getting delayed until the Board can meet and make a recommendation to council. It was suggested too that there was no longer a struggle to find enough to fill a monthly agenda and that by meeting quarterly the committee actually had enough to discuss to make the exercise worth while. By maintaining the ward committee the council could avoid any claims that the rights of Ashhurst were being overlooked and could indicate that a forum for public participation in Ashhurst still existed. The councillor too, still had access to a useful information network, although

contact with the public in Ashhurst was ensured through the running of councillor clinics.

The disadvantages of the committee system were based on a loss of influence. Without the status and rights accorded to a community board it was felt that the committee's recommendations did not carry the same weight and could be passed over lightly. The loss of planning powers too disappointed the committee as it was perceived that this meant they had lost the ability to really decide about the nature and shape of their community. The loss of actual financial power was considered nothing to this. Indeed no one regretted this loss as it was felt that it had been more of a disadvantage than an advantage. Some former board members however, did not consider that there was any real loss in decision making powers claiming that even with a board, *"when it all boils down to the nitty gritty, the decisions are still made by the Palmerston North Council."* (Board member, Ashhurst, October 1993).

Another disadvantage was that the community too were less likely to make use of the committee than the community board, and thus the committee could not therefore engage in trading of information in return for status. It was suggested that this was because the public in general were just not interested, although it can be suggested that this lack of contact with the committee was because complaints now went straight to the council instead of waiting three months to be put before the ward committee.

Thus, whether a committee such as operates in Ashhurst, is an improvement on the community board structure depends on what level of participation the community wants to achieve and the cost it considers it can pay for such participation. If the community wants to cut it's budget then instituting a ward committee is one way to achieve this. In addition a ward committee does allow a little more involvement in decision making and may carry more weight than individual's submissions. If, on the other hand, a community wants more direct involvement in their community and in particular, in the planning of their community, a community board may ensure that greater weight is placed on the community's recommendations. It may also be one way to ensure that the community is informed in more detail and more staff time is given to explaining issues that effect the community. It was suggested that in this way a community

board may ensure the accountability of the parent authority. These advantages however it must be realised are likely to cost the community more in operational and salary costs than a ward committee.

Summary ...

The case study of Ashhurst raises some interesting points for consideration. Firstly, it can be seen that in Palmerston North it was recognised that the flexibility of the legislation as regards the duties of community boards could lead to conflicts between boards and their parent authorities. It was also recognised that conflicts over roles and responsibilities could arise between community boards and their parent authorities if efforts were not made at the outset to clearly define these. It was also realised that in order to avoid conflict it was also necessary to delegate sufficient autonomy/functions to community boards. The formulation of a Charter for the Board setting out not only its delegation but the principles and aims behind the boards existence had dealt with this problem at the outset.

Thus in Palmerston North, the flexibility of the legislation did not lead to a marginalisation of community boards or to conflicts over roles and responsibility. In fact the flexibility of the legislation led to a forward thinking council delegating the fullest possible powers to their community board. While this was a breakthrough, and it can be argued did avoid the tensions which beset Auckland's community boards, it must also be indicated that internal factors also played a great part in ensuring the peaceful operation of the community board at Ashhurst. Such factors include the fact that Ashhurst had been a county town and community council for many years and the responsibilities of the community board only continued this form of government. Secondly, there was no past history of conflict between the former Ashhurst Community Council and the Palmerston North City Council, as had been the case with one board in the Whakatane case study, to sour relations between council and board. Another internal factor that aided the Ashhurst Board was that relationships between the councillor, board members and staff were friendly and mutually supportive. Unlike some of the Auckland and Whakatane cases, there was no 'us and them' sentiment to create conflicts. Nor was there conflict within in the board between opposing political factions or between councillors and board members as had been the case in Auckland.

Thirdly, what disagreements there had been, were approached in a mature nature and were regarded without bitterness as a difference of opinion rather than a 'them and us' slight or power play. Fourthly, there had hardly been sufficient time for any major (and very little minor) conflict or difficulties to arise, when the board began to discuss the abolition of the Ashhurst community. Thus, it can be seen the hypothesis, that good relationships between all those involved are necessary for the successful operation of community boards holds.

However, the fate of the Ashhurst Community Board introduces another internal factor to consider in relation to the operation of community boards, that if the community perceives the costs of retaining a community board too high then efforts to avoid conflict and even the absence of conflicts themselves will not save community boards. Ironically, in Ashhurst's case, the very measures aimed at avoiding conflict, eg full delegation and financial autonomy lead to the abolition of the board, in exchange for the cost of water upgrades.

Despite this, it can again be seen, that although the flexibility of the legislation can lead to problems if there is a commitment to work through these problems then the flexibility of the Act can actually be an advantage for those prepared to use it sympathetically. In Ashhurst the flexibility of the Act was to see the community retain the autonomy it had enjoyed as a community council. It remains a pity that the City Council did not use the flexibility of the Act to fine tune their arrangements when it became clear that financial autonomy at least was impractical in some areas.

CHAPTER NINE: RODNEY THE SEARCH FOR EFFICIENCY

INTRODUCTION

Rodney District Council delegated to its community boards full powers to deal with issues in their areas. Council confined itself to setting policy, dealing with district wide matters and those matters that by law it could not delegate. The effectiveness of some of the boards was to be marred by infighting between councillors and community board members, the slowing down of the decision making process and by the demands of over consultation.

In November 1992, after a review of representation numbers, the boards voted with the Rodney District Council to abolish themselves and a community committee system was instituted in their place. This system, in concept a community board constituted of the councillors for the area, continues to operate and may indicate one way to improve the effectiveness of the boards in terms of efficiency without necessarily providing a wider participation forum for the public.

PART ONE: THE EFFECT OF FLEXIBLE LEGISLATION

Introduction ...

With the 1989 reorganisations, a large territorial unit known as Rodney District Council comprising some 2,474 square kilometres was created. The District covers two distinct areas, one devoted to primary production, the other, the eastern side of the North Auckland peninsula, predominantly urban. This urbanisation has occurred due to the rise of commuter living on the 'outskirts' of Auckland and the retirement of large numbers of people to former 'holiday homes' in the coastal area. Prior to the reorganisation the area had been under the separate control of the Rodney County Council, the Helensville Borough Council, the Greater Barrier Island County Council, the Waitemata City Council and the Port Albert Harbour Board. Within these areas, district community councils operated for the Wellsford, Warkworth, Leigh and Kawau communities. In addition to these communities, the Hibiscus Coast - the rapidly urbanising area of Rodney County had for sometime been agitating to become a Borough

Council separate from the County. Background themes to this struggle were the perceived domination of the county council by rural councillors to the detriment of the coastal urban area and the existence of a very vocal and critical residents group in the area. Attempts had been made to address this question of autonomy for the Hibiscus Coast in 1983, with the setting up of a Hibiscus Coast General Purposes Committee consisting of the elected members of the Hibiscus Coast Riding. The group operated under the legislation set out for a District Community Council, able to decide on all issues in their area, other than the planning and financial matters excluded in the 1974 Local Government Act. In the eyes of the elected councillors for the area this had given the Hibiscus Coast autonomy over all the activities they wanted without needing to gain autonomy formally. Indeed, so successful was this community committee type of organisation perceived to be by the council, that they were to set up a system of community committees to replace their community boards.

Like many other local authorities in the Fourth Labour Government's first term of office, Rodney District and its neighbours were trying to effect reorganisation schemes that would meet the Minister of Local Government's demand for voluntary reorganisations, in the hope that this would spare them from further reforms later on. In November 1987 there had been a proposal floated to merge Helensville Borough and Rodney County. While Helensville Borough Council would have preferred to remain as a separate entity, "in view of the Government's policies [indicated in 1985] it accepted that this is not possible." (Sharplin, 1987, 1) Rodney County on the other hand, while noting that there was "no wish to push for any merger" (Sharplin, 1987, 1) was prepared to accept Helensville should the LGC or the Helensville Council decide it was necessary.

Under the merger agreement the areas of Helensville and its two small satellites, Parakai and Te Makini, were to form a 'community' and a District Community Council would be elected. It was explained that this was to ensure that the area continued to be developed together. In addition the fact that five members would be elected to this council, may have swayed councillors who were loath to lose their jobs as borough councillors without the assurance that they would still have a role to play. It is interesting to note, in terms of the argument that community board status was employed to smooth over friction during reforms, that District

Community and Community Councils were also employed in the past for this purpose. The merger was to take place in 1989 - it was however superseded by the arrangements of the LGC.

Under the reorganisation schemes, the area was to be governed by the newly created Rodney District Council, comprising a mayor and ten councillors. Based in Orewa with service centres at Warkworth, Helensville and Huapai, the council was in addition to establish and maintain community boards in three areas. In the North a community board was established covering the Wellsford, Warkworth and Matakana wards to be known as the Northern Community, the Hibiscus Coast Ward was constituted as a community, while the Helensville and Kumeu Wards were constituted as the Helensville - Kumeu community (See Fig 9.1). It can be argued that the establishment of community boards for the Hibiscus Coast and Helensville were the outward signs of an attempt to persuade Helensville to relinquish borough status without a fight and to forestall the Hibiscus coast demands for Borough status. The establishment of the Northern Community board could also be seen as compensation for the loss of the community councils at Leigh, Warkworth and Wellsford. Kawau in an unusual move had their community council replaced with an advisory committee which operated much as the LGC visualised a ward committee would.

If the establishment of community boards was intended to ease tensions the attempt was only partially successful. In Helensville the Borough council didn't disband at the 1989 elections but continued to meet under the title 'The Council in Exile.' This 'council' then proceeded to debate the issues in parallel with the Helensville Kumeu Community board. The disagreements between the formal and the informal bodies over the composition of hall committees, refusals to supply information, and over the rights to hold the Borough Mayoral Chain made the situation difficult for the new community board that was trying to establish itself. In the Hibiscus Coast residents groups demands for a separate authority were to continue and the community board in this area drew much criticism from these quarters, with relations deteriorating as a result.

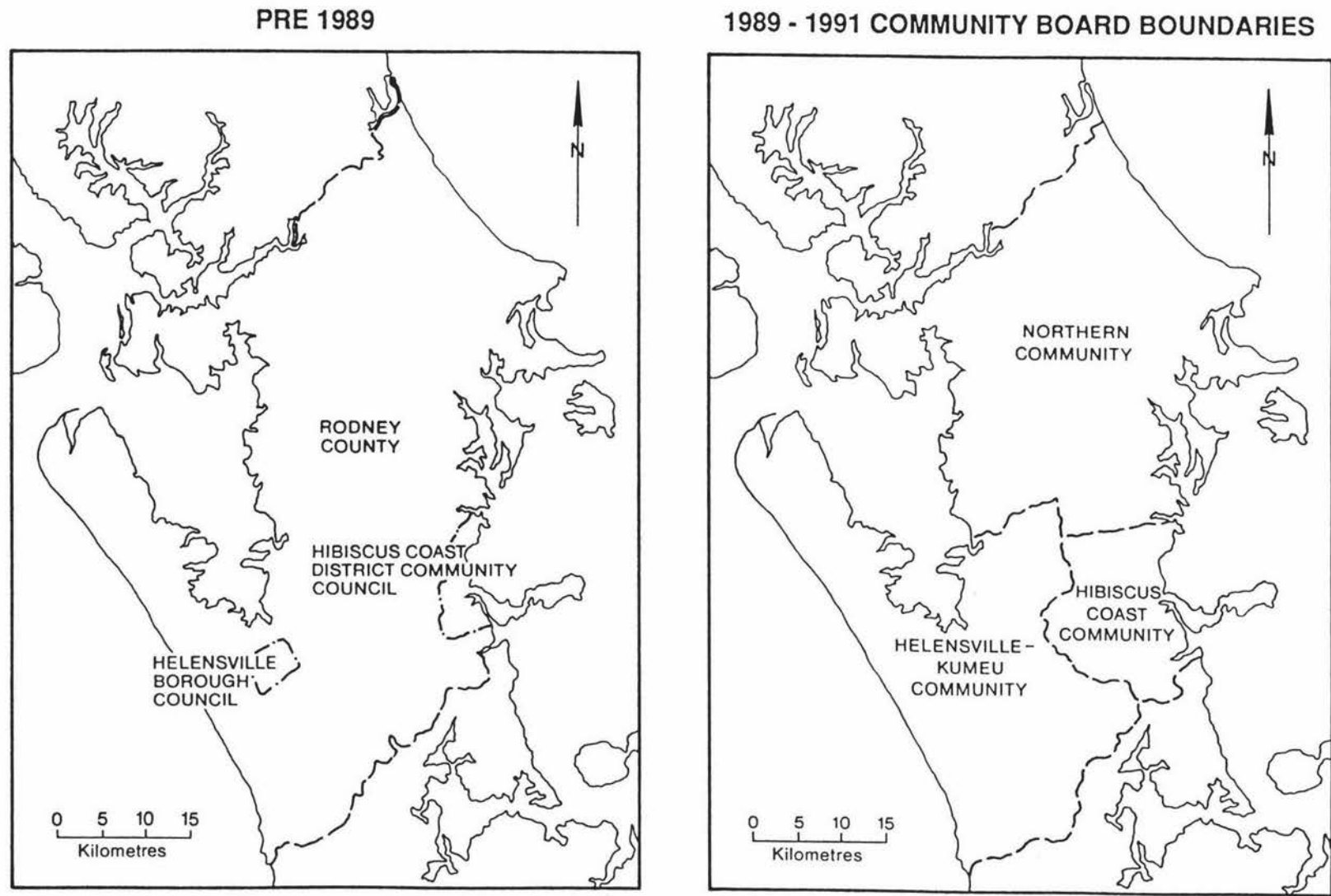


Fig 9.1 Lowest Tier Administration Boundaries - Rodney District

Statutory Considerations ...

Under the draft reorganisation schemes Rodney was to be organised into three community board areas, Northern, Hibiscus Coast and Helensville-Kumeu. Despite the fact that the flexibility of the Act, which left the decisions about community boards powers to parent authorities and which had lead in some areas to a marginalisation of community boards powers, in Rodney the community boards were given the fullest powers possible. Unlike elsewhere in New Zealand the community boards had a great deal of support among councillors and in particular with the Mayor and the General Manager. Despite indicating the problems with district community and community councils in a report to the County Council prior to the reforms, the General Manager indicated that, "perhaps there is room for more 'local management committees' [outside the council]." (Sharplin, 1988a, 10) The Mayor also felt that community boards would be a useful mechanism. In a press interview he indicated that, "one of the things that has concerned me in the past is the way in which centralised local administration has tended to give people at a distance insufficient say in what is happening. I am all in favour of community boards, and in fact have been a good promoter of the idea. People will really have a hand in their local government right through a term, since local councillors will also be sitting on those boards and will be expected to transmit their ideas to the district council." (Newsbrief, 1989a) In Rodney the powers to be given to the community boards were very wide indeed. In resolution NO.2182/10/88 Rodney County Council indicated that it was their intention,

"That as a matter of policy the future mode of operation of the Rodney District Council be that the council will confine itself virtually solely to policy and other matters which affect the district as a whole. It will grant maximum delegation to the proposed ('community boards') and for so long as those [community boards] continue to act responsibly and according to the District Council's established policies (as may be amended from time to time) to the extent that it is legally able so to do, the council will 'leave them alone' to decide for

themselves all matters which relate solely to their particular communities. If the [community boards] do not have the power to act on any particular issue they will be expected to make [recommendation] to the council."

This resolution was confirmed by the Rodney District Council in November 1989. Given the latitude of their powers community board members were very happy with the delegations given to their community board members. There was a recognition that they, of all the boards in New Zealand, had been given the widest powers and a sense of pride that this was so. *"Our [boards] had terrific powers, we did everything, except set the rate and we couldn't do that anyway. We did our own planning hearings, except the District Scheme of course. Everything was just okayed by council."* (Councillor, Rodney, August, 1993).

It was to be recognised, however, that the system was not without its problems. While there were no complaints about lack of delegations that disrupted relations between community boards and their parent authorities elsewhere in the country, the need for 'rubber stamping' of the community boards decisions by the council and the lengthy consultation necessary did cause problems. *"[It was] very unwieldy, very time consuming because things would go to council, would go to community board, back to council, therefore you'd take three months to make a decision."* (Councillor, Rodney, August, 1993). However very seldom did the boards' decisions get overruled at the council table. When this did occur the result was conflict. *"The greatest difficulty was you could make a decision at council and it was sometimes referred back to the community boards for discussion and then it would go back to council and they could make a recommendation [but] it might be against the decision of the elected members and they would get it reviewed and that caused a bit of animosity."* (Councillor, Rodney, August, 1993). Another problem that was perceived with the community board system arose due to the delegation of planning decisions to the boards. It has already been seen that elsewhere in New Zealand many of the boards wanted to extend their involvement in planning and make all the decisions possible. In Rodney it was indicated that this was perhaps not such an easy process. *"Some of the difficulties I found would be the intricacies of the planning area when people made applications and you had to listen and*

you became judge and jury in a way. I found it most difficult in a way sitting on what they call hearing committees.” (Board Member, Rodney, August, 1993). Councillors also indicated that it did cause some frictions. “I understood planning and so did the other councillors and often it would be the three of us voting against the six of them and that was hard.” (Councillor, Rodney, August, 1993). It was however recognised that this was not an insurmountable problem, “planning was hard with the community boards because they were only there for three years. I think if we’d had community boards this time it would have worked really well because I think with planning it takes a year to understand it, and a year to get au fait with the district scheme.” (Councillor, Rodney, August, 1993).

PART TWO: DIFFERING PERCEPTIONS OF ROLES

Introduction ...

As in the Ashhurst case, there were clear attempts by the parent authority, in this case the new Rodney District Council to delineate the roles and responsibilities of the council and the community board at the outset of the new system and to create a sense of unity between the bodies. At a meeting shortly after the local body elections, the mayor, councillors and chairs of the community boards were advised by the General Manager on the approach that they should take towards the roles of community boards in the Rodney District. One of the first considerations was that, while the community boards had been given wide powers, attempts were to be made to discourage the boards being seen as three mini councils and to promote the concept that they were functional parts of the overall district body. Further, it was indicated that councillors would be expected to play an important part in the creation of this unity by providing community boards with information and guidance about council policy. In addition to this guidance council minutes and agendas were circulated to all the community boards. To further increase this concept of unity, community boards were actively encouraged to play a part in the deliberation of issues concerning the wider district. It was also recommended, that all those involved, whether councillor, or board member look upon their involvement in the new system as being part of a team that needed to work together to achieve. Interestingly, as in all the case studies, the community boards were also perceived as having a role to play in providing a training

ground for prospective local body politicians. *"I think people should go through a progressive process on their community boards or a ratepayers group or a school committee or some group to have experience before they stand for council."* (Board member, Rodney, August 1993). Although it was noted that, *"perhaps if I'd had three years on that I probably would never have gone for council so it might work the other way too."* (Councillor, Rodney, August 1993). That the boards were fairly successful in this role, is supported by the fact that some of the councillors of the present term had been community board members of the past and indicated that they had decided to carry on, and by the fact that several of the former community board members indicated that they were considering the idea of standing again for council at a later stage.

It can be seen however, that in Rodney, as in Palmerston North, it was recognised that the flexibility of the legislation as concerned the role of community boards and the flexibility as concerns the weight and approach to be taken towards community boards input, meant that in order to avoid conflicts the parent authority themselves would have to make more concrete statements about how the boards were to operate in their area.

Despite these attempts, there were still to be arguments over roles and responsibilities between the Council and the Boards. This was due to the fact, that despite attempts to set out the roles of all those involved in community boards, people were still to hold to their differing perceptions of roles. The effect that the such full delegation of day to day responsibility to the boards was to have on the boards' perception of their roles was quite dramatic. *"We were fortunate that the community boards were given all the delegated authority that they could be given and we were very fortunate in fact we were a sort of minor council if you like."* (Board Member, Rodney, August 1993). This view of themselves, often made board members of the opinion that they made the decisions concerning their part of the District and that their councillors and the Rodney council should support their decisions. Councillors in fact had a slightly different view of the community boards role. This view was that while the boards made the recommendations that were usually adopted by the council, it was the council and councillors who made decisions and who decided policy. This as already noted lead to conflict.

The Councillors' Role ...

Councillors too, despite the attempts to set out a role for them regarding their participation in the community boards, were not only to identify many roles for themselves but were to differ among themselves as to what those roles were.

At the outset the role of the Councillor as the provider of information was stressed. The extent to which councillors carried out this role varied. Sometimes information was relayed by example, as one board member noted, *"I was fortunate because on the board I sat next to a councillor at community board level. He'd been a councillor for three terms and you sort of learn all the time."* (Board member, Rodney, August 1993). However, the extent to which they passed on verbal information about council deliberations varied. This role seemed to be performed selectively and the community board members seemed to be a little doubtful as to whether the councillor fulfilled this role as it was noted that, *"At the board meeting the members would endeavour to find out from the councillors what was going on at council level, [but] lets also realise that we got their agenda minutes etc."* (Board Member, Rodney, August 1993).

Councillors in general seemed to be split into two groups. There were those who worked in with the community board and seemed not to feel that the councillor had any different role from the board members, *"you're all equals on the community board."* (Councillor, Rodney, August 1993). Others felt that their role was as the councillor for the area and that, while they attended the community board meetings, they were not necessarily a part of the board, bound by the boards decisions, or even bound to relay the board's recommendations to the council. This was in direct contrast to some of the community board members who felt that the role of the councillor was to pass on the boards decision and then vote in support of that decision. Failure by some councillors to do this caused friction. Other board members however, didn't feel that the councillor voting opposite to what the board had decided at council level, was an unjustifiable action, *"I think they've got to do that really. I sometimes think circumstances come up at the council level which the board do not expect or did not realise existed and therefore in the light of that you've got to trust their decision."* (Board member, Rodney, August 1993). In addition, it was suggested that

the board didn't necessarily need to rely on the councillor to put their view at the council table. *"[The board] had also had the right of attending the council meeting and asking the chairman for permission to speak as an individual if they felt so strongly."* (Board member, Rodney, August 1993).

In addition, it was argued that the roles of the community board somewhat overlapped those of the councillor and this was noted by some members of the public, one resident/ ratepayers association asserting that the boards reduced councillors to rubber stamps. However, it was argued by some board members that for the term the community boards existed, nobody in the public understood what the boards did and what their role was. Clearly however, the links and responsibilities of the councillor, in relation to the community board, were the subject of some conflict in some of the operations of the boards, this conflict being largely due to a differing perceptions of the role of the councillor, which persisted despite all attempts to clearly define it. This indicates that perhaps, even if the legislation had more clearly defined the roles of those involved in community boards, as those in Rodney attempted to, conflicts would have still persisted due to differing interpretations of what was meant by the legislation.

The Public Role ...

Despite the problems caused by the lack of definition of councillor/board member roles, there did not really seem to be a great conflict over what the role of the community board actually was. Unlike Auckland, where both councillors and board members disagreed with each other and amongst themselves as to whether community boards were functional decision making bodies on a local level or merely advisory bodies, the Rodney boards were seen as having full functional control over their areas. While this meant that there was no fighting over the roles of the boards, it meant that their secondary purpose of providing a forum for local people was swamped. The boards in fact, tended to operate like mini councils, and some in fact attempted to set up community committees underneath themselves in order to play for them the advisory role close to that which was envisaged for the community board level in other areas. Despite, this as in the other cases, the boards were to find that people were rarely interested in what it was they were doing. The attempts to set up community committees fizzled out after a year and the general public did

not attend community board meetings, despite the fact that the boards moved between settlements for their meetings so that the public did not have to travel to Orewa to hear the issues of their community debated. In addition to these ordinary meetings, some of the boards tried extraordinary discussion forums, with little more success. *"We started off having public meetings every three months and they were fizzers. Then it got down to having only two a year."* (Councillor, Rodney, August 1993). Attempts to inform the public of what the board was actually doing were reliant on the local newspapers to report the meetings, although a few of the board members indicated that they themselves wrote articles for the newspapers on various subjects, and one board member wrote a regular column. However some residents associations were critical of the way the board went about publicising what they were doing, "the reporting on the actions of the community board as such, is sparse though there is a public notice board which could be used for this purpose and for information from the councillors."

Despite this lack of interest at actual meetings and this perceived lack of information dissemination, the boards did attract the attentions of some of the public at least through the Residents Associations. Residents Associations are particularly widespread in the Rodney area; where it is estimated there were some 54 citizens organisations in operation. In line with the council's consultation policies, agendas of the community board meetings were sent to every residents association in each area. In addition agendas were also sent to businessmen's associations which also existed in large numbers, three for Orewa township alone. These bodies were to cause problems for the boards: firstly, the sheer numbers of documents that had to be circulated, often with no submissions being elicited, cost all the boards time and money and secondly and more specifically, some of these associations set out to attack nearly everything the boards did. In the Hibiscus coast area, complaints were lodged in the local papers when the boards dispensed with a prayer opening to their meeting, and when the boards were making the choice between a \$4 and \$8 lunch menu. This conflict was usually ascribed by those interviewed, to the Hibiscus Coast's attempts to set up as an autonomous body. The agitation was therefore seen to be part of a political strategy to undermine the council in the area. Despite this, such conflict was to sour some board members' perceptions of public consultation, *"everything you did you were wrong, I think I got*

consultative indigestion." (Board member, Rodney, August 1993). The board operating in the former Helensville Borough area was also to be harassed in this fashion by the former 'council-in-exile, although a board member noted that in this case, *"we just tried to get on with it, it was an irritation of course but it didn't really affect our operations."* (Board member, Rodney, August 1993).

PART THREE: RELATIONSHIPS

Introduction ...

The third hypothesis to be tested is that internal factors such as the relationships among staff, councillors and board members may decide the success or failure of the community board system. In Rodney, the fact that without good relationships between councillor and board members a board can fail to operate effectively, is highlighted by the example of one board whose councillors and board members conflicts escalated into arguments into which the full council was drawn.

As has previously been noted there was to be in some cases conflict between board members and councillors as to what the councillors role entailed. In the case of this board, this conflict was to combine with power struggles of another kind, namely who would fill the position of chairperson. At the swearing in of the Rodney boards they elected their chair and two of the boards chose a councillor to fill that position. Unlike in Auckland, where this was seen to be problematic, in Rodney it was seen as being beneficial to the board to have a councillor as chairperson. When it came to council and the deliberations and discussion, these chairpersons were not only present to give their boards views to council, they also held voting rights. In the case of the third board, however the election of the chair was not to be such a straight forward process.

"The councillors tried to jack it up. They had already arranged that one of them would be the chairman, the other one would be the vice chairman and that would be done and they'd nominate the third one for the position of deputy mayor. They had it all jacked up and we found

out about it. [We] of course opposed that and that caused a problem in our community board. The councillors set out to make life as difficult as possible, as I saw it, and they did. Just about everything we did they tried to sort of stop it and undermine what we were doing."

(Board Member, Rodney, August 1993)

In addition, this board was to have no voice at the council table and this was later to cause problems. In fact, the conflicts between the boards and the council over who actually made the final decision, conflicts over the role of the councillor and conflicts over who was to be the chair of the board, were to combine in an explosive way that soured relations between this board and the council.

In this instance, the community board had voted at its meeting against the decisions of their councillors, six to two. At the council meeting however, the councillors voted as they had indicated and against the recommendation of the board. The community board retaliated by passing a resolution that, councillors would have to record their reasons for voting against the community board recommendations in the minutes of the council meeting. The councillors complained about this resolution, claiming that the board was attempting to tie their hands. The full council rescinded the resolution. Although, while indicating that the decision of the council not of the community board was binding, the mayor emphasised that the community boards' views would have to be put by the councillors as well as their own personal view, the community board was not mollified by this and felt that the council attitude was, "*b..... the community board!*" (Board Member, Rodney, August 1993).

The relations between the board and their councillors deteriorated still further when the board was reported as indicating that, as they were elected and the councillors only appointed to the board, the board could do without its councillors. Despite this however, and the problems that arose at meetings etc, the board still did make decisions and carried out their duties, although as one board member indicated the process was not pleasant nor did the board achieve any more than the minimum required of them as more ambitious plans foundered in the face of the conflicts.

In other boards the relationships were good and this meant, that when there were disagreements, these did not become the focus of drawn out infighting.

"There was always debate but we didn't have a councillors' faction. The councillors were our voice on council and very seldom did we find that the councillors went against the community board's decision and so there was a good working relationship between the councillors and the community board members although some would say that the community board members were certainly second class councillors."

(Board Member, Rodney, August 1993)

As in Ashhurst there was a pragmatic approach to conflict, *"you'll always get divisions over one thing or another and by and large we worked quite well."* (Councillor, Rodney, August, 1993)

Relationships with Staff ...

Just as relations with other politicians are critical to the running of the boards, so it has been argued, are relationships with staff. As in the other cases, most board members indicated that their relationships with staff were good, although mistrust of staff existed and the assertion that it was staff who were really running the council was made. *"Staff can be helpful or can be a hindrance and staff are very good to the council. They keep them up to date with all the issues going and don't try to hoodwink them. Other staff will try to cover up."* (Board member, Rodney, August 1993).

Other board members and councillors noted that good relations with the staff were dependant on the way in which you approached them,

"It's my way to go and talk to them personally and not try and make a fool out of them at meetings Other councillors deliberately try and make fools out of officers. They think they've got a bit of

information and they'll try and trip them up. Now some argue that's good, I don't think it helps you along, because when you've got a councillor and a staff member in animosity, every time you step in the room you can feel the atmosphere and I think in my opinion they should work together."
(Councillor, Rodney, August 1993)

In general however the staff community board relationship was very good and one of the few relationships to remain unproblematic.

Relationships with the Public ...

As has already been noted, the quibbling of some of the residents associations with the boards decisions had caused some ill feeling. However this sniping was confined mainly to areas where there was a 'historical' reason for conflict rather than poor management on the behalf of the boards. Conflict took place mainly in the Hibiscus Coast and the former Helensville Borough council areas; both of which felt slighted by their loss of, and loss of opportunity for, borough status. It must be noted however, that while this made the job of the community boards more difficult for the board and at times less enjoyable, the boards continued to carry out their work. It must also be noted that the boards found some of the residents associations 'tough but positive' and that consultation with these bodies was seen as a bonus to the board. Therefore all conflict is not necessarily bad and can at the very least focus interest on the deliberations of the boards.

PART FOUR: ABOLITION

During 1991, the Rodney District Council conducted it's first triennial review as required by the Local Government Act Amendment No 2, this included a review of it's representation system. As a result of a decision by the Rodney District Council to decrease it's levels of representation the Local Government Commission became involved in hearing submissions about changes to the representative structure of the area as bound under the Local Government Act. The District had already had one mini review of it's own in February 1990. Although at this time the boards were considered

to be working satisfactorily and the delegations of powers clearly defined, it was indicated that community board/councillor relations could improve in some areas, and that councillors and community board members alike had to become more familiar with the new planning legislation. In November 1990 another review of the community boards was carried out. In this review the authority of the council over the community boards and the council's obligation under the law to monitor the work of the community boards was stressed. No doubt this was in reaction to the conflicts that had arisen over whether councillors were bound to vote in support of their community boards recommendations. At this point the costs of the community board system in terms of holding meetings in settlements away from headquarters had been noted and the decision to move back to council offices made. Again the community boards were reminded that they had to make planning decisions on the basis of the legislation and the district scheme, not on their feelings on the matter or their regard for the applicant.

By the 1991 review operational efficiency was also of concern. It had become clear that the to-ing and fro-ing between the community board and council was causing delays in terms of decision making. In addition it was noted that in light of the recent drive towards reductions in representation the representative structure in Rodney was a little large. The council decided that, given these problems, it would be best to abolish the community boards. It was decided that eighteen councillors would serve the area equally as well, five councillors serving Helensville Kumeu, five serving the Northern Area and eight serving the Hibiscus Coast. These groups of councillors would in turn operate committees delegated the same full responsibilities as the abolished community boards, with the council maintaining only a regulatory committee and deciding overall policy. Through this scheme it was felt roughly the same number of representatives could be maintained in each area, but as all the representatives would already be councillors decisions could be made straight away without further reference to council. The reaction from the public and particularly the residents associations however was mixed. Some advocated keeping some of the boards but covering a reduced area. For example it was indicated that Helensville might decide to do without a board but that Warkworth might like to retain some representation. Others felt that there was no point in keeping the boards in any form claiming that, "the community board has achieved very little, from what one can

perceive. It seems to be a place of much talk but little decisive action and has proved a disappointment on the whole." (Submission to the Rodney District Council,1991) Some claimed that the boards merely duplicated the unpaid work of the citizens and ratepayers associations. In general the submissions fell into two groups, those who stated that the new structure was simply not working and expressed their regret about this but indicated that the boards should go.and those who felt that the boards had not been given enough time to prove themselves and so should continue on.

The reaction from the community boards themselves was also mixed. Two of the boards indicated that they were quite happy to disband, indicating that they themselves felt that the system of decision making had become rather unwieldy and that Rodney District would benefit from the changes. The third board was not so sure. However after further discussions with the district staff about the proposed scheme this board too voted to apply for abolition.

"In the end they voted themselves out of the system. All the council and all the community boards were quite happy with the five, five, eight option. They could all see that as a workable option, they all realised I think that it was quite difficult this council, community board, council round about. I think the community boards themselves realised that that was quite the right thing to do, that people weren't being better served by the community boards. They were in population/representation but they weren't in [the resolution of] issues "

(Councillor, Rodney, August, 1993)

Therefore in October 1991 Rodney District Council applied to the Local Government Commission for permission to abolish its community boards. As the community boards themselves indicated that they too desired abolition the Local Government Commission granted their request. Later however some of the community board members were to have regrets. After hearing all the submissions on representation from the Rodney area.the Local Government Commission did not take up the Rodney

Council's proposed structure. Instead the Commission choose to reduce representation numbers even further down to eleven councillors plus the mayor, three councillors to represent the Helensville Kumeu area, three to represent the Northern area and five to represent the Hibiscus Coast. Upon hearing this some of the community board members felt that they had done their communities a disservice as now representation was it was felt too low. However little at that point could be done as the community boards had already disbanded and become part of Rodney's local government history.

PART FIVE: RODNEY'S COMMUNITY COMMITTEES - AN IMPROVEMENT TO THE SYSTEM?

Introduction ...

Just as it was important to look at the advantages and disadvantages of the ward advisory committee of Ashhurst it is important to look at the community committees as operated by the Rodney District Council, and for the same reasons; namely that it may serve as comparison for the advantages/disadvantages of community boards. Secondly it may provide some alternatives to the present system for consideration. As previously outlined these community committees consist of the councillors for the areas whose boundaries are consistent with the old community boards, and have all the delegations allowable to community boards. The council maintains a regulatory committee, sets policy and decides matters of district wide importance. All other local matters are decided by the community committees and no further discussion, apart from the formal approval councils give any decisions made by a standing committee, is necessary.

Advantages ...

The main reason that the community boards were disbanded was their slowing down of the decision making process as recommendations were referred backwards and forwards between the boards and the District Council. The major advantage of the community committee system is that this does not happen. As one councillor notes, *"I think that community committees are far superior to community boards. [The members] can go sit in council as well overseeing the full operation of everything and you're*

not having to come back and report so-and-so and so-and so when one session would have done." (Councillor, Rodney, August 1993). This advantage, however, needs to be balanced by the consideration that with a reduced amount of debate and viewpoints, the decisions may not necessarily be as tuned to the community as before.

Another advantage is that everyone on the committee is of equal standing and status and there is no longer any infighting on a councillor/board member level.

In terms of the advantages of the system for the public the opportunities for the public to attend the meetings and listen to the decisions making process concerning their local issues have not changed. Reporting of meetings also continues in the same pattern as before. However public attendance at meetings has also not changed, with in general few people attending the meetings unless something specifically concerns them.

Unlike the arguments in other areas over costs of community boards, in Rodney it is generally felt that cost played no part in the decision. It was noted by those involved in both systems, *"there's not a lot of difference between the two."* (Councillor, Rodney, August 1993). Certainly however the community committee structure is an easier system for the parent authority to operate. As in Ashhurst, savings are made in the time and administration costs that operating community boards take up. The parent authority ceases to be accountable to more than one body and this eases the pressure on the administration. As one board member noted, *"It's definitely better for [the staff] now that we've gone. It's so much easier administration wise."* (Board Member, Rodney, August 1993).

Disadvantages ...

The major disadvantage of the community committee system as opposed to that of the community boards is the decrease in actual public involvement. Although the local community can listen in on the decision making at community committee meetings, the decisions are still be made by district councillors. One of the heralded objectives of the boards was to involve more members of the community in the making of decisions. Under the board system at least six members of the community were involved to a

greater extent. Under the community committee system public participation is again reduced to a more passive role, their direct involvement being reduced to such consultation procedures as council undertakes. As more and more councils reduce their consultation procedures due to cost and 'consultative indigestion' these opportunities may decrease. Although commentators point to the legislative requirements to consult, it is indicated that as in the case of the provisions dealing with community councils, the effectiveness of these provisions is dependent on the territorial authorities interpretation of what consultation incorporates and upon the central government's directives, and the emphasis they place on these provisions being upheld etc.

Another disadvantage of the community committee system is that councillor representation itself is reduced. With the reduced number of councillors there is a heavier work load for all the councillors with the fears that some concerns will be missed altogether. In addition the councillors are not evenly spread around the community; *"we were better spread around the community under the community board. We were a few urban, a few rural [representatives] and that made it a lot easier for people to contact whereas now there's only three."* (Councillor, Rodney, August 1993) However the smaller numbers in committees can also in some ways be a qualified advantage, *"sometimes small committees can get through the work faster than large committees. but they have to work quite hard."* (Councillor, Rodney, August 1993).

Thus, as in the case of Ashhurst's ward committee, the advantages for the public in having an alternative system to the community boards is dependant on what the community wishes to achieve. In this case the equation was not balancing participation against monetary cost but against delays in the decision making process. If the community wishes to have decision making localised but still have a relatively quick decision making process, then the community committee does to a certain extent achieve this. As only councillors from the area form the community committee and presumably have a more detailed knowledge of the area, then the decisions can still be tailored to the community. The community also can still make submissions to a committee, which has the advantage of operating in a smaller, somewhat less formal arena than the full council. However if the public wishes to be actively involved in the decision

making to a greater extent of members of the public actually voting on issues then this cannot be achieved under such a system. In addition there are some doubts raised as to how localised such a councillor committee can be given the low representation numbers and areas covered.

A Note on Kawau Island ...

In addition to the community committees, the Rodney District Council also operates another alternative to the community board structure. This is the Kawau Advisory Committee. The committee has operated since 1989 under conditions set by the LGC. *"Elwood left them, they had their own representatives, they have two representatives on things applicable to Kawau. While they're not on council they are the people we deal with."* (Councillor, Rodney, August 1993).

This committee is, as its title would suggest, purely advisory. Despite this those involved in the committee feel that it is a useful way of keeping the concerns of those on the Island before the Council. The committee of two was elected by public meeting on the Island and the representatives then liaised with the councillor for that area. Those on the committee indicated that for the most part their concerns were usually met, *"although you have to keep bringing things to notice, but usually [the council] does the things we ask them to do."* (Kawau Island Advisory Committee member, Rodney, August 1993). Part of this success, it was obvious was due to the fact that a mutual respect operated between the two groups and that the community committee accorded the advisory committee with some status. Clearly in this case, the internal relationships more than outweighed the fact that the Kawau committee has only an advisory position. Thus in this case the provision for public participation under these elective rather than statutory provisions is successful. In some instances therefore communities might feel as well served by such a committee rather than a formal board. However this is again dependant on what the community wishes to achieve and to a certain extent dependent upon the internal relationships and objectives of both the advisory representatives and the parent authority involved.

Summary ...

In assessing the hypotheses against the Rodney case study it becomes clear that again these may need some modification.

Firstly it must be noted that in the case of Rodney District the flexibility of the legislation governing community boards did not lead to a marginalisation of the community boards powers. Instead due to a positive and sympathetic interpretation made by the council the boards were given the widest powers available, full day to day decision making and control, with the council making decisions only upon policy and upon district wide decisions. Given this there was no conflict over the the scope of delegations given to the boards in Rodney. However the scope of delegations had an effect on the boards' perception of their roles and this was to lead to conflicts at a later stage. However in the first analysis the flexibility of the legislation did not in Rodney District lead to a marginalisation of the community boards powers and conflict between the boards and their parent authority.

With regard to the second hypothesis that the flexibility of the legislation lead to conflicts over roles it is interesting to note that in the eyes of the Rodney council this potential existed. Attempts were made early on to avoid this by spelling out not only the roles that the boards and council were to play but also the roles of the councillor, something that other parent authorities only attempted after conflicts became apparent. Despite these attempts however there were still to be conflict over which bodies decision was the final decision and about the role of the councillor. These conflicts were not caused by the flexibility of the legislation but by individuals disagreeing over the interpretation of the legislation put out by council and also by individuals who in any case would continue to operate according to their own perceptions. Thus it may be tentatively suggested that even if the legislation was more detailed and directives given conflict might still persist. It is however argued that even some direction as attempted in Rodney might lessen such conflict, as the directive of the Rodney Council over final authority appeared to do.

Again this case study borne out strongly the hypothesis that internal relationships were critical in whether the boards were a success or not. In areas where the boards and their councillors got on well the boards operated

effectively. In areas where there was conflict between the boards and their councillors, this conflict was to undermine the boards operations, although the board did still function. In addition other conflicts from outside of the board, eg the criticisms of boards from the Helensville council-in-exile and the Hibiscus Coast were to hamper the boards efforts. In other areas where the residents association was critically helpful rather than solely critical relationships prospered and the boards work was enhanced.

However none of these factors were to be responsible for the final abolition of the community boards in Rodney Council, which indicates that other factors play a part in the continuing operation of community boards in New Zealand. In Rodney questions about the overall efficiency of the system were to see the boards, which were perceived as being time consuming replaced by the more streamlined' community committee system. It can therefore be argued that a new sets of pressures and concerns, e.g efficiency, cost, speed of the system are overshadowing the previous concerns of the local government system and that pressures to met these demands may in time see the overturn of the community board system in New Zealand.

CHAPTER TEN: CONCLUSIONS AND SOME SUGGESTIONS FOR THE IMPROVED OPERATIONS OF COMMUNITY BOARDS

PART ONE: SMALL STATUTORY BODIES AS CONTROL MECHANISMS

Introduction ...

One of the first concerns of this thesis was to explain the rise of the small statutory body in the western local government system over the past two decades. It was noted that over this period, calls for greater public participation in general had increased. (Sandercock, 1978) This had been linked by some researchers, (Gillisen, 1975) to an increasing dependence of the modern western world on complex bureaucratic organisation and the fact that recognition of its alienating nature had led to a backlash against these faults by an increasingly educated populace eager to maintain the more positive effects of collectivism. However Hain (1982) argued, the belief that the calls for greater participation came from the public at large, obscured the fact that governments too were behind the push to create greater participation, and that, "not only was the government responding to pressure from activists, but other factors were encouraging it to intervene." (Hain, 1982, 36) Such other factors included the need to secure public consent and support for central government's policies, the need to restructure the local government system, the need to bolster the existing system of representative democracy, and the need to gain acceptance for devolution and corporatisation of the public sector, to name a few. It was argued, utilising the work of Coser (1956), that the small statutory bodies had arisen as some form of control mechanism for the pressures besetting local governments from the 1960's on.

Coser was interested in questions of social order and organisation and, in a synthesis of the positions of the conflict and consensus schools' theory, argued that conflict did not necessarily lead to the overthrow of the entire social order. In fact conflict could fulfil a functional imperative of releasing social tensions before they could threaten the social organisation at a normative level. However, Coser went on to note, that this conflict needed to be managed so that crisis did not ensue. "One safeguard against conflict disrupting the consensual basis however, is contained in the social structure itself by institutionalisation and tolerance of conflict." A further

benefit of this type of institutionalisation of conflict was that it would coopt into the structure the very people who had been agitating against it, and that they would henceforth turn their energies to defending that structure. "Just as the individual depends upon society because he depends upon the parts of which it is composed; groups also, due to their interdependence, help to maintain the social system within which they function." (Coser, 1956, 75) Dahrendorf and Almond and Verba also agreed with Coser's position, with Dahrendorf working further on the concept to outline the conditions he saw as necessary for this type of conflict control to be successful.

- (i) Both parties to a conflict have to recognise the necessity/reality of the conflict situation and believe that there is some justice in the cause;
- (ii) Interests must be organised into groups;
- (iii) The parties must agree on certain 'rules of the game' to provide a framework for regulation.

The role of the small statutory bodies, it argued, was to provide the local government system with a control mechanism. In institutionalising citizens participation groups, the pressures they placed on the local government system could be controlled. Equally, the pressures from inside the system for some form of public participation, could also be met with the creation of a small statutory body.

It was then argued that, because the small statutory bodies were set up as control mechanism, their roles and responsibilities were left very vaguely defined. Indeed, the small statutory body fitted best in Arnstein's Fifth Rung on her Ladder of Citizen Participation, at the placationary level. "Ground rules allow have-nots to advise, but retain for the power holders the continued right to decide." (Arnstein, 1969, 217) However as those at the grass roots level had been expecting a much greater share of control, it was hypothesised that this failure to agree over the rules of the game, lead to conflict between the small statutory bodies and their parent authorities.

For these hypotheses to hold, it was necessary to prove firstly, that a set of pressures on local government did exist from the 1960's onwards and that these pressures did affect western local government systems of the time,

and that some form of small statutory body was created during the local body reforms of these countries. It was also necessary to prove, that the guidelines for the operation of these bodies, was in each case vague and that this in turn lead to conflicts between those in the small statutory bodies and their parent authorities.

The Pressures on Western Local Government Systems ...

In Chapter Two, an analysis of literature concerning western local government reforms, enabled a series of factors which had lead to pressure on western local government systems to be identified. These factors were then grouped in accordance with whether they had had their origin in the bureaucratic, public or ideological sphere. Factors identified included; in the bureaucratic sphere: the need to meet new service requirements/demands and the subsequent restructuring of local government, the need to maintain legitimacy in the public eye both for the structure of local government and for the professions associated with it, the need to reduce conflict inside and outside of the structure, and the introduction of new business practises. In the public sphere: the rise of public protest movements, the growth of anti bureaucratic and anti alienation sentiment and the rise of a new more vocal generation, and in the academic sphere the rise in currency of academic ideas about alienation, democracy, participation and the ideological movement towards community based initiatives.

Analysis of each individual factor in turn, indicated how it lead to pressure upon the local government system, pressure moreover, which could be alleviated by the creation of a small statutory body. These factors outlined, it then became necessary to see whether in fact they could be identified in the pressures leading to the reform of local government systems in western countries, which had over the last two decades created small statutory bodies in their local government system. In Chapters Three and Four the pressures leading to local government reforms in Great Britain (1974, 1975) and New Zealand (1989) were analysed. As anticipated both countries had been subject to a number of the pressures identified in Chapter Two; eg restructuring, public protest, the needs of central local government and ideas about alienation and bureaucracy. It was also noted that each government had also been influenced by concerns specific to their own

country; e.g fears about the decline of working class politics and the structural demands of the Resource Management Act. Both countries had included a small statutory body in their reformed local government system. It was concluded therefore that the small statutory bodies had been created as a control mechanism for the pressures besetting the local government system.

THE USE OF SMALL STATUTORY BODIES AS A CONTROL MECHANISM: THE CONSEQUENCES

Analysis of the reforms and the provisions for the operation of the small statutory bodies in both countries, was also undertaken in Chapters Three and Four. From this analysis it emerged that the guidelines that emerged for the operation of small statutory bodies were vague. In each country the legislation governing the boards was very flexible, for although each board had advisory powers, any further delegation of actual decision making or functional control was the decision of the small statutory bodies' parent authorities. Informal support for the small statutory bodies was also vague with both governments providing little guidance over the form or weight to be attached to the small statutory bodies' responsibilities. In order to test the hypothesis of whether this flexibility had lead to conflict between those on small statutory bodies, who had expected rather more community control and their parent authorities, an overview of the operation of the British bodies was undertaken. From this review of the work of Goddall (1988), Jones (1976), Leverton (1982), Shucksmith et al (1985) it became apparent that the flexibility of the legislation had lead to a marginalisation of the powers, duties and status of the local councils which had lead to conflicts between these councils and their parent authorities. Similarly the flexibility of the legislation had also lead to a failure to clearly define the roles of the bodies and this also lead to conflicts between the two bodies. However, a review of the work of Lumb (1980) and Johnson (1984) raised for analysis the idea, that despite these external 'failings', internal factors, such as relationships between councillors and local council members were the key to the successful operation of the small statutory bodies. It was argued that, if the relationships were good, then mutual trading of information could take place and the local councils could force through their initiatives. On the other hand, if relationships were bad, then this was unlikely to happen. In addition, the local council would lose their

information/representation link to the central structure and the local councils would fail to make any impact. Three hypotheses were thus formulated;

that the flexibility of the legislation governing small statutory bodies lead to a marginalisation of the powers and roles of Community Boards in New Zealand and that this lead to conflicts between community boards and their parent authorities,

that the flexibility of the legislation lead to a failure to clearly define the respective roles of parent authorities and community boards and this lack of agreement lead to conflicts between community boards and their parent authorities,

that the maintenance of good relationships between councillors and community board members is crucial to the success of New Zealand community boards.

Thus the remaining section of the thesis (Chapters Five to Nine) was devoted to a detailed analysis of the operation of some New Zealand Community boards, to test the hypotheses that see firstly, whether this was the case in New Zealand and secondly, given that the hypotheses held, to prove some suggestions as to how such conflicts might be resolved.

PART TWO: NEW ZEALAND COMMUNITY BOARDS IN ACTION. PROBLEMS AND SOME SUGGESTED SOLUTIONS

Introduction ...

It was found that each of the hypotheses held but that in each case this was with different qualifications. It also became apparent through the examination of the case studies that some solutions to the conflicts could be identified. Each hypothesis is thus discussed below and for each some solutions are proposed.

The Flexibility of the Legislation - Conflicts over delegations ...

The hypothesis, that the flexibility of the legislation governing small statutory bodies lead to a marginalisation of the powers and roles of community boards in New Zealand, and that this in turn lead to some of the conflicts between community boards and their parent authority, was shown to hold for some of the nation's community boards but not for others.

In Chapter Five, the review of the early situation of all the nation's community boards, it was noted that in general the community boards' duties were marginalised to a largely advisory role with few boards being involved to any great extent in actual decision making. In the mail survey section of the same chapter, it was noted that 71% of the parent authorities who responded had clashed with community boards over their areas of responsibility, while 58% had clashed over the scope of functions they had delegated to their boards. It was seen too, that some early critics indicated, that the flexibility of the legislation, and the lack of central government direction as to what was to be delegated to community boards, was at the centre of some of the conflicts between the boards and their parent authorities. However, even at this early stage, it was noted that it was argued that the blame for these conflicts could not be rested entirely upon the flexibility of the legislation. Rather, it was claimed that the problem stemmed from the fact that parent authorities were interpreting the legislation at it's narrowest, and that the situation could be remedied by parent authorities taking a more sympathetic approach to delegations. This would appear to be borne out by the comparisons between the Auckland Case study and the Ashhurst and Rodney case studies. In Auckland the responsibilities of the boards were based on an interpretation and decision that the boards were to be mainly advisory bodies and this lead to a lower level of delegations. This level of delegations lead to conflict between the boards in question and their parent authority. In contrast the boards in Ashhurst and Rodney were delegated wide ranging and full functions and this meant that there was to be no conflict over delegations in these areas. It can be seen then that, while perhaps the flexibility of the legislation and the lack of central government guidance does mean that some community boards were marginalised, in other areas where the parent authority had a positive attitude this did not occur and that the flexibility of the legislation, which allowed for such a wide ranging scope of functions was actually a bonus to those community boards.

The flexibility of the legislation also allowed some boards, which had at the outset been marginalised, to gain further functions as time went on as was seen from the Auckland and Whakatane case studies. However it was also seen that much of this was dependent upon internal factors. For example the former boroughs of Auckland were to be successful in gaining extra functions. This was largely because they had the experience and status to be able to lobby the parent authority successfully and had the sympathy and support of a faction of the parent authority. Likewise the former borough in Whakatane was also able to gain further delegations, as did the former community councils of the area. Other community boards however, who did not have such internal considerations to draw upon, such as the former community committees of Auckland, could not make such use of the legislation's flexibility.

In addition the flexibility of the legislation allowed the boards to do anything precedent that was not the responsibility of some other authority. This it was argued, by several interviewees, meant that the community boards did not need to be reliant on any formal delegations. Although some boards did take make use of this factor, notably the Auckland board that set up an informal park committee that has since become a 'formal' body in all but name, the boards in general have not taken up this opportunity.

Thus it would appear, that while the flexibility of the legislation as regards delegations does lead in some cases to conflict between the community boards and their parent authorities this is not always the case, and therefore some solutions to these conflicts exist.

Solutions ...

It is unlikely that there will be any further large scale attempts at reform of local government in the next decade at least. Reforms that do occur are likely to be a reworking of the boundaries of local government, as in the case of the Devonport appeal, rather than large scale structural reform. Thus boards must live with the legislation that is governing them at the moment with all its inherent flexibility. However, as has been seen in the case studies and argued above, even given the flexibility of the Act there are

many ways in which the conflicts over responsibilities can be resolved. Most of these solutions however, require that both the parent authorities and the community boards put some time in to making do with the legislation as it is, rather than bemoaning it's perceived shortcomings.

Improvements on Behalf of the Parent Authority

Firstly, many of the conflicts due to the marginalisation of community boards, could be resolved if a more sympathetic view of community board delegations was taken by parent authorities around the country. In New Zealand, it can be seen that, in general councils are only applying the section 101ZY, utilising community boards as mainly advisory bodies (71%), rather than looking at the permissive powers available to community boards under section 101 ZZ. Indeed, many community boards were advised that by law community boards are advisory bodies and community advocates. Thus what is needed may be to look a little wider at the powers of the boards to see what other functions may be delegated. In this way not only can conflicts over delegations be resolved, but it can be argued that by delegating some further functions onto boards the parent authority can be in a position to better utilise the money they now expend on community boards. Further, parent authorities should realise that the more a community boards is involved in issues the greater it's usefulness will become.

A more sympathetic approach to negotiations of community board functions may also do much to improve the conflicts. As acceptance of the position and harmony rests on 'accepting the game rules', it is argued that many conflicts could be resolved if when conflicts arose, or even at periodic intervals without conflicts arising, the delegated functions of community boards could be reviewed. This could occur at the triennial review. In this way the games rules could be adjusted and agreement on rules between the two bodies continually reinforced. As seen in the Whakatane case study this approach does bear dividends in avoiding conflict.

Community Boards ways to Improve on the Statutory Position

Some boards have bemoaned the delegations by parent authorities since their inception. It should be recognised however, that the board while it

has no direct powers to decide its role, can do so indirectly. This can be achieved in a number of ways.

Firstly the board can take advantage of the flexibility and permissiveness of the act. Boards can do anything precedent to the functions in the act. They can do this in two ways, by remaining within the structure solely as a unit of local government or they can involve themselves in a wider area beyond this. The example of the Auckland community board who set up their own informal park committee, shows how the former can be achieved. Alternatively the board could decide to strengthen its position as community representatives and hence their position at the councils table by dealing with issues outside of the local government area. Again the Act does not forbid them to do this.

In this way the boards, whose parent authorities position towards community board delegations is not sympathetic, will be in a position to build a power base to force extra delegations, as the former boroughs were able to do. It is argued that, while some boards may not have such a power base yet, eg the former Auckland community committees, they will never have one if they don't begin to be more active. It also needs to be recognised, that if boards wish to extend their powers, they need to justify that extension of power by proving to their parent authorities that they are capable of taking on extra responsibilities.

Flexibility of the Legislation - Conflict over Roles ...

The hypothesis, that the flexibility of the legislation lead to a failure to clearly define the respective roles of parent authorities and community boards and that this lack of agreement lead to conflicts between community boards and their parent authorities also held, again with qualifications.

In Chapter Five it was seen that even early on the questions about what the exact role of the board were to lead to conflict. The flexibility of the legislation, and the fact that the exact role of the community boards was left to local government to define, meant that many different perceptions of the roles of the boards existed, even between parent authorities. It was seen however in the mail survey, that parent authorities while they might envisualise multiple roles for their community boards, still envisaged these

roles as being an advisory extension to councils structure. 81% saw community boards as being advisory bodies, 58% saw them as being an extension of council while only 36% saw the boards as community watchdogs. The boards also saw multiple roles for themselves eg umbrella organisations, community advocates, extended community advocates but rarely did they see themselves as merely advisory bodies, nor did they really see themselves as bearing any allegiance to their parent authority. These differing perceptions were to lead to boards taking on issues and taking up or attempting to take up, roles that were seen to be either the role of the councillor or the parent authorities. Not unsurprisingly this led to conflicts between the two groups. 71% of the parent authorities who answered the mail survey indicated that there had been conflict between themselves and their boards over the question of roles. Another role based conflict, was to centre around the role of the councillor. Again, while the Act indicated that the councillor was to form part of the board, there was no guidance as to the extent or nature of that involvement and councillors and board members were to hold different views that led to conflict.

In the case studies however it appeared, that while the flexibility of the legislation led to a number of roles being taken up by community boards and that often these roles conflicted with their parent authorities ideas, this did not always lead to conflict. This is illustrated by a comparison of the Auckland and Whakatane case studies. In Auckland, where a number of very different perceptions of community board roles existed, from purely advisory committees to authorities that would one day be responsible for all the functions in their areas, conflict did arise between community boards and their parent authorities. In Whakatane however, where perceptions also differed, there appeared to be little conflict. This was due largely to the fact that while the community boards in Auckland actually sought to carry out the roles that were the source of conflict, in Whakatane while the roles were indicated the boards did not really attempt to take them up, sticking closely instead to roles that were acceptable to their parent authority councillors.

While it might logically be argued that, as in the case of delegated functions, negotiation and agreement over roles may avoid this type of conflict, analysis of the two case studies where roles were set out by the parent

authority at the outset does not support this fully. In Ashhurst it was seen that negotiation of roles did have the effect of reducing conflict, but in Rodney these efforts were to be to no avail as people continued to stick very much to their own perceptions of roles and failed to stick to the agreement on what the roles were.

It is argued, that this variation is very much due to the internal factors affecting each individual organisation. In some areas the conflict over roles was very much more political than in others. In Auckland, the struggle between the Alliance and the C&R meant that it was very much more important for the groups involved to delineate the roles of each group in order to maximise their position. In Whakatane this political situation did not exist and there was no necessity to fight over roles. Past history too, played a large part in shaping the perceptions of roles. In Ashhurst and Whakatane for instance, there had been a tradition of community councils so that the roles taken up were modelled on these forms and this did not alter the situation of power that had existed previously so conflicts did not arise. In Auckland however, some of the boards modelled themselves on the roles of the old boroughs with a greater vision of what they could achieve and this led them into conflict with their parent authority. Thus while the flexibility of the Act did in part lead to conflicts over roles, it can be seen that, as in the case of the conflicts over delegations, the existence or otherwise of a sympathetic approach to delineation of roles, as well as other internal factors, also contributed to the existence or otherwise of conflict.

While the flexibility of the Act did cause some conflicts, for some boards and their community, the flexibility as relates to roles was a bonus. Because of this flexibility the boards could carry out multiple roles and interest themselves in many different things. In Auckland and Whakatane it was seen for example, that the intercession of the boards in the use of derelict land and the school improvements led to a better use of resources and improvements for the community. As a result of lobbying by one Auckland board, millions of dollars were spent on the beautification of industrial areas. However, again it can be seen that much of that success was dependent on internal factors. The Auckland board was successful in its submissions in part because, as a former borough, it had the experience and status necessary to lobby effectively.

Another role that was to cause much conflict, was the role of the appointed members to community boards. In Auckland, and in some parts of Rodney it was seen that disagreements over what the role of the councillor entailed, over whether the councillor was bound to the boards' decisions and whether the councillor should be chairperson, all lead to conflicts which soured the relationships between the boards, their councillors and in some cases their parent authorities. In Whakatane and Ashhurst however, such conflict did not arise. Again this presence or absence of conflict can be linked to internal factors in each organisation. In Auckland, squabbles over political power between the C&R and the Alliance spilt over into squabbles about roles, and in Rodney squabbles over the chairpersonship spilt over into ongoing conflicts over roles.

A Note on the Public Role of Community Boards ...

One role, which the community boards identified for themselves, was to represent the local community. However the case studies indicated that by and large the public were not involved to any great extent with the boards. In addition the boards too did not make any great attempt to involve the public in their activities. Most boards relied on the public to make their needs known without attempting to be more proactive. Considering that, in the case of a vote on abolition, it is the public's wishes which guide the decision, it would be only sensible for boards to become more involved in a public role. In this way, boards would have the support to stave off any abolition vote. In addition, having a greater public profile and support, would also place boards in the position of being able to demand more delegations etc and would increase the weight placed upon boards' recommendations and their influence at the council table.

Solutions ...

Negotiation

Many of the conflicts over roles between community boards and their parent authorities can be ameliorated if there is some negotiation between the two about the respective roles of each. In Ashhurst and Rodney this

negotiation of roles meant that all but one of these boards were to be free of conflict over roles. This negotiation too could take place at the triennial review. Again, such a planned review, would have the effect of periodically reinforcing an agreement upon the roles. In addition, it would allow a redefinition of roles in light of ongoing issues and conflicts, so that the roles could be adjusted as new situations arose in which the roles of the boards, parent authorities were unclear.

Use of the Permissive Powers

Boards need to look to expand their roles, particularly in the areas where they can do anything precedent to the Act. Many of the Boards were arguing for greater roles and powers while not really taking up the role of involving the public. If the boards are to continue, it becomes obvious that they must prove to the public that they are worth the cost to the ratepayer. At present, much of the public remain unaware or uninterested in the boards and the boards could do much to remedy this situation if they were to become more proactive. In addition, it was seen from the case studies, that many of the opportunities to extend powers/delegation came through use of the permissive nature of the legislation. A drawback to this solution however, is that the boards may take up a role that the parent authority considers to be their responsibility and that conflict might therefore ensue. Negotiation as advised above may be one way to avoid this.

Sympathetic Approach

A sympathetic approach to the situation by all parties may also do much to ameliorate the conflicts. Parent authorities need not be overly concerned to curb the roles of the boards under the permissive section as often the things the boards seek to do, eg be more involved in community projects, etc can only benefit the council. In addition, the boards can also deal with the small community issues that the larger parent authorities in the terms of efficiency cannot. For example, many of the boards around the country deal with the very minor planning applications eg house extensions and this frees up the council to deal with the larger more complex issues more effectively.

In the case of the conflicts over the councillors roles, a little tolerance and understanding of the positions of the councillors and the board members would be beneficial. For example, in Ashhurst and Whakatane, it was recognised that there could be circumstances under which councillors could not share information with their boards, or vote in accordance with the community boards recommendation, and this understanding did much to avoid conflict. Councillors too need to recognise that they need to meet the community boards half way. Disagreements for example, between some of the Auckland and Rodney community boards and their councillors may have been avoided if the councillors had been prepared to report to the boards on council activities, or explain why they had voted against the boards' recommendations.

At this point, it becomes apparent, that solutions to disagreements between the boards and their parent authorities are not without their weaknesses. It can be seen that internal factors, such as political infighting and squabbles over power, may mean that many of the suggestions may in some cases be ineffective. However, the success of some of the measures above in some areas, means that in some cases they are viable. In any case, attempting such solutions, even though they may fail is, it is suggested a better alternative than doing nothing to solve the conflicts which exist between some parent authorities and community boards, and which are hampering the community boards' abilities to function effectively.

However it is also argued that in some cases this conflict can actually be of benefit to the community boards and the council. For example, the conflict between the C&R and the Alliance focused public attention on deliberations of both community board and council, that might otherwise have gone unnoticed. In view of the lack of attention given by the public to the community boards, this may have the beneficial effective of involving the public much more in the very local politics, and this may allow some of the previously weaker boards to build up a power base which will allow them to lobby much more effectively.

The Importance of Good Relationships ...

Even before the third hypothesis, that internal factors such as the relationships among staff, councillors and board members may decide the

success or failure of the community board system, is considered separately, it becomes obvious from the above discussions that the presence or absence of good relationships has an effect upon all other considerations. It can be seen, that in areas where the parent authority took a positive view of community boards, e.g Ashhurst and Rodney, then delegations were full and this meant that, at the outset, there were no conflicts over delegations to hamper the boards operations. In other areas, where a more negative perception existed, e.g Auckland, delegations were low and there was much conflict. However, the presence of good relationships and goodwill between the parent authority sometimes meant, that, even in areas where delegations were limited and roles not clearly defined, conflict did not occur to an great extent. In Whakatane for example, while there were grumbles at the board level these never escalated to the level seen in Auckland. In addition, the presence of good relationships between the boards and members of the parent authority also added to the success of the boards in gaining extra delegations as time went on. Also information trading and good relationships between councillors and board members allowed some boards to be quite powerful. As was the case with the Auckland board and councillor who managed to get millions of dollars spend on industrial beautification in their area.

Given this, it is important to analyse how good relationships can be built up or why they fail to be built up. However good relationships did not just exist, there were a number of factors that influenced whether they existed or not, such as past history and political motivation.

In Auckland for example, relationships were good in some areas and bad in others. This was due to the effect of past history. In areas that had been former boroughs both the board members and the councillors had belonged to the same former authority and were desirous of retaining those powers and status, therefore they worked together to increase their board's power and influence. In other areas, which had been community committee areas only, the same goodwill did not exist as the Auckland representatives had been keen not to have functional community boards and therefore the working together to achieve for boards was absent. This too, was often linked with the councillor's desire to protest their power and responsibilities.

This desire and power plays between boards and councillors was often critical to relationships. Where boards did not seek to usurp their councillor's powers and status, eg Whakatane and Ashhurst relations remained good. In Rodney, where one board was to defeat their councillor's bid for the chairmanship of their community board, the repercussions for this board were that relationships were antagonistic and the board's success was diminished due to in house squabbling. Power plays on wider party grounds too, were to play their part in diminishing the relationships between parent authorities and boards. In Auckland it was seen that infighting between the Alliance and the Citizen and Ratepayers group also diminished the relationships between the two groups and limited the success of some of the boards. In some cases this overlapped with the uneasy relationship between the former community councils and their councillors and made relationships doubly strained.

Often too, the maintenance of relationships was to depend on the way in which disagreements were viewed. In Ashhurst and some of the boards of Rodney for example disagreements were viewed very much as just being about personal disagreements and the people involved were content to agree to disagree without any great animosity. In other areas, eg Auckland and the other parts of Rodney, the disagreements were seen either on a political or a councillor versus board member basis, and relationships were further strained.

The boards' commitment to activity too often had an effect upon their relationships with their parent authorities. In areas, where the boards were quite active eg Auckland the relationships deteriorated. In other areas, like Whakatane where the boards didn't seek to take up roles which could upset their parent authorities, conflict was avoided. It can be seen that relationships remained good as long as there did not seem to be a desire on the part of the community board to take over the parent authorities position.

Relationship with Staff ...

With the staff these conflictual relationships did not exist. In this case there were no positions or status to protect, as the boards did not encroach on the staff's power. While there were grumbles about the staff 'running the

show' and not consulting the boards or the councillors, these grumbles did not surface into open conflict. This perhaps could be due to the fact, that all the politicians perceived that they were reliant on the staff to implement their policies, and therefore it behoved them to maintain good communications with the staff. In fact, many board members perceived the importance of being on good terms with the staff and made many attempts to cultivate good relationships. Staff too, in general, were supportive of the boards, although conflicts could arise if the board members were placing a heavy workload on the staff expecting special reports to be completed inside a week etc. A few staff however, expressed private reservations about the boards, such concerns being linked to the boards' lack of proactivity and the costs of maintaining such structures for little perceived return.

Relationships with the Community ...

For the most part the relationships with the community remained unproblematic. In some areas of Rodney however, conflicts between community boards and a few citizens groups were to make it a little harder for the boards to establish themselves. It can be seen that in these areas old politics and past history too played a large part in influencing these relationships. If there was one problem for the boards in their relationship with the community it was that by and large they really did not have a relationship with the community at large. In general, the boards attracted little public notice, unless they were spending public monies. The lack of this relationship could cause severe problems for boards if the situation in Rodney and Ashhurst are to provide a yardstick. In both these areas, it was decided by the public, that cost and efficiency meant more than the semi autonomy and participation opportunities offered by the community boards, and support was thus given for the abolition of boards in those areas.

Solutions ...

Negotiation/Information Trading

Again, negotiation and discussion between the groups would be beneficial. Councillor/board relationships could be much improved if those involved made more of an effort to cultivate positive relationships. Such an

approach is possible. Board members it was noted, were prepared to put much effort into building up good relationships with staff. Time and effort therefore could also be spent on building up good relationships with councillors. Councillors too have to make an effort in their relationships with boards and attempt to take a more positive view of their relationships with the board. Such relationships, it is argued, could be based upon the trading of information as in areas where this did occur, eg parts of Auckland, Ashhurst, relationships were beneficial.

Proactivity

The boards again need to take a more proactive stance in order to build up relationships. Certainly, in terms of their relationships with staff and the public, both of which it is argued are crucial to the boards' future. Boards that are seen to be 'doing something for the money and effort' are more likely to gain support from staff and public alike than boards who are seen to be doing little more than 'going through the motions.' With some councillors too, more proactivity on the behalf of the board would see the boards taken more seriously as the ability of the board to trade information, status, support etc grows.

Clearly the solutions overlap the solutions offered to the other conflicts facing the boards. Negotiation and a sympathetic approach to each other's positions may be one way to ameliorate the conflicts between the community boards and their councillors. It may also be the way in which to solve some of the contributing conflicts over delegations and roles which spill over into relationship based conflict. Becoming proactive too, may be one way for boards to build up additional and vital support amongst the public. However, it must be realised, that resolution of relationships is not an easy task. Many of the relationships are based on past factors or on present political conflicts which can not now be changed. Most of all they are reliant on the attitudes and aspirations of individuals and these cannot be easily influenced. However, it needs to be recognised, that relationships are ever changing, as the individuals involved change and the issues of conflict change and that it may be that 'bad' relationships can be mended with a little effort on both sides.

Conclusions ...

It can be concluded, having considered all the hypotheses, that the flexibility of the legislation does in some cases lead to conflict between boards and parent authorities. Conflicts about delegations and responsibilities spill over into conflicts about roles, these spill over into problems in relationships, and problems in relationships spill over into conflicts about roles etc. However internal factors such as party politics and the past history of the boards and their parent authorities were also behind the approach taken by each individual parent authority regarding the possibilities under the legislation. Thus, in some areas, the flexibility of the legislation did lead to a marginalisation of community boards roles and powers and to conflicts over delegations roles etc. In other areas, the flexibility of the legislation was utilised to increase the powers of the boards, and in some cases, to make them responsible for the day to day running of their communities. The internal conditions of the parent authorities therefore, become the deciding factor in whether the boards are marginalised, roles left undefined and conflicts ensue etc. What this means is, that while some solutions to the conflicts surrounding community boards have been proposed, eg negotiation, greater proactivity etc, the success or otherwise of these efforts, is dependant on the organisation, attitude and past and present history. This it has noted is much harder, if not in some cases impossible, to influence. Given this, it is therefore not unlikely that conflicts may continue due to such internal factors as political infighting. On a more positive note, it is equally likely that in other areas, due to changes in internal factors such as an upturn in relations between councillors and board members, conflicts may cease. The solutions offered above provided ideas as to how such positive changes may be brought about.

Such considerations aside, it is pertinent to note, that these conflicts are not the impetus for the abolition of community boards. Indeed in the two areas where boards were abolished, conflicts over delegations and roles were, for the most part, solved at the outset through sympathetic delegation and negotiation as suggested above. In addition, in all but a few of the boards, in this area relationships between the board members and the parent authority were good. What did lead to the boards' demise was a series of other factors. In Ashhurst, the cost of semi autonomy and the slowing down of efficient operation of administration etc saw the abolition of the Ashhurst

Community Board. In Rodney also, the perceived inefficiencies and costs of delays in decision making coupled with a desire to streamline the system of representation lead to the abolition of the community boards in that area. Communities it seems, are prepared for their boards to be in conflict and disagreement, but they are not prepared for them to cost them money or to slow down their planning applications. Despite this, people are still desirous of keeping some form of public participation forum, as can be seen in both the Ashhurst and Rodney case studies. Thus, a way of keeping local involvement in local government and planning, without the costs and administration demands of the community boards, is still being sought. Included in this search are the forms typified by the Ashhurst Ward Advisory Committee and the Kawau Advisory Committee. These have the advantage that they keep down costs and administration loads, while allowing the public to still have some input into the decision making process. The disadvantage of these forms of committee is that they lack the statutory backed weight and status of the community boards. In addition, the powers to make actual, if minor, decisions about the ways the community is maintained and money spent and to make planning decisions is lost. the community committees of Rodney provide another way in which some localisation of decision making can be maintained with the added advantage of efficiency and speedy decision making. However, this form again reduces the community input into decision making to a mere consultative onlooker participation. The community board therefore, provides much greater opportunities for public participation than any of the other forms surveyed. Thus more needs to be done to keep the community boards in operation. This as seen above, is dependant in part, on efforts to address conflicts between the boards and the parent authorities over delegations, roles etc but also on the boards garnering greater public support than at present. This could be addressed by the boards themselves becoming more proactive. In this way, the boards may not only solve the internal conflict that has marginalised their success thus far, but they will become much more the 'communities' boards. In this way, despite the flexibility of the legislation, despite internal factors such as party politics and history, it is possible that these small statutory bodies set up to control the community, may yet become, and indeed to survive need to become, bodies for control by the community.

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Appendices ...

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Note: The taped interviews indicated in the References are held by the Planning Department, Massey University.

Appendix 1.0: The Legislation

101ZY. Purposes of Community Boards - The general purposes of a community board shall be -

- (a) The consideration of and reporting on of all matters referred to it by the territorial authority or any matter of concern to the community boards;
- (b) The overview of road works, water supply, sewerage, stormwater drainage, parks, recreational facilities, community activities, and traffic management within the community;
- (c) The preparation of an annual submission to the budgetary process of the territorial authority for expenditure within the community;
- (d) Communication with community organisations and special interest groups within the community;
- (e) Performing such functions as are delegated to it under the authority of section 101ZZ of the Act.

101ZZ. Functions, duties, and powers of community board -

(1) A community board shall perform such functions and duties and exercise such powers as are delegated to it by the territorial authority from time to time.

(2) A territorial authority may delegate any of its functions, duties, or powers to a community board except -

- (a) The powers and duties conferred or imposed on that territorial authority by the Public Works Act 1982 or the Town and Country Planning Act 1977;

(b) The power to borrow money, to make a rate or a charge in lieu of a rate, to make a bylaw, or to enter into a contract otherwise than in accordance with section 4 of the Public Bodies Contracts Act 1959;

(c) The power to institute an action for the recovery of any amount in excess of \$5,000;

(d) The power to acquire, hold, or dispose of property;

(e) The power to appoint, suspend or remove staff;

(3) Sections 35 and 169A of the Town and Country Planning Act 1977 shall apply with respect to a community board as if it were a committee constituted under section 114P of this Act by the territorial authority.

(4) Nothing in this section shall restrict the power of the territorial authority to delegate to a community board power to do anything precedent to the exercise by the territorial authority (after consultation with the community board) of any power specified in subsection (2) or subsection (3) of this section.

(5) To the extent that a community board is unable for any reason to exercise or perform, in relation to the community under its jurisdiction, any of the powers or duties conferred or imposed on it by subsection (1) of this section, those powers and duties may, at the request of the community board be exercised or performed by the territorial authority on behalf of the community board.

(6) The territorial authority may, at any time, after consultation with the community board, revoke any delegation made under this section to the board.

Appendix 1.1 The Mail Survey: District Councils

7 April, 1993

To the Chief Executive Officer

I am currently writing a Masterate thesis in planning at Massey University. I am examining the role of community councils since their inclusion in the restructuring of local government in 1989.

To this end I am collating a general overview of community councils' roles, functions and operations throughout New Zealand. To assist me with this I would be grateful if you could provide me with answers to several general questions. The company questionnaire has been designed with the objective of taken up the minimum amount of your time possible and is structured around the ticking of boxes. Please tick as many boxes as appropriate. The general questions fall into three categories; structure, working with the community council and assessing the community councils contact with the wider community.

I appreciate the time that answering these questions will involve and am therefore grateful for any information you are able to provide.

If you have any queries please feel free to contact me either at Massey university (06) 356 9099 Ext 8790 or at my after hours numbers (06) 356 2482 with any queries you may have.

Yours faithfully

K.M.Marjoribanks (Ms)

Structure

According to the Local Government Directory 1992, your council has Community councils operating in your area. Is this still the case?

Yes

No New Number

What funding/resource/staff provision do you make for each community council?

Annual funding

Staffing provision (number of people and position title)

Resources (e.g. access to databases, etc)

What lines of Communication do you have with the community councils?

- Telephone
- Memos
- Conversations at meetings
- Through the district/city councillor for that area
- Other (please specify)

What functions are delegated to the community councils in your area?

- Amenity operations overseeing
- Overseeing community activities/recreational facilities
- Preparation of submissions to councils' budgetary process as they concern the community councils' area
- Preparation of submission to annual, district/city plans as they concern the community councils' area
- Communication with other community organisations in their area
- Consideration and allocation of funds for small local improvement schemes
- Distribution of funds available from external sources e.g Hillary Commission
- Other (please specify)

What type of matters do you refer most to the community councils?

- Complaints
- Requests for project funding
- Maintenance matters
- Other (please specify)

What type of matters do they community councils refer most to you?

- Complaints
- New community initiatives
- Maintenance matters
- Other (please specify)

Working with the Community Councils

What do you see as being the community councils' relationship to the council?

- Advisory body
- An extension of the council at community level
- A watchdog group for citizens
- Other (please specify)

What use does the Council make of the Community councils?

- To carry out delegated functions
- As an indicator of public feelings
- A means for providing the public with information
- Other (please specify)

How useful has information/advice from the Community councils proved in the formulation of budgets, annual plans, district plans etc?

- Very helpful
- Helpful
- Neutral
- Not helpful
- Very unhelpful

What weight do you give the information/advice received from the community council?

- The same as staffs' advice
- The same as District/City Councillor
- The same as other public submissions
- Other (please specify)

Have there been disagreements with the community councils?

- Yes
- No

If yes, please indicate the cause of this disagreement?

- Respective roles of the two councils
- Areas of responsibility
- Scope of functions delegated
- Funding of staff/resources provided
- Other (please specify)

Please feel free to elaborate:

Assessing the contact with the wider community

How representative of the wider community do you consider the community councils to be?

- Very representative
- Representative
- Slightly representative
- Slightly unrepresentative
- Unrepresentative
- Very unrepresentative

How many of the public do you feel are aware of the existence/role of community boards?

- Very few
- Some
- Most

What uses, in your opinion, do the public make of the councils?

- To express concerns
- Complaints forum
- Funding source
- Other (please specify)

How successful do you believe community councils to be in their contact with the public, in comparison with other forms of public participation ?

- Much more successful
- Slightly more successful
- About the same
- Slightly less successful
- Much less successful

Would you recommend:

- Continuing with and extending the community council system
- Continuing with community councils as they are now
- Abolishing the community councils

Why would you recommend this?

Other Comments:

Appendix 1.2: The Mail Survey: Community Boards

7 April, 1993

To the Chairperson and councillors

I am currently writing a Masterate thesis in planning at Massey University. I am examining the roles that community councils have undertaken since their inception due to the reorganisation of local government in 1989.

To this end I am collating a general overview of community councils roles, functions and operations throughout New Zealand. To assist me with this I would be grateful if you could provide me with answers to several general questions. Any help you can give me will be greatly appreciated.

The questions fall into three broad categories; structure, working with the district council and working with the community.

Structure

1. When was your community council set up?
2. Was this as a result of submissions to the Local Government Commission?
3. If not why was it established?
4. Were there existing neighbourhood groups in your area?
5. Were they incorporated in the new community council?
6. How many councillors make up your community council?
7. What is the composition of your community council eg Number of men to women, ethnic mix etc?
8. What population number, size of area do you serve?
9. How often do you hold your meetings?
10. Do you hold formal or informal meetings?
11. Is there time set aside for the public to present their views to the community council at these meetings?
12. What remuneration do you receive for your work as community councillors?

Contacts with the District /City Council

1. How is your community council funded?
2. What staff, other resources are provided to you by your parent council?
3. What types of contact do you have most with your parent council e.g face to face discussions, phone calls, memos etc?
4. How helpful do you find a.) the council staff b.) the mayor and councillors?
5. What do you see as being the relationship of your community council with your parent council; part of the council, and advisory body, community advocates, a mixture of the above?

Working with the Community

1. How do you gauge what your community wants/feels on an issue?
2. Do you liaise with other organisations e.g. community policing?
3. If so which organisations do you liaise with?
4. What types of projects have you been involved with?
5. What types of projects would you like to be involved with in the future?

I appreciate the time that answering these questions will involve and am therefore grateful for the information you are able to provide.

I would also be very interested in any personal views regarding the aspirations, rewards and frustrations of being a community councillor that you would like to add as this would enable me to gain a better understanding of the feelings of those who are involved directly in the working of community councils.

If you have any queries please feel free to contact me; either at Massey University (06) 356 9099 Ext 8790 or at my after hours number (06) 356 2482 with any concerns you may have.

Yours faithfully

K.M.Marjoribanks (Ms)

Appendix 2.1: Auckland City: Community Board Delegations

Community Boards

Fields of Activity

To determine all matters of local significance (except town planning matters which are dealt with separately) for which authority has been delegated by Council.

Delegated Powers

1. To make submission on legislation with only local significance to Legislation Committee.
2. To provide local input to district scheme reviews and council's strategic plan.
3. To approve local parking planning and implementation.
4. To hear objections to road closures of only local significance.
5. To advise Council on Local urban design proposals.
6. To make recommendations on local capital works priorities.
7. To make budgetary submissions on local community activities and resources during the annual estimates process.
8. To recommend local service levels where appropriate (e.g. frequency of grass berm cutting, refuse collection services, etc.)
9. To allocate any discretionary funds given to the Board for 'Community support' purposes.
10. To approve signs on Council property in accordance with guidelines.
11. To liaise with the MOT on local traffic control in terms of Council's contract.
12. To monitor matter relating to dog control.
13. To set local guidelines for the leasing of halls and other public facilities.
14. To approve local recreation programmes and similar promotions.
15. To support local applications for subsidies available from the Ministry of Sport and Recreation.
16. To advise Area Managers on the effects of planned events on local neighbourhoods (e.g. Kiri Te Kananwa concert in One Tree Hill Domain).

Appendix 2.2: Whakatane District: Community Board Delegations

The Whakatane District Council Delegation manual shows that the following functions were delegated to the Districts Community Boards

B 11 General

- (1) To recommend levels of charges for community services.
- (2) to recommend expenditure for community works and services for the following financial year.
- (3) To approve expenditure for community works and services for the following financial year.
- (3) To approve the transfer of expenditure to other estimates within the same account group.
- (4) To authorise Board members' attendance at relevant conferences and/or training courses.
- (5)
 - (a) To receive correspondence and reports
 - (b) To make decisions that have the effect of furthering the investigations or obtaining information that will assist or enable the Board to decide on a substantive course of action at a later date.
- (6) To authorise use of reserves within the community
- (7) To allocate work priorities within the annual programme.
- (8) To approve temporary road closures within the Community.
- (9) To settle disputes regarding hall or reserve usage.
- (10) To set reserve rentals and other like miscellaneous fees and charges.
- (11) Authority to set and waive payment of hall or reserve rentals.
- (12) Authority to appoint the caretaker in respect of any community hall where the employment of such has been approved.
- (13) Authority to enter into correspondence with another party (or parties) on matters specifically affecting the community and for which no expenditure outside the estimates is required.
- (14) The imposition of water restrictions or other controls necessary to ensure equitable use of a community resource.
- (15) To make comments or to object to or make submissions in respect of any subdivisions or planning applications affecting land within the community.
- (16) To make recommendations to the Council on its Annual Plan.

Note 2: All matters relating to expenditure to be within the budget adopted in respect of the community.

B12 Specific delegations

(1) Murupara

(a) In the case of the Murupara Community Board, authority to determine swimming pool operators or supervisors.

(b) In the case of the Murupara Community Board, authority to let the contract for the cleaning of the service centre.

(2) Edgecumbe

(a) In the case of the Edgecumbe Community Board, authority to determine swimming pool operators or supervisors.

Appendix 2.3: Palmerston North City: Community Board Delegations

A Charter for Ashhurst

Membership

The membership of the Board shall be as set out in the final reorganisation scheme for the Palmerston North North City Council.

Purpose

The purpose of the Board shall be as set out in Section 101 ZY of the Local Government Act, including -

- a) representing the interests and concerns of the community to the council;
- b) overseeing works and services within the community;
- c) preparing an annual submission in the budgetary process

Delegation

The Council believes that the Board will act most effectively when it has maximum delegation and financial autonomy. To that end, the Board may exercise any and all of the powers granted to the Palmerston North City Council subject to the following exceptions;

- a) the powers reserved to the Council itself by law;
- b) powers which the Council has from time to time delegated to officers;
- c) powers which have been 'called up' by the council;
- d) any power where the exercise of that power will have an effect beyond the community of the community board involved;
- e) certain town planning applications

Town Planning

The Community Board is appointed as a committee under Sections 35 and 169A of the Town and Country Planning Act 1977 to exercise the Council's functions as far as they are permitted by law to do so. The powers which the Community Board may not exercise are;

- a) section 47, relating to the initiation and resolution of scheme variations;
- b) section 54, relating to the initiation and varying of changes to an operative District Scheme;
- c) section 59, relating to the review of District schemes;
- d) section 81, being related to the power to acquire land and agree to do
- e) section 85, empowering the Council to subdivide, approve and sell land, and do work in association with other authorities;
- f) section 94, relating to the enforcement of district schemes

Contrary to Council Policy

The Community Board may not exercise any power contrary to established policy set by the Council or a committee. These policies are recorded in the Council's policy manual. The correct approach is for the Community Board to promote a change with the Council

On all occasions the Board must comply with, or act in a manner that is consistent with Council policy.

"Call Up" Procedures

There will be occasion where it is necessary to suspend the jurisdiction of the Ashhurst Community Board to deal with a particular matter. In such a case, the delegation to the Board is not withdrawn; it is simply suspended in regard to the particular matter or issue.

The Mayor, after consultation with the chairperson of the Ashhurst Community Board, and the Chairperson of any Standing Committee

involved, may direct that a particular matter will not be dealt with by the Board.

Any such direction given by the Mayor will be reported to the Council forthwith. The Council will then consider whether the matter should be referred to the Community Board, or dealt with by some other committee, or by the Council itself.

Unauthorised Expenditure

The Board may not take any steps which would incur costs which have not been budgeted for.

Advisory Committee

The Ashhurst Community Board is authorised to appoint sub committees (to be known as advisory committees) and the members of those sub-committees, for the purpose of advising or exercising some or all of the powers of the community Board. Any such advisory committee will be accountable to the Council and the community for the performance of any such advisory committee.

Terms of Reference for the Ashhurst Ward Committee

- a) Representing the interests and concerns of the Ward's community to the Council;
- b) Overseeing works and services within the Ward's community, as particularly relating to the services of water supply, sewerage and refuse disposal;
- c) Preparing an annual submission in the budgetary process.

Appendix 2.4: Rodney District: Community Board Delegations

Delegations to the Helensville-Kumeu, Hibiscus Coast and Northern Community Boards.

(a) That for the purposes of Section 4 of the public Bodies Contracts Act 1959: the Northern Community Board, the Hibiscus Coast Community Boards; and the Helensville-Kumeu Community Board; respectively, be appointed as Committees of the District Council constituted under Section 114P of the Local Government Act 1974 (as inserted by section 18 of the Local Government Amendment (No. 2) Act 1989).

(b) Pursuant to the provisions of Section 101ZZ of the Local Government Act 1974 (as inserted by Section 14 of the Local Government Amendment (No. 2) Act 1989) the Rodney District Council, subject to any delegation which may from time to time be made by the Council directly to any Council Officer on a 'District wide' basis, hereby delegates to the Northern Community Board, to the Hibiscus Coast Community Board and to the Helensville-Kumeu Community Board, the following functions, duties, powers and discretions, to be exercised in their respective localities.

1. POWERS, FUNCTIONS AND DUTIES

A Service Delivery

the power to deal with all day to day matters concerning the delivery of service within the Community relating to;

(a) The provision, maintenance and upgrading of roads, bridges, footpaths, road reserves and road verges;

(b) The provision, maintenance and upgrading of land and stormwater drainage;

(c) The provision, maintenance and upgrading of local urban water supplies;

- (d) The provision, maintenance and upgrading of sewage collection and disposal systems;
- (e) The provision of rubbish collection, rubbish disposal, and recycling services, and litter control/prevention;
- (f) The provisions, maintenance and upgrading of public recreational facilities (including parks, reserves, beaches and waterways and camping grounds);
- (g) Beautification and planting;
- (h) The provision, maintenance and upgrading of walkways;
- (i) The provision, maintenance and upgrading of public conveniences;
- (j) The provision, maintenance and upgrading of cemeteries;
- (k) The provision, maintenance and upgrading of bus shelters;
- (l) The provision, maintenance and upgrading of local library services;
- (m) The provision, maintenance and upgrading of local community centres and bus shelters;
- (n) The provisions and maintenance of housing for the elderly;
- (o) The development and management of other Council properties;
- (p) Representing in all cases of Council's properties the Council's interest as property owner including the lodging of objections and/or appeals under any relevant statute except with respect to the Council headquarters at Centreway Road, Orewa and such other properties as the Council may determine from time to time;
- (q) Recommending to the District Council commencement of designation procedures for any public work for which the Council has financial responsibility;

(r) The provision and maintenance of other such works, facilities and amenities in the Community as the Community Board thinks fit.

B Regulatory Functions

The responsibility to:

(a) Monitor and to take such action as the Community Board considers appropriate in order to ensure proper compliance with all District Council By-laws and other legislative requirements - including but not limited to Building, Dog Control, Food Premises, Reserves, Foreshore and Waterways, Hawkers, Health, Signs, Impounding, Liscensing, Noise Control, Litter Control, and Fencing of Swimming Pools, in the Community;

(b) Monitor and to take such action as the Community Board considers appropriate to ensure the adequacy of traffic control in the Community (including the naming of roads);

(c) Subject to the provision of the approved Rodney Fire Plan, monitor fire prevention and fire protection measures in the Community;

(d) Monitor hydatids control, pest destruction and noxious plants activities within the Community;

(e) Subject to the provisions of the approved Rodney Civil Defence Plan, monitor civil defence function insofar as it solely affects the Community;

(f) Prepare and maintain 'up to date' Reserve Management Plans for all Reserves in the Community (as required by the Reserves Act 1977);

(g) Promote conservation measures and environmental protection/ awareness;

(h) Prohibit the use of vehicles on, and the consumption of liquor in, public places pursuant to the provisions of Section 709A of the Local Government Act 1974;

(i) Recommend to the District Council from time to time suitable persons for appointment as; Honorary Ranger/Wardens, Honorary Harbourmasters, Honorary Wharfingers, Honorary Rural Fire Officers.

C In particular;

(a) The powers, duties and discretion under Part XX of the Local Government Act 1974, including:

- the power to deal with applications for scheme plans of subdivision and all matters incidental thereto and arising therefrom;
- the power to require the preparation of concept plans and all matters incidental thereto and therefrom;
- the power to deal with applications for development plan approval and all matters incidental thereto and arising there from;
- the power to vary previous consents given for scheme plans of subdivision;
- the power to deal with matters howsoever arising concerning cross leases, the doing of work on any land whilst an appeal is pending (Section 302), the issuing of completion certificates, and the issuing of survey plan approvals; but excluding the power to consider objection lodged pursuant to the provisions of Section 299 of the Local Government Act 1974, which will be dealt with by the District Council's Regulatory Committee.

(b) Subject to Clause (e) below the District Council's powers, function, duties and discretions under Part IV and VI of the Town and Country Planning Act 1977, and under the Town and Country Planning Regulations 1978 (insofar as such regulations relate to Part IV of the aforesaid Act), but not including those powers, functions, duties and discretions as are enumerated hereunder which shall remain with the District Council itself:

- Section 81 - To acquire land and agree to do work in association with other authorities
- Section 85 - To subdivide, improve and sell land acquired
- Section 94 - Enforcement of the District Scheme - prosecutions - orders to enter land and do work
- Section 118 - To make a final recommendation to a Minister or Local Authority

(c) The power to hear and determine objections lodged against any proposal to construct works on or under any private land pursuant to Section 708 and the Sixteenth Schedule of the Local Government Act 1974.

(d) The power to make whatever action the Community Board considers necessary on matter coming before the Planning Tribunal from time to time (relating to Previous decisions of the Community Board or of the former Hibiscus Coast District Community Committee), including the power to negotiate such Consent Orders as the Community Board thinks desirable.

(e) Pursuant to the provisions of Section 114P of the Local Government (as inserted by Section 14 of the Local Government Amendment (No 2) Act 1989) the respective Community Boards are hereby constituted as Committees of the District Council for the purpose of constituting sub-committees of various Council Officers to which, pursuant to the provisions of Section 169A of the Town and Country Planning Act 1977, as a condition of this delegation, the following powers and functions have been delegated:

(i) The Council's power, duties and discretions set out in Section 64 of the Town and Country Planning Act 1977 (Public Utilities);

(ii) The Council's powers, duties and discretions which may be exercised under Sections 33(1), 71(2), 90(1) (b) and 91 of the Town and Country Planning Act 1977 and under the Town and Country Planning Regulations 1978 (Variations, Existing Uses, Control of land, Area or Building where an Operative District Scheme does not exist, reconstruction of non-conforming Buildings, Giving of Notice, Requests for More Information, etc);

(iii) The Council's powers and duties which may be exercised in respect of notified applications where there are no objections, and where there is a favourable Planning Officer's report, and where the applicant does not wish to be heard.

(See Resolution No. 35/11/89 formally constituting these sub committees.)

D Financial and Other

The power:-

(a) Pursuant to the provisions of section 4 of the Public Bodies Contracts Act 1959 (being constituted for the purposes of this delegation as a Committee of the District Council constituted under 114P of the Local Government Act 1974 - as inserted by Section 14 of the Local Government Amendment (no 2) Act 1989), to enter into any contract in respect of any matter coming within the scope of these delegated powers, functions, duties and discretions of the Community Board, up to a limit of \$1m for any one contract. (all contracts entered into to be subsequently reported to the next ordinary Meeting of the District Council by way of tabling copies of the appropriate resolutions. Provided however, pursuant to subsection 3A of Section 4 of aforesaid Act it shall not be necessary to report back contracts entered into for expenditure up to \$500,000 for any one contract);

Note: Particular attention is drawn to Policy No 16410 which imposes certain limitations on the awarding of contracts for the supply of goods or services which are likely to exceed \$60,000.

(b) To identify and recommend to the District Council the longer term needs of the Community for incorporation in the "District wide" strategic Plan, forward plans and priorities;

(c) To prepare and recommend to the District Council the annual Community budget each year - following the procedures adopted by the District Council from time to time for the preparation of its annual report concerning its future plans, pursuant to the requirements of Section 223D of the Local Government Act 1974;

(d) Subject to Corporate Policy No 1575, to make such alterations to the approved budget of the Community, within the total approved expenditure limit for the year, as the Community Board thinks fit.

(e) To monitor to the approved estimates for the community and to measure the Organisation's actual performance against its earlier published and adopted "Statement of Intent" (i.e. (c) above);

(f) To recommend to the District Council, in respect of the Community Board's operations, matters for inclusion in the District Council's annual report to the public (pursuant to the requirements of Section 223E of the Local Government Act 1974) concerning the Territorial Authority's performance - following the procedures adopted by the District Council from time to time;

(g) To be the focal point for contact with all the Citizens' Committees, Ratepayers' and Residents' Associations and Business Groups, Community Organisations, and other special Interest Groups within the Community:

(h) To make grants and donations:

(f) To set fees and charges (but only to the extent as may be specifically authorised by the Council from time to time) and to "write off" accounts, fees and charges:

Note: Pursuant to this subclause and subclause (j) below the Community Board is hereby delegated the power to set, "write off", remit, postpone, and reduce all fees and charges relating to:

- The Hibiscus Coast Leisure Centre (Hibiscus Coast Community Board);
- The Orewa Holiday Park (Hibiscus Coast Community Board);
- The Martins bay Holiday park (Northern Community Boards);
- The amenities listed in the schedule to clause 4(g) of this delegation (all Community Boards);

- Such parks, Halls and reserves as are administered directly by the Community Board (all Community Boards)

(j) To grant rate remissions, postponements or reductions:

(k) To deal with matters pertaining to roads legalisation and for the sale, purchase, leasing and licensing of land (but see Clause 2(i) (vii) below);

(l) To receive petitions and deputations:

(m) To institute an action for the recovery of any amount not exceeding \$5,000:

(n) To take such action as the Community Board thinks fit relating to the creation of employment opportunities; and the promotion of tourism, industrial, commercial and rural development in the Community (including the preparation and dissemination of brochures, articles, promotional displays and the like);

(o) In the case of the Northern Community Board to decide the District Council's representatives on the Tawharanui Foreshore Management Sub - Committee of the Auckland Regional Council.

(p) To make representations to the Auckland Regional Council from time to time concerning matters which relate solely to the area of the Community (e.g. a water supply scheme for the Hibiscus Coast and Management Plans for Regional Reserves within the Community). Provided however in the cases of personal representations to the Auckland Regional Council concerning any of these delegated powers the deputation shall be joined by the Mayor if available.

(q) Without reference to the District Council, by resolution to authorise any member of a Community Board to attend any meeting or conference as a representative of the Community Board, in which case the resolution shall be regarded as if it was a resolution of the council passed pursuant to Section 101 ZZO of the Local Government Act 1974 (as inserted by Section 15 Of the Local Government Amendment (no 2) Act 1989) (re remuneration);

(r) Without reference to the District Council, by resolution to authorise any member of a Community Boards or of any Committee or subcommittee of a Community Board to attend any conference or meeting as the representative of the Community Board, or to attend any course of study or training that in the opinion of the Community Board will render the member better fitted to carry out the functions of his/her office, in which case the resolution shall be regarded as if it was a resolution of the Council passed pursuant to Section 101ZZV of the Local Government Act 1974 (as inserted by Section 15 of the Local Government Amendment (No 2) Act 1989) re Travelling Expenses)

2. LIMITATIONS ON AUTHORITY

(a) This delegation is conditional upon His Worship the Mayor being co-opted as an ex officio member of the Community Board (and any committee thereof) with power to speak but not to vote when matters are being discussed by the Community Board (or any of its Committees) prior to a decision being made pursuant to these delegated functions, powers, duties and discretions.

(b) The Community Board's "power to act", pursuant to this delegation, is limited to matters which relate solely to the Community.

(c) The Community Board has an overriding responsibility to ensure that its actions and decisions are always within the overall strategic plans, policy guidelines and priority programmes adopted by the Rodney District Council from time to time. Whenever this is wither not possible or (in the circumstances of the case) not felt to be desirable, the Community Board's decision will be by way of a recommendation to the District Council.

(e) Before making any decision pursuant to these delegated functions, duties and powers the Community Board will satisfy itself (where appropriate) that adequate provision has been made in the approved estimates for the proposed works.

(f) All 'policy type' decisions of an ongoing nature, of the Community Board, relating to any of these delegated functions, powers, duties and

discretions will be subject to ratification by the District Council. The intention of this limitation is to ensure that there is the greatest possible degree of uniformity of approach towards common problems throughout the district, and to achieve operational efficiency. Such 'policy type' decisions will be referred to the District Council at its Ordinary meeting monthly, and if ratified then, will thereafter be recorded in the Corporate Manual as policy decisions of the District Council.

(g) Except in the case of matters which fall within the scope, functions, and powers of the District Council's Regulatory Committee it is not intended that any person or body who (or which) is dissatisfied with any decision of the Community Board made pursuant to these delegated functions, powers, duties and discretions shall have a right of objection to the District Council. However the District Council reserves the right to, on its own violation, either ask the Community Board to reconsider its decision, or to overturn any decision of the Community Board made pursuant to these delegated functions, powers, duties and discretions, if the District Council is of the opinion that:

- any of the conditions of this comprehensive delegation have not been adhered to; or
- the decision is wrong; or
- an injustice has been done

The District Council will not overturn any decision of the Community Board pursuant to this clause without first giving the Community Board an Opportunity to explain the reasons why it made the decision that it did and any resolution of the District Council subsequently overturning a Community Board decision, will include a statement explaining the reasons for the District Council decision.

This limitation will not apply to decision of any Community Board made by the Community Board whilst sitting in a quasi-judicial capacity (e.g. applications for notified Planning Consent).

(h) In the case of the Northern Community, the Community Board Shall consult with the Kawau Island Advisory Committee before taking action on any matter which solely affects Kawau Island and Island residents.

(i) Specifically, the Community Board does not have:

(i) The powers and duties conferred or imposed on the territorial authority by the Public Works Act 1981.

(ii) The powers and duties conferred or imposed on the territorial authority by the Town and Country Planning Act, other than the powers, duties and discretions set out in paragraph 1(c) (b) of this delegation.

(iii) The power to make a rate or a charge in lieu of a rate.

(iv) The power to make a by-law.

(v) The power to enter into a contract for a sum exceeding \$1m in any one case.

(vi) The power to institute an action for the recovery of any amount in excess of \$5,000,

(vii) The power to acquire, hold or dispose of property.

(viii) The power to appoint, suspend or remove staff.

(ix) The power to initiate a Special Order pursuant to the Provisions of Section 113 of the Local Government Act 1974.

(x) The power to hear and determine the regulatory aspects of any application, project or proposal in respect of which, if the Community Board dealt with such aspects, there could be a conflict of interest between the Board's regulatory and other roles. Examples are:

- Proposal to subdivide Council owned land;
- Proposal to develop Council land which needs notified planning consent (Council or others as developers);
- Application for a dispensation which affects Council land and the Board withholds approval;

- Application for planning consent and the Board lodges an objection;
- Application to remove a tree from Council owned land.

(xi) The power to consider objections lodged pursuant to the provisions of Section 299 of the Local Government Act 1974.

(xiii) The power to make a final recommendation to a Minister or Local Authority pursuant to Section 118 of the Town and Country Planning Act 1977.

(j) Decisions to institute an action for the recovery of any amount in excess of \$5,000, or for any legal action other than for recovery of an amount, shall be by way of recommendations to the District Council.

(k) To the extent that the Community Board does not have the power to make a decision on any matter(s) affecting the Community it may make (a) recommendation(s) to the District Council.

3. DECISIONS OF COMMUNITY BOARD MAY BE ACTED UPON

Decisions made by the Community Board pursuant to this delegation may be acted upon without further reference to the Council as if they were decisions of the District Council.

4. DELEGATED POWERS MAY BE AMENDED/SUB - DELEGATED

(a) These delegated powers will apply for the period 1 November 1989 until 31 October 1990 and will be comprehensively reviewed by the District Council In October 1990.

(b) Notwithstanding subclause (a) above, the District Council reserves the right (after consultation with the Community Board to amend or revoke any or all of these delegated functions, powers, duties and discretions at any time.

(c) Particular care must be taken when sub- delegating any of these powers, duties, functions and discretions to ensure that the provisions of Section 233C of the Local Government Act 1974 (as inserted by Section 24 of the Local Government Amendment (No. 2 Act 1989) are adhered to. Especially:-

"(g) So far as practicable, where a committee of a ...Community Board is charged with, or has responsibility for regulatory functions, that committee shall not be charged with or have responsibility for functions that are not regulatory functions."

(d) Subject to the Provisions of any Act, the Community Board may sub-delegate such of these powers, duties, functions and discretions as it thinks fit, either generally or in any particular case, to any committee appointed by it, - providing membership of such Committee comprises solely members of the Community Board and in circumstances where the Community Board deems it desirable, any council Officer or group of Council officers; or to any Council Officer or group of Council Officers.

(e) Notwithstanding subclause (d) above, The Northern Community and the Helensville-Kumeu Community Boards may sub-delegate such of their powers, duties and functions as they think fit, to any Citizen Committees which have been appointed by the respective Community Boards pursuant to the District Council's approved procedures for the appointment of such Citizen Committees (refer resolution no.12/11/89)

(f) Notwithstanding subclause (d) above, in the case of the Northern Community, the Community board may sub delegate such of their powers, duties and functions relating solely to Kawau Island as it thinks fit, to the Kawau Island Advisory Committee, which has been constituted by the District Council pursuant to the provisions of the Local Government Commission's Final re-Organisation Scheme and pursuant to Section 114P of the Local Government Act 1974 (as inserted by Section 14 of the Local Government (No 2) Act 1989) (refer resolution No 14/11/89)

(g) Notwithstanding subclause (d) above, the Community Boards may sub-delegate responsibility for the day to day management of various halls and reserves in the Community to the local "Advisory Committees", (membership of which may include persons other than Community Board members) as listed in the Schedule below - provided however such delegations shall be subject to the standard (or other specifically approved form of constitution for such Advisory Committees as is approved by the District Council from Time to time.