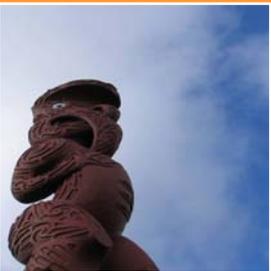




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## Councils' experiences with the Local Government Act 2002

<b>PREPARED FOR</b>	Local Government Commission
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*dream a little* Fly Buys

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# Table of Contents

<b>Executive summary</b> .....	<b>1</b>
<b>Background and objectives</b> .....	<b>4</b>
<b>Research methodology</b> .....	<b>5</b>
Survey response .....	5
Survey content .....	5
Survey process .....	6
<b>Detailed findings</b> .....	<b>7</b>
<b>Influence of the LGA 2002 on council decision making</b> .....	<b>8</b>
Overall influence of the LGA 2002 .....	8
The influence of 'community outcomes' .....	10
The influence of the LTCCP .....	12
Provisions for a casting vote .....	12
<b>Public engagement and consultation processes used by councils..</b>	<b>13</b>
Achieving two way communication with members of the public .....	13
Quality and quantity of feedback that councils have received.....	14
Special Consultative Procedure .....	15
Council evaluations of consultation policy.....	17
<b>General empowerment under the LGA 2002</b> .....	<b>18</b>
New activities as a result of the LGA 2002 .....	18
Transferring of responsibilities between councils .....	20
New or innovative methods of provision .....	21
Significant new activities proposed by regional councils.....	22
<b>Collaboration between councils</b> .....	<b>23</b>
Collaboration between councils within the same region .....	23
The identification and monitoring of community outcomes .....	24
The perceived effectiveness of triennial agreements .....	25
<b>Codes of conduct</b> .....	<b>27</b>
Codes of conduct prior to the introduction of the LGA 2002 .....	27
Breaches and alleged breaches of council codes of conduct since the introduction of the LGA 2002 .....	28
<b>Obligations and restrictions for water and sanitary services</b> .....	<b>31</b>
Extent to which assessments have informed long term planning .....	31
Undue constraint on the delivery of water services caused by obligations or restrictions in the LGA 2002 .....	32
<b>Appendix: Questionnaire script</b> .....	<b>34</b>

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# Executive summary

An online survey of New Zealand councils was conducted between 9 April and 19 May 2008. Seventy six of New Zealand's 85 councils completed the survey, giving an overall response rate of 89%.

## Influence of the LGA 2002 of council decision making

- The vast majority of councils (94%) say that the LGA 2002 has had at least some influence, and over half (57%) say it has had a lot of influence, on their decision making.
- Three quarters of councils (77%) indicate that they now take a longer term focus when making decisions, and 72% say they now consider the extent to which community outcomes could be achieved. The majority of councils also indicate that they consider a wider range of options when making decisions (69%), and that they consider the impact of decisions on the four types of community wellbeing (68%; ie, social, economic, environmental, and cultural wellbeing).
- The majority (89%) of councils say that community outcomes influence their decisions at least occasionally, and just under half (46%) say they influence their decisions frequently. Similarly, the vast majority of councils (98%) say that the LTCCP has at least some influence on their decisions, and nearly three quarters (72%) say it has a lot of influence. Councils who report that community outcomes influence their decisions more frequently are likely to report that their LTCCP has a greater influence on their decisions.
- The majority of councils (86%) have a provision in their standing orders for the mayor or chairperson or other person presiding over meetings to have a casting vote. This proportion remains consistent across council type (ie, district, city, or regional).

## Public engagement and consultation processes used by councils

- The most common methods for achieving two-way communication with councils have been submissions (100%), public meetings (97%), surveys of residents selected at random (86%), Hui (76%), focus groups (72%), and websites that allow residents to provide electronic responses (72%). Councils indicate that the next three years are likely to see growth in the use of a number of methods including focus groups, websites allowing electronic responses, community planning days or open houses, and citizen panels.
- We asked all councils whether they felt the LGA 2002 had increased or decreased the quantity and quality of the feedback they had received. On the whole feelings are mixed. When it comes to the *quantity* of the feedback received, 59% of all councils feel that the quantity has increased since the introduction of the LGA 2002, while 37% feel there has been neither an increase nor a decrease. When it comes to *quality*, fewer councils (47%) feel there has been an increase.
- We listed a variety of circumstances under which councils use the Special Consultative Procedure (SPC) for providing the widest possible invitation for people to comment prior to decision making. For each circumstance we asked councils how effective the SPC has been for increasing the *quantity* of feedback, the *quality* of feedback, and for providing good *value for money*.<sup>1</sup>
  - When it comes to the adoption of the LTCCP and Annual Plan, and making amendments to the LTCCP, more councils feel that the SPC has increased the *quantity* of responses (67%, 58%, and 44%, respectively) than the *quality* (61%, 50%, and 38%, respectively). Even fewer councils believe that the SPC provides good value for money (42%, 42%, and 26%, respectively).
  - When it comes to bylaws and other circumstances, results are generally more consistent across the three attributes. Nearly half of councils (45% for bylaws and 47% for other circumstances) rate the SPC as effective for increasing the *quantity* of feedback. Slightly fewer councils rate the SPC as effective for increasing the *quality* of feedback (41% for

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<sup>1</sup> Value for money was defined as "good quality and quantity of responses for the cost involved".

bylaws and for other circumstances) and for providing value for money (42% for bylaws and for other circumstances).

- Around four in every ten councils (39%) have used the SPC in a situation where they were not statutorily required to. Regional councils are more likely than city or district councils to say they have *not* done so (89% [n=8] have not done so, compared to 63% [n=10] of city councils and 41% of district councils). The key reasons that councils opt to use the procedure are: when they want feedback on an issue that is of public importance (n=8), because they feel it is a good way to gain feedback (n=6), and because they want to ensure the widest possible feedback (n=5).
- Fifty eight percent of councils say they evaluate the effectiveness of their consultation policy. The main methods for doing so are resident surveys (34%) and evaluations of the quality and/or quantity of responses received (32%).

### General empowerment under the LGA 2002

- Twenty eight percent of councils say they have entered into new activities or ventures as a direct result of the LGA 2002 conferring on local authorities full capacity, rights, powers and privileges. It should be noted, however, that certain provisions in the predecessor Act (Local Government Act 1974) provided local authorities with wide powers in certain areas. Upon reviewing the examples of new activities or ventures that councils provided, the Local Government Commission notes that few, if any, could not have been entered into under the 1974 Act.
- The majority of councils (85%) have *not* transferred any responsibilities to or from other councils under Section 17 of the LGA 2002.
- More than half (59%) of New Zealand's councils say they have used new or innovative methods to provide activities or ventures. Councils identified only 4% of the 117 new or innovative methods as not being allowable under the LGA 1974.
- We asked all regional councils whether they have proposed or reached agreement to undertake any significant new activities or ventures previously undertaken (or proposed to be undertaken) by a territorial local authority in their region (refer to Section 17 of LGA 2002). Out of the nine regional councils that took part in the survey, two have reached agreement to undertake significant new activities. These activities are an Economic Development Agency and a river management scheme.

### Collaboration between councils

- The majority of councils (88%) collaborate with others in their region to meet obligations under the LGA 2002. Sixty three percent of councils collaborate to monitor community outcomes and 53% collaborate to identify them. Regional councils that took part are more likely than others to say that they collaborate with councils to identify community outcomes (89% [n = 8] of regional councils do this, compared with 31% [n=5] of city councils and 53% of district councils).
- Perceptions regarding the effectiveness of triennial agreements are mixed. Although 36% of councils feel that the 2004 agreements were very or somewhat effective, 45% feel neutral about them and 13% feel they were either very or somewhat ineffective.
  - Just over one quarter of councils (26%) say they have done something to make their 2007 agreement more effective.
  - There is no apparent relationship between perceived effectiveness of the 2004 agreement and efforts to make the 2007 agreement more effective.
  - Regional councils are more likely than city or district councils to have done something to make their 2007 agreement more successful (67% [n=6] of regional councils have done so, compared with just 13% [n=2] of city councils and 26% of district councils).

### Codes of conduct

- Around one quarter (24%) of councils say they had a formal code of conduct prior to the introduction of the LGA 2002.

- Forty two percent of the councils that took part say they have had to consider alleged breaches of their code of conduct since the introduction of the LGA 2002.
  - Of the 32 councils who say they *have* had to consider an alleged breach, the majority (81%, n = 26) say they have had to consider just one or two breaches since the introduction of the LGA 2002.
  - Of the 32 councils who say they *have* had to consider an alleged breach, 19 say they have had to formally investigate breaches. This equates to one quarter of all councils (25%).
  - Of the 19 councils who say they *have* had to formally investigate an alleged breach, 16 (84%) have had to formally investigate one or two breaches, 3 (16%) have had to formally investigate three or more breaches, and 2 (11%) are unsure how many they have had to investigate.
  - We asked all councils who have formally investigated a breach whether their current policy is to have an independent external person carry out the investigation. Out of the 19 councils that have conducted formal investigations, 4 have such a policy.
  - Out of the 19 councils that conducted formal investigations 12 say they did find breaches of their code of conduct. This equates to 16% of all councils who took part in the survey.
  - We asked councils what sanctions were imposed. Three councils were unsure. Of the remaining nine councils, five had asked a member to make an apology, three had removed a member from a specific committee or position, and three had issued formal censures.
  - Four councils said they would have liked to impose sanctions that they were not empowered to impose under the LGA 2002. Each said they would like to have been able to suspend or remove an elected member from office.

### **Obligations and restrictions for water and sanitary services**

- Three quarters of councils (76%) say that assessments of water and sanitary services have informed their long term planning to some extent or to a great extent.
- The majority of councils (82%) have experienced no undue constraint on the delivery of water services to their community caused by obligations or restrictions in the LGA 2002 (Part 7, Subpart 2). We asked councils who *had* experienced undue constraint to tell us about their experience. Five council mentioned financial implications, two mentioned an inability to consider alternative approaches, and one mentioned overall dissatisfaction with new legislation.

## Background and objectives

The Local Government Commission (LGC) is carrying out an operational review of the Local Government Act 2002 and Local Electoral Act 2001. Accordingly, the Commission requires information concerning how the Acts are actually implemented on a practical level and whether or not they are operating as intended. As part of this review, the Local Government Commission has sought information from residents about their participation in local government process, including voting in elections as well as making formal submissions to council.

To this end the Local Government Commission contracted Colmar Brunton to undertake three pieces of research aimed at obtaining residents' (the public) views and experiences:

- *Post (local) elections survey 2007:* examines voting behaviour of electors (people who were eligible to vote) and the impact of various sources of advertising and other information on voter understanding and behaviour.
- *National survey: Knowledge of, and participation in, local government.*
- *Interviews and survey of residents (individuals and community groups) who have inputted to council decisions:* 24 in-depth interviews supported by a telephone survey of a further 300 residents.

All research reports are, or will be, available on the Commission's website [www.lgc.govt.nz](http://www.lgc.govt.nz) (refer to the 'legislative review' page).

The Local Government Commission is also interested in gaining an insight into council views of, and experience with the Local Government Act 2002. Accordingly, in addition to the exploration of the issues that the Commission has made directly, the Commission has contracted Colmar Brunton to undertake this fourth piece of research, being an on-line survey of all New Zealand's local authorities (85 in number). The current report presents results of the online survey.

# Research methodology

An online survey of New Zealand councils was conducted between 9 April and 19 May 2008. Seventy six of New Zealand's 85 councils completed the survey, giving an overall response rate of 89%.

## Survey response

Of the 76 councils who completed the survey:

- 51 are district councils (out of a possible 57)
- 16 are city councils (out of a possible 16)
- 9 are regional councils (out of a possible 12)

One person at each council was responsible for completing the survey on their council's behalf. A key contact at each council (usually the Chief Executive) was asked to forward the survey to the person best qualified to answer the questions. Although one contact at each council had overall responsibility for completing the survey, they were advised that it was appropriate to collect information from other people or sources if need be.

Forty six percent of surveys were completed by the Chief Executive only, while 51% were completed by other council staff (3% of councils did not state the position of the person who completed the survey). District council surveys were more likely to be completed by a Chief Executive than city or regional council surveys (59% of district council surveys were completed by a Chief Executive, compared to 25% [n=4] of city and 11% [n=1] of regional council surveys).

## Survey content

The survey asked councils about the following (a copy of the survey can be found in the Appendix):

- *Decision making:* This section asked about the extent to which the LGA 2002 has influenced council decision making.
- *Maori contributions to decision making:* This section asked about contributions to decision making by Maori (outlined in Section 81 of the LGA 2002).<sup>2</sup>
- *Consultation:* This section asked about the public engagement and consultation processes used by councils.
- *Full capacity, rights, powers and privileges:* This section asked about the activities or ventures councils have entered into as a result of general empowerment under the LGA 2002. It also asked about transfers of responsibilities and any innovative methods of provision.
- *Collaboration between councils:* This section asked councils about how they collaborate with others councils in their region and the perceived effectiveness of triennial agreements.
- *Obligations and restrictions for water and sanitary services:* This section asked about specific obligations to make assessments of water and sanitary services (Part 7, Subparts 1 and 2, LGA 2002).
- *Codes of conduct:* This section asked councils about their codes of conduct, including any alleged or actual breaches and sanctions imposed.

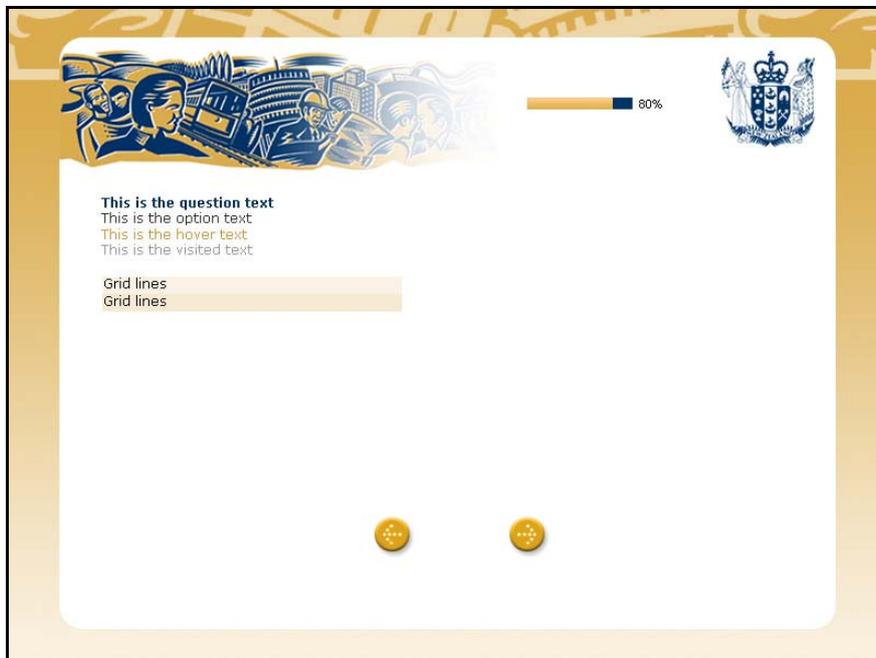
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<sup>2</sup> Anonymous responses for this section have been provided to the Commission for classification and will be available separately. They are not included in this report.

## Survey process

The following process was developed to maximise survey response:

- To ensure the survey layout was clear and attractive, a customized style sheet was developed by a professional designer (see image below).



- Prior to commencement of the survey, Chief Executives at each council were notified in writing about the research by the Chief Executive of Local Government Commission. This introductory letter informed councils about the nature of the survey and asked Chief Executives to forward the upcoming 'survey link' to the person in their council who was best qualified to answer the questions. Councils were encouraged to let Colmar Brunton know the contact details of that person.
- Each Chief Executive (or alternative contact person provided by councils) was emailed a link to the survey that was unique to their council. Any person at their council could use the link to access the survey.
- The survey allowed respondents to move back and forward, so they did not necessarily have to complete the survey in the order the questions were presented. All answers to the survey were retained after respondents closed their browser windows. This allowed respondents to access the survey multiple times, and to complete it at a time convenient for them.
- After the survey had been in field for two weeks, a telephone call was made to each council (ie, the Chief Executive or alternative contact person) who had not yet completed the survey. This telephone call served both as a courteous reminder and as a method for finding out if councils had been experiencing problems with the online survey.<sup>3</sup>
- Those who had not responded one week prior to close were sent a further reminder email. At this time additional follow up calls were also made by the Colmar Brunton Account Manager.

<sup>3</sup> Three councils experienced problems thought to be due to their internet security settings. One council completed a Word copy of the survey and another answered the questions over the telephone. One of these councils was not able to participate further due to time constraints.

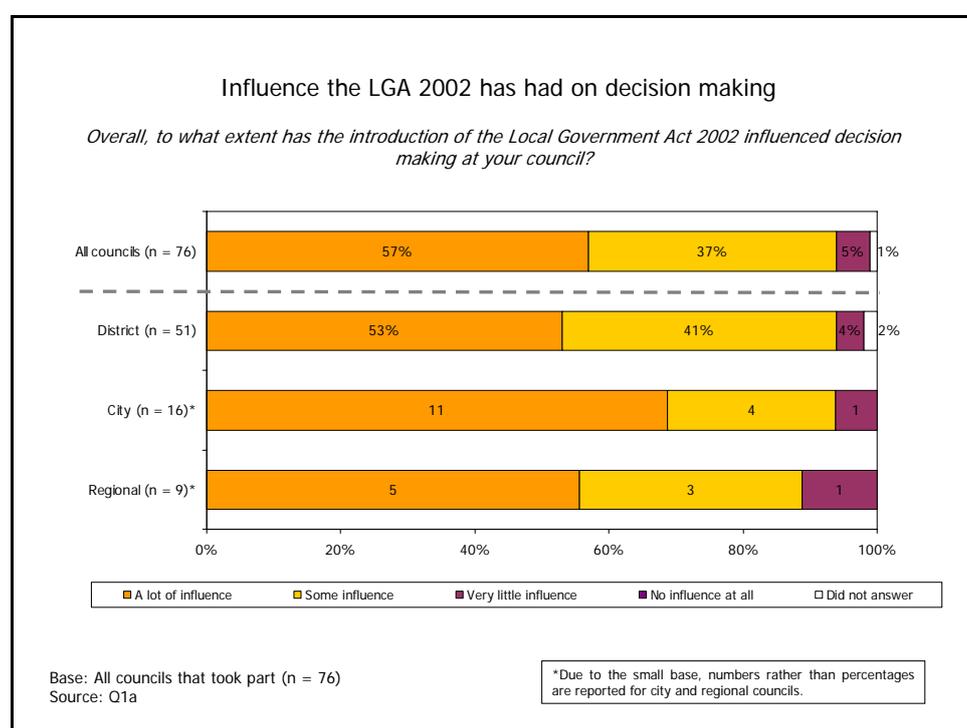
## Detailed findings

# Influence of the LGA 2002 on council decision making

This section examines the influence of the LGA 2002 on council decision making, including its overall influence, the influence of 'community outcomes', and the influence of the Long Term Council Community Plan. In this section of the survey we also asked councils if they have a provision for casting a standing vote.

## Overall influence of the LGA 2002

We began the survey by asking all councils to indicate how much influence the introduction of the LGA 2002 has had on their decision making. As can be seen in the chart below, the vast majority of councils (94%) say that the Act has had at least some influence, and over half (57%) say it has had a lot of influence on their decision making. There are no substantial differences by council type.



## How the LGA 2002 has influenced decision making

We then asked *how* the introduction of the LGA 2002 has influenced decision making. As can be seen in Table 1, below, three quarters of councils (77%) indicate that they now take a longer term focus when making decisions, and 72% say they now consider the extent to which community outcomes could be achieved. The majority of councils also indicate that they consider a wider range of options when making decisions (69%), and that they consider the impact of decisions on the four types of community wellbeing (68%; ie, social, economic, environmental, and cultural wellbeing).

There are no substantial differences by council type, with the exception that a small proportion of district councils say that it now takes longer to make decisions (8% [n=4] of district councils and no city or regional councils said this).

**Table 1. How the LGA 2002 has influenced decision making by New Zealand's councils**

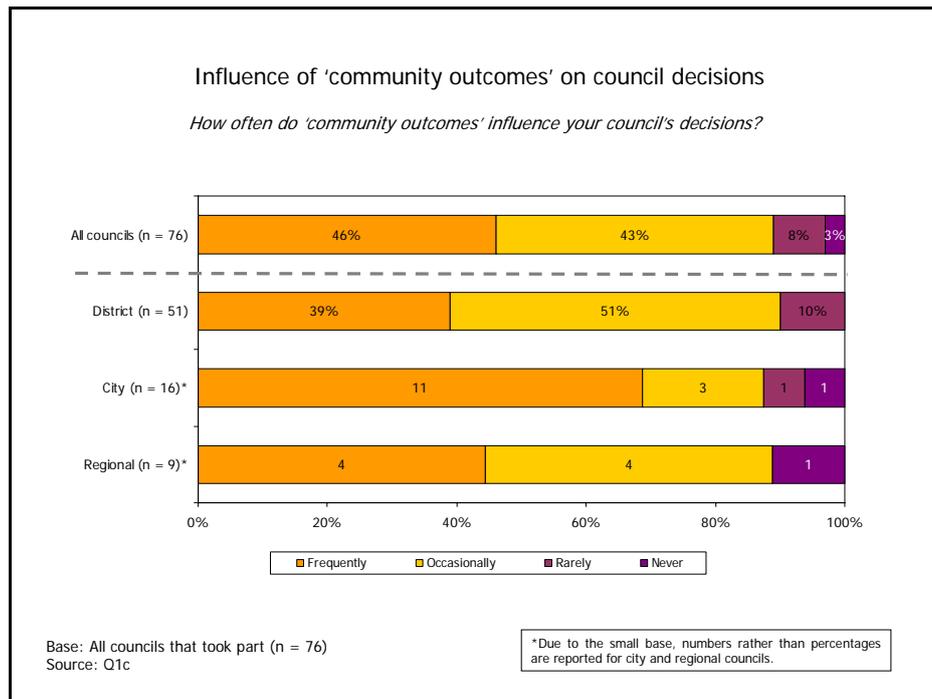
	Total (n = 75) %	District (n = 50) %	City (n = 16) %	Regional (n = 9) %
We now take a longer term focus when making decisions	77%	64%	81% (n=13)	78% (n=7)
We now consider the extent to which community outcomes could be achieved	72%	78%	81% (n=13)	67% (n=6)
We now consider a wider range of options when making decisions	69%	68%	75% (n=12)	56% (n=5)
We now consider the impact of decisions on the four types of community wellbeing	68%	72%	81% (n=13)	56% (n=5)
It now takes longer to make decisions	5%	8%	-	-
We now consider the significance of the issues	4%	4%	6% (n=1)	-
We carry out more consultation/engage more with the community	3%	4%	-	-
There is now more consistency in our decision making	3%	2%	6% (n=1)	-
We are now more conscious of the interests of different people and who is affected	3%	2%	-	11% (n=1)
There is now more engagement with Maori	1%	2%	-	-
We now consider the costs and benefits	1%	2%	-	-
Other	5%		13% (n=2)	22% (n=2)
Unsure	1%	2%	-	-

Base: All councils except for one district council that did not answer this question (n = 75)

Source: Q1c

## The influence of 'community outcomes'

The Local Government Act 2002 requires councils to carry out a process not less than once every 6 years to identify community outcomes for the intermediate and long term future of its district or region. We asked all councils to indicate how often community outcomes influence their decisions. As can be seen below, the majority (89%) of councils say that community outcomes influence their decisions at least occasionally, and just under half (46%) say they influence their decisions frequently. City councils are more likely than district councils to say that community outcomes influence their decisions frequently (69% [n=11] of city councils say that community outcomes frequently influence their decisions, compared to 39% of district councils).



Very few councils (11%) say that community outcomes rarely or never influence their decisions. We asked those who said 'rarely' or 'never' to give their reasons. Comments are displayed on the following page,

Five out of nine councils commented that community outcomes are very broad and, as a consequence, it is either very easy to align any project with a community outcome, or the outcomes are 'ideals' that can never be reached.

<b>Outcomes are broad</b>	<p><i>Officers and elected members can understand how a decision would further a specific district outcome (and the outcomes cover such a wide range of community aspirations that virtually all decisions can be justified through the outcomes) but have difficulty considering the impact on all the outcomes (and other well beings) and prioritising. The outcomes in many instances aspire perfection, which is not considered attainable through any local government decisions.</i></p> <p><i>They are so generic as to be meaningless.</i></p> <p><i>Usually when starting a new project or policy work at a staff level a check is usually made to see what community outcome(s) would be potentially affected. Because most community outcomes are wide in focus it would be unusual to not find at least one that can be used to help 'validate' doing the project or task proposed. All reports presented to Council, Community Boards and Committee's have a final section entitled 'Supporting Information' where comment is made about several sub-headings like strategic fit/strategic outcome, LTCCP/Annual Plan reference, consistency with existing policy - amongst others. The intention is to note how the subject addressed in the report relates to Council's existing plans and policies. While this information is provided to Council it has never influenced their decisions.</i></p>
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Three councils felt that community outcomes have made little difference to their decision making. Two of these councils suggested that the community has always been considered as part of their decision making process.

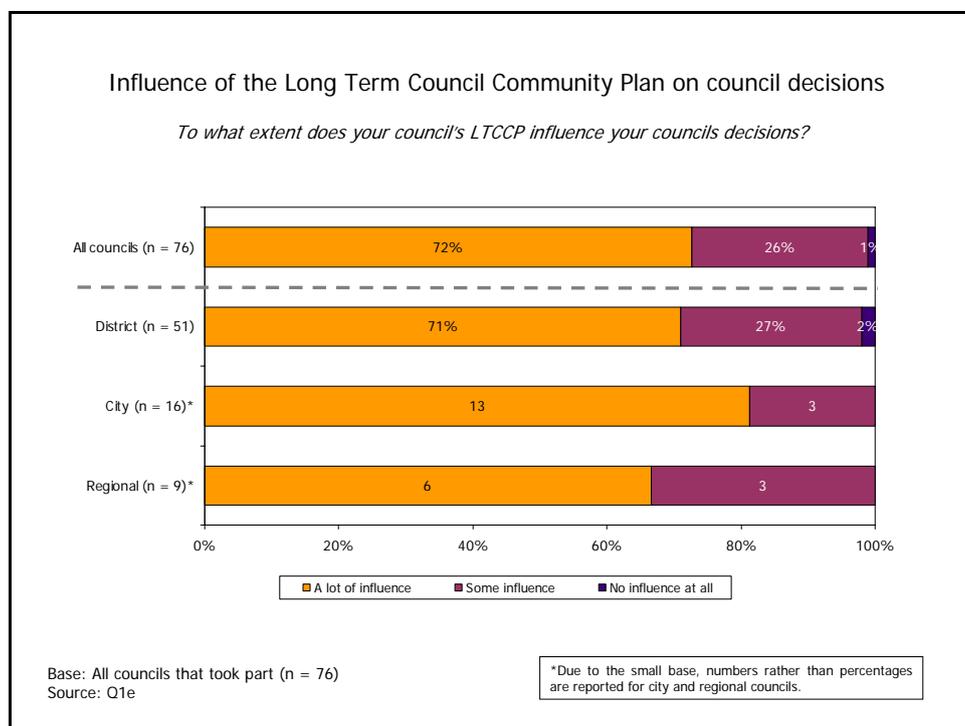
<b>They do not influence our decisions</b>	<p><i>Council has not changed its decision-making process - they rely on their judgment to make good decisions for the overall benefit of the community. It does not need to match up with a 'community outcome'.</i></p> <p><i>While they are referred to the decision probably would have been the same had we not had them.</i></p> <p><i>The outcomes are matters that have always been considered and the decisions made here are more operationally focused rather than high level philosophical decisions. Decisions are more about what we can afford rather than whether something meets an outcome. Every project contributes in some way toward one or more outcomes. They really don't add value in the annual plan process at all in my view.</i></p>
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Two councils felt there was a lack of buy-in to the 'community outcome' concept by elected members or the community.

<b>No 'buy-in'</b>	<p><i>Council and probably the community haven't bought into the concept keeping matters more solidly based.</i></p> <p><i>[Lack of] elected representative buy-in, interest and understanding.</i></p>
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## The influence of the LTCCP

We asked all councils to indicate the extent to which their LTCCP influences their decisions. As can be seen below, the vast majority of councils (98%) say that the LTCCP has at least some influence on their decisions, and nearly three quarters (72%) say it has a lot of influence. There are no differences by council type.



We examined the results to determine if a relationship exists between perceived frequency with which community outcomes influence decisions and the extent to which the LTCCP influences decisions. As can be seen in Table 2, below, there is a relationship between answers to these questions. Councils who report that community outcomes influence their decisions more frequently are likely to report that their LTCCP has a greater influence on their decisions.

**Table 2. Influence of community outcomes and LTCCP on council decisions**

Extent to which the LTCCP influences decisions	How often community outcomes influence decisions			
	% Frequently (n = 35)	% Occasionally (n = 33)	% Rarely (n = 6)	% Never (n = 6)
<b>A lot of influence</b>	89	70	-	50 (n = 3)
<b>Some influence</b>	11	27	100 (n = 6)	50 (n = 3)
<b>Very little influence</b>	-	3	-	-

Base: All councils that took part (n = 76)  
Source: Q1c and Q1e

## Provisions for a casting vote

Finally, in this section of the report we asked all councils whether they have a provision in their standing orders for the mayor or chairperson or other person presiding over meetings to have a casting vote. The majority of councils (86%) do have such a provision. This proportion remains relatively consistent across council type (ie, 86% [n=44] of district councils, 88% [n=14] of city councils, and 78% [n=7] of regional councils).

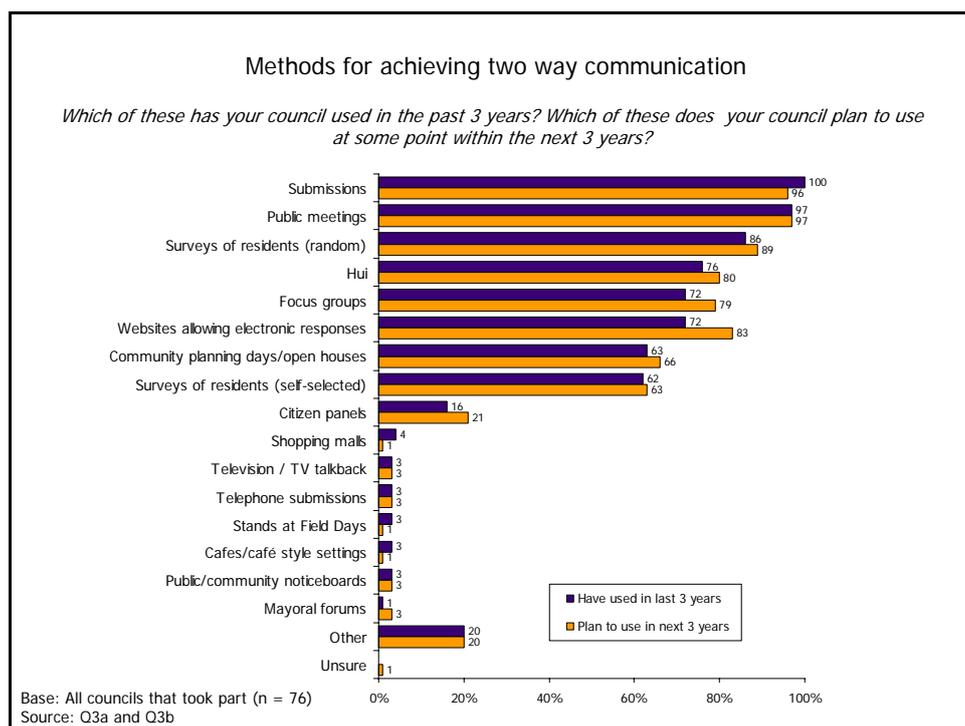
# Public engagement and consultation processes used by councils

## Achieving two way communication with members of the public

We wanted to find out how councils have achieved two-way communication with members of the public over the past three years, and how they plan to do so over the next three years. As can be seen in the chart below, the most common methods for achieving two-way communication with councils have been submissions (100%), public meetings (97%), surveys of residents selected at random (86%), Hui (76%), focus groups (72%), and websites that allow residents to provide electronic responses (72%).

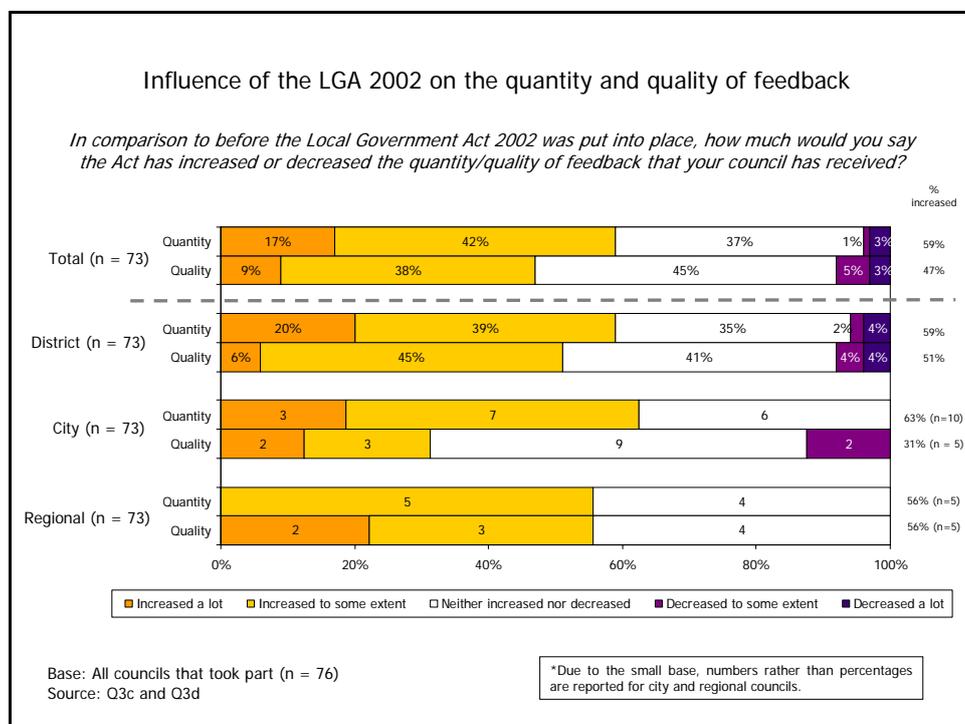
Councils indicate that the next three years are likely to see growth in the use of a number of methods including focus groups, websites allowing electronic responses, community planning days or open houses, and citizen panels. There may also be some growth in the use of Hui and surveys of respondents selected at random.

There were no statistically significant differences in the use (or planned use) of these methods by council type, or in the range of methods that councils indicated.



## Quality and quantity of feedback that councils have received

All councils were asked to indicate whether they felt the LGA 2002 had increased or decreased the quantity and quality of the feedback they had received. On the whole feelings are mixed. When it comes to the *quantity* of the feedback received, 59% of all councils feel that the quantity has increased since the introduction of the LGA 2002, while 37% feel there has been neither an increase nor a decrease. When it comes to *quality*, fewer councils (47%) feel there has been an increase. There are no significant differences by council type.



We asked councils who perceive a decrease in quality for their views about the reasons for the decrease. The responses from councils were diverse, and are displayed below.

### Reasons for a decrease in quality

*Many submissions now generalise issues and are from interest groups rather than affected residents.*

*The community is feeling over consulted so responses are much less detailed. Many forced consultation exercises leave no room for change so consultation at times is seen as a farce, leading to less engagement (ie, Annual Plans).*

*There is a mentality within activist ratepayer groups that more names obtained on a generalised submission will hold sway when endeavoring to pressure/ influence the Council.*

*[There is] an increased expectation from groups who wrongly believe that the Act requires Council to provide additional/alternative services or facilities, even though they are services which Council has never been involved in, or have specifically decided not to be involved in.*

## Special Consultative Procedure

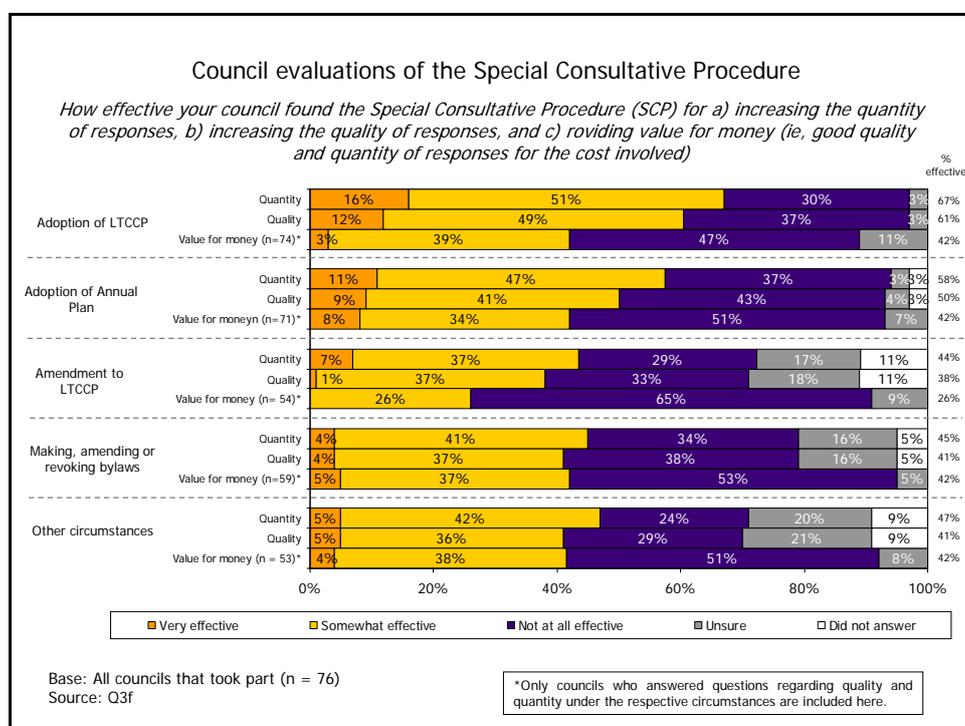
### Effectiveness of the Special Consultative Procedure

We listed a variety of circumstances under which councils use the Special Consultative Procedure (SPC) for providing the widest possible invitation for people to comment prior to decision making. For each circumstance we asked councils how effective the SPC has been for increasing the *quantity* of feedback, the *quality* of feedback, and for providing good *value for money*.<sup>4</sup>

As can be seen in the chart below, 67% of councils feel that the SPC has been at least somewhat effective for increasing the *quantity* for responses for the adoption of the LTCCP, but fewer councils (61%) say it has been effective for increasing the *quality* of responses. Furthermore, of those who were able to rate the effectiveness of the SPC (ie, for quantity and quality of responses) under this circumstance, only 42% feel that it provides goods value for the cost involved. This pattern of results is similar for the adoption of the Annual Plan and for making amendments to the LTCCP, although fewer councils rate the SPC as effective for these purposes overall.

When it comes to bylaws and other circumstances, results are more consistent across the three attributes. Nearly half of councils (45% for bylaws and 47% for other circumstances) rate the SPC as effective for increasing the *quantity* of feedback. Slightly fewer councils rate the SPC as effective for increasing the *quality* of feedback (41% for bylaws and for other circumstances) and for providing value for money (42% for bylaws and for other circumstances).

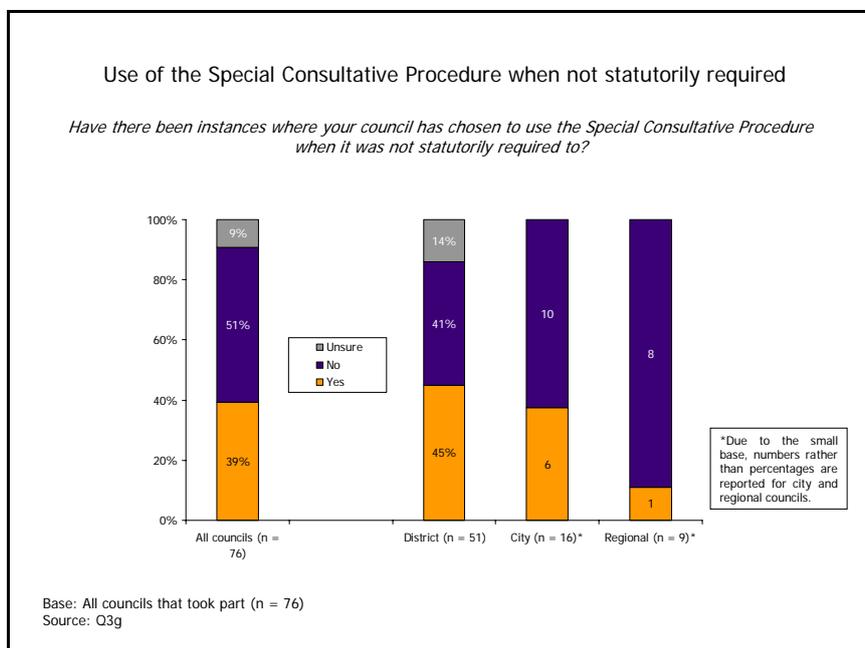
There were no statistically significant differences in effectiveness ratings across council type, although regional councils were more likely to be *unsure* about the effectiveness of the SPC for making, amending or revoking bylaws (4 out of 9 regional councils [44%] indicated they were unsure about the effectiveness of the SPC for increasing the quality and quantity of feedback in these circumstances, compared to 16% of all councils).



<sup>4</sup> Value for money was defined as “good quality and quantity of responses for the cost involved”.

## Use of the Special Consultative Procedure when not statutorily required

We asked all councils whether they had used the SPC in a situation where they were not statutorily required to. As can be seen below, around four in ten councils (39%) have done so. Regional councils are more likely than city or district councils to say they have *not* done so (89% [n=8] have not done so, compared to 63% [n=10] of city councils and 41% of district councils).



We asked councils for the reasons they have used the SPC when not statutorily required to. As can be seen in Table 3, the key reasons that councils opt to use the procedure are when they want feedback on an issue that is of public importance (n=8), because they feel it is a good way to gain feedback (n=6), and because they want to ensure the widest possible feedback (n=5).

**Table 3. Reasons for using the SPC when not statutorily required to**

	#
We use it for matters of important public interest	8
It is a good way to get feedback from the public	6
Want to ensure we receive the widest possible feedback/maximum coverage	5
People have become used to/familiar with the process	3
Adds legitimacy to our decision/provides a mandate	3
It is the best procedure/is 'best practice'	2
To make sure the community is aware of the issue	2
Unsure	2
Other	4

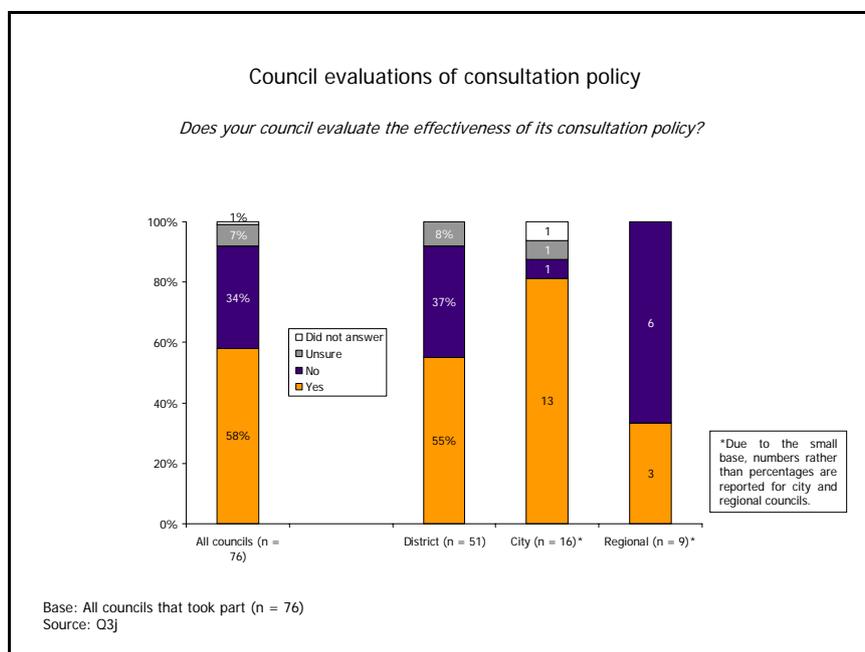
Base: All councils who have used the SPC when not statutorily required to (n = 30)

Source: Q3h

We also asked councils to list the subject matter of the decisions where they have used the SPC when not required to. Responses were diverse. The more frequent responses were decisions relating to adoption or development strategies (n=8) or decisions relating to community facilities such as parks and libraries (n = 8). Other decisions included building controls, community events, public-private partnerships, relocation of council offices, graffiti management, a sewage scheme, gambling venues, dog control policy, fluoridisation, and a proposal for a music school.

## Council evaluations of consultation policy

The final question in this section asked councils if they evaluate the effectiveness of their consultation policy. As can be see below, 58% of councils say they do carry out such evaluations. Regional councils are more likely than city councils to say that they do *not* carry out evaluations (66% [n=6], compared to just 6% [n=1] of city councils).



We asked councils who evaluate the effectiveness of their consultation policy to tell how they do so. The main methods used by councils are resident surveys (34%) and evaluations of the quality and/or quantity of responses received (32%).

**Table 4. Council methods for conducting evaluations of consultation policy**

	Total (n = 44) %	District (n = 28) %	City (n = 13) %	Regional (n = 3) %
Conduct surveys of residents	34%	32% (n=9)	46% (n=6)	-
Based on evaluations of the quality and/or quantity of responses	32%	32% (n=9)	23% (n=3)	67% (n=2)
We conduct informal reviews	23%	25% (n=7)	15% (n=2)	33% (n=1)
We conduct a review (non-specific)	18%	25% (n=7)	8% (n=1)	-
We review at the end of each consultation process	16%	25% (n=7)	-	-
We conduct an internal/staff evaluation	14%	11% (n=3)	15% (n=2)	33% (n=1)
Obtain feedback during consultative exercises (eg, focus groups, open days)	7%	4% (n=1)	15% (n=2)	-
Obtain feedback from elected members	7%	7% (n=2)	-	33% (n=1)
Do so when carrying out a wider review (eg, review of LTCCP or Annual Plan)	5%	-	15% (n=2)	-
We conduct a formal independent review	2%	-	8% (n=1)	-
Other	7%	11% (n=3)	-	-

Base: Councils who review their consultation policy (n = 44)

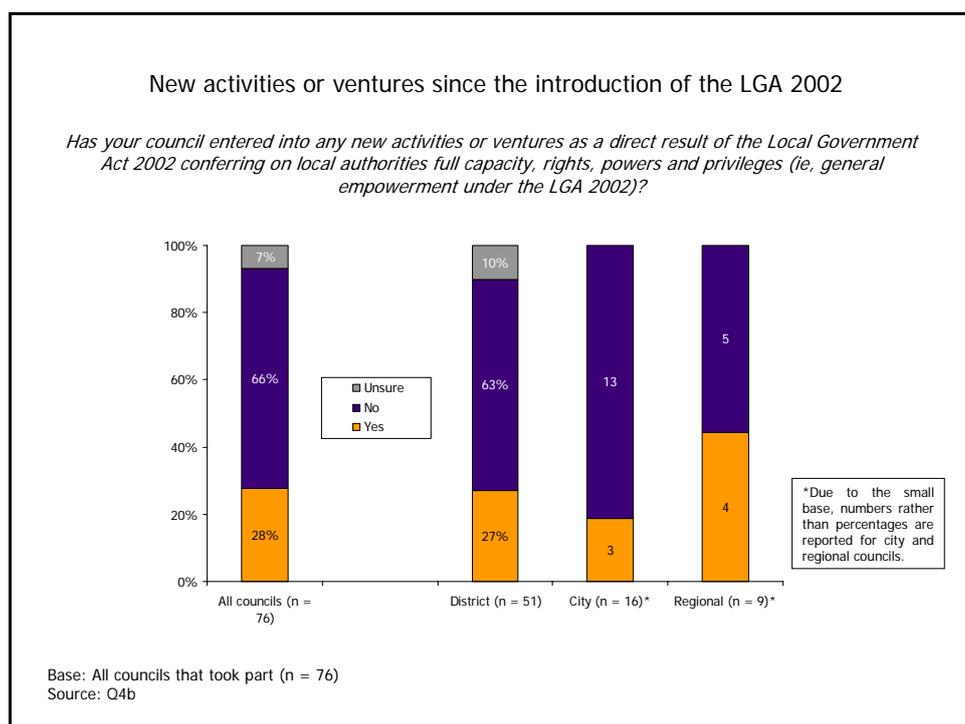
Source: Q3k

## General empowerment under the LGA 2002

This section examines the new activities or ventures that councils have engaged in since the LGA 2002 conferred on local authorities full capacity, rights, powers and privileges (ie, general empowerment).

### New activities as a result of the LGA 2002

We asked councils if they have entered into any new activities or ventures as a direct result of the LGA 2002 conferring on local authorities full capacity, rights, powers and privileges. As can be seen in the chart below, 28% of councils say they have entered into new activities or ventures. Results are reasonably consistent across council type, although a greater proportion of the nine regional councils surveyed (44%, n=4) say that have entered into new activities or ventures.



We asked councils to list the new activities and ventures they have entered into. Responses were provided to the Commission for classification.<sup>5</sup>

It should be noted that certain provisions in the predecessor Act (Local Government Act 1974) provided local authorities with wide powers in certain areas. Upon reviewing examples of new activities or ventures that councils provided, the Local Government Commission notes that few, if any, could not have been entered into under the 1974 Act.

Examples of the 1974 powers include:

- A regional council could, with the consent of the territorial authorities in its region, fund and coordinate the promotion of tourism within the region (section 593B).
- A territorial authority could do all things necessary for the preservation of public health and well-being (section 595).

<sup>5</sup> During the survey we asked each council for their express permission to link their council name with the data from this section of the survey. For the cases where councils did not give us their express permission, only anonymous information was provided to the Commission.

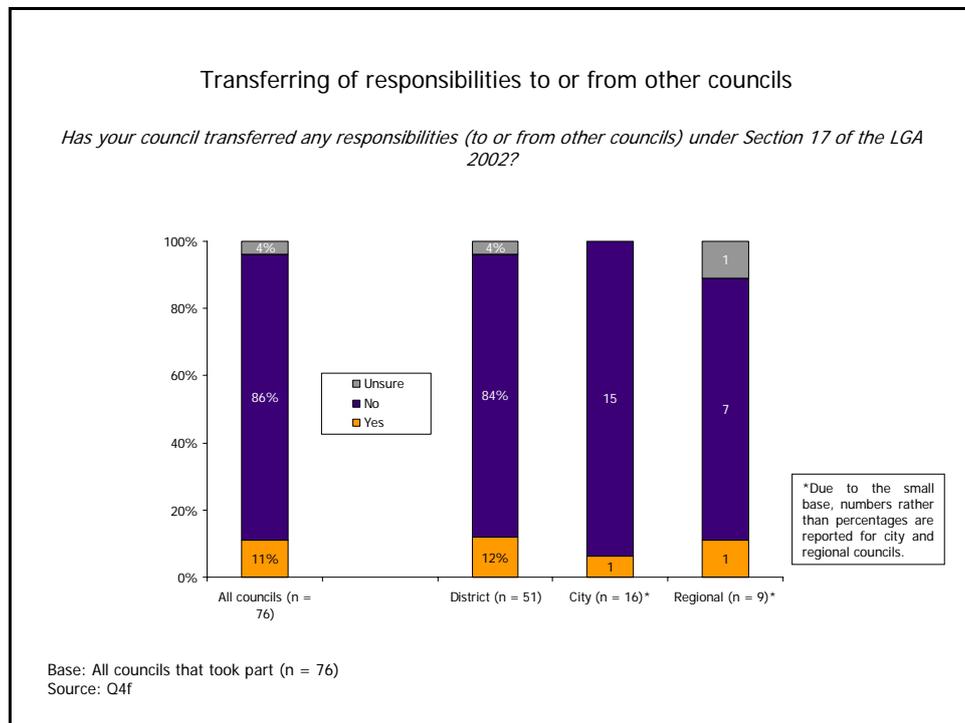
- A territorial authority could undertake, promote and encourage the development of such services and facilities as it considers necessary in order to maintain and promote the general well-being of the public (section 598).

As an example of the previous wide powers, in its submission to the Local Government Commission on the review of the Local Government Act 2002 the Society of Local Government Managers (SOLGM) noted that under the 1974 Act some local authorities provided subsidies for such things as attracting general practitioners to small rural areas and retaining post offices in local communities.

In summary, the Commission concludes that many of the survey responses to Q4b may result in part from a lack of knowledge of the 1974 provisions. The impact of conferring full capacity, rights, powers and privileges on local authorities has not seen a significant change in the activities of local authorities.

## Transferring of responsibilities between councils

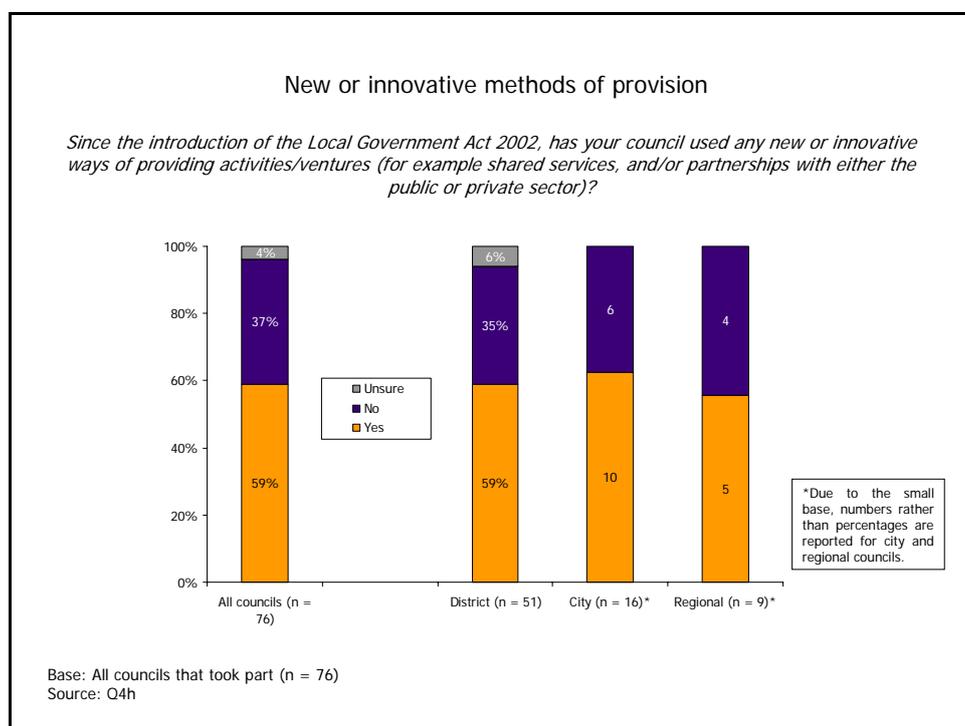
All councils were also asked to indicate whether they had transferred any responsibilities to or from other councils under Section 17 of the LGA 2002. As can be seen below, the majority of councils (85%) have *not* transferred any responsibilities. Results are consistent across council type.



We asked councils to list the responsibilities that have been transferred. A range of responsibilities were mentioned. Examples include economic development activities, emergency management, consents for structures on land that are also on water, harbourmaster functions, after hours calls, flood protection work, and drainage responsibilities.

## New or innovative methods of provision

We wanted to find out about any new or innovative methods that councils have used to provide activities or ventures. As can be seen in the chart below, more than half (59%) of New Zealand's councils say they have used new or innovative methods. Results are consistent across council type.



### New or innovative methods used

We asked all councils to name the activities and describe the new or innovated methods used. The 45 councils who have used new or innovative methods named 117 activities or ventures. This information has been provided to the Commission and will be available separately.<sup>6</sup> Table 5, below, shows the number of activities described by councils.

**Table 5. Number of new or innovative methods of provision used by councils**

	Total (n = 45)		District (n = 30)		City (n = 10)		Regional (n = 5)	
	%	#	%	#	%	#	%	#
<b>One activity</b>	36	16	47	14	-	-	40	2
<b>Two activities</b>	20	9	23	7	10	1	20	1
<b>Three activities</b>	11	5	10	3	10	1	20	1
<b>Four activities</b>	16	7	17	5	20	2	-	-
<b>Five activities</b>	18	8	3	1	60	6	20	1

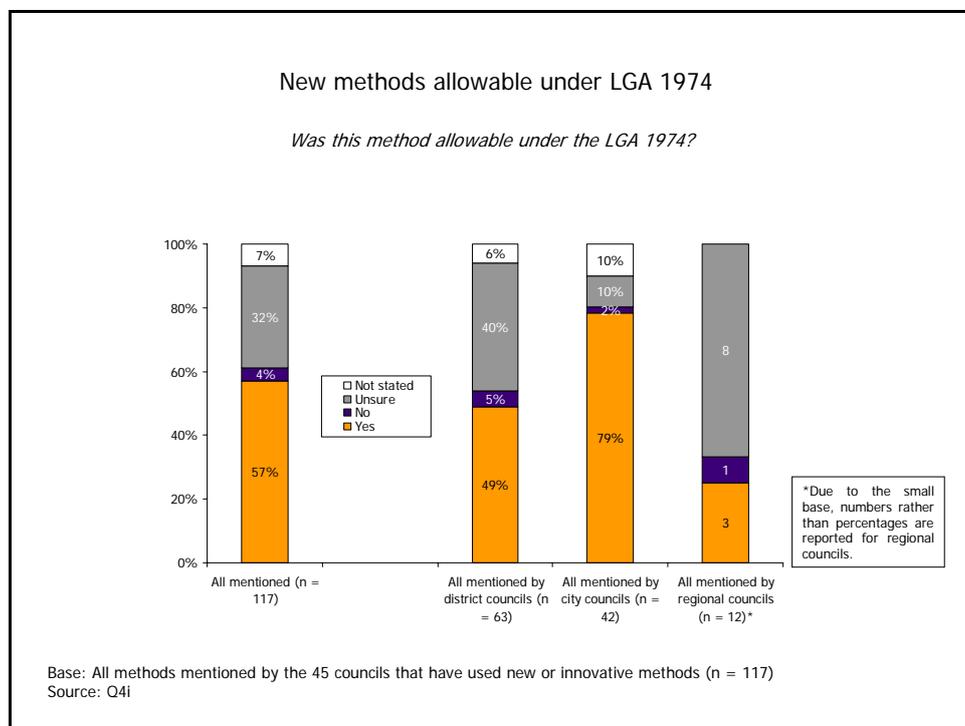
Base: All councils who have used new or innovative methods of provision

Source: Q4i

<sup>6</sup> During the survey we asked each council for their express permission to link their council name with the data from this section of the survey. For the cases where councils did not give us their express permission, only anonymous information was provided to the Commission.

## Whether methods of provisions were allowable under the LGA 1974

We asked all councils whether the new or innovative methods of provisions they mentioned were allowable under the LGA 1974. As can be seen below, for 39% of the 117 methods that were mentioned, councils were unsure (or did not state) whether they were allowable under the LGA 1974. Councils identified only 4% of the 117 methods as not being allowable under the earlier Act.



## Significant new activities proposed by regional councils

We asked all regional councils whether they have proposed or reached agreement to undertake any significant new activities or ventures previously undertaken (or proposed to be undertaken) by a territorial local authority in their region (refer to Section 17 of LGA 2002).

Out of the nine regional councils that took part in the survey, two have reached agreement to undertake significant new activities. These activities are:

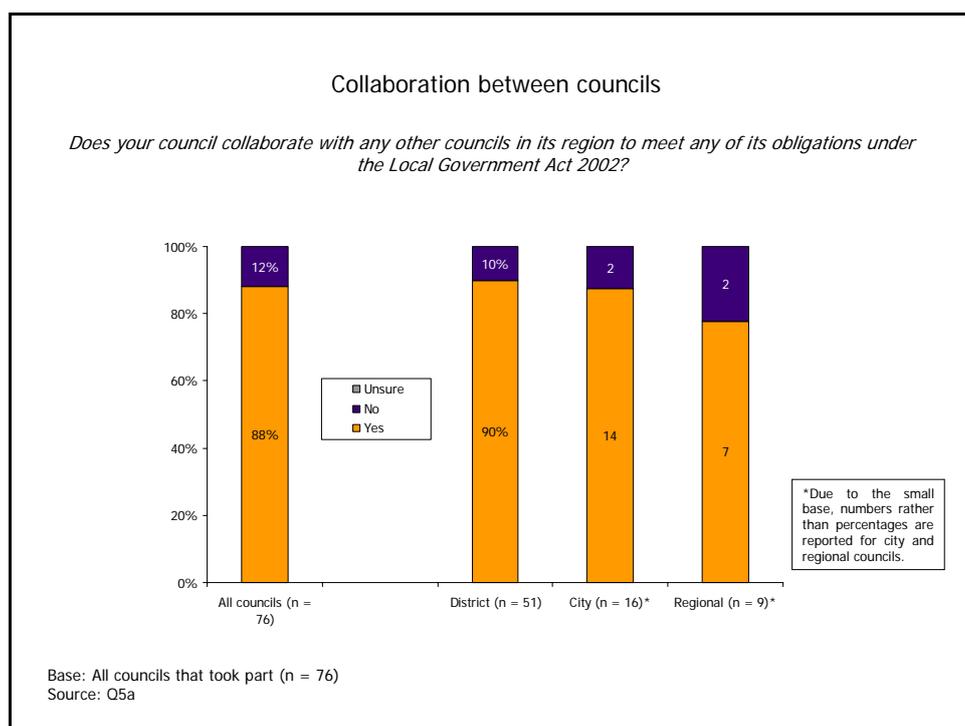
<b>Activities transferred</b>	<p><i>An Economic Development agency transferred out of a council controlled trust into a business unit of the regional council. City and district councils in that region are on the advisory board and continue to contribute financially to the operation of the agency.</i></p> <p><i>A river management scheme.</i></p>
-------------------------------	--

## Collaboration between councils

This section describes how councils work together to meet their obligations and to identify or monitor community outcomes. This section also discusses the effectiveness of triennial agreements.

### Collaboration between councils within the same region

We asked all councils whether they collaborate with any other councils in their region in order to meet any of their obligations under the LGA 2002. As can be seen below, the majority of councils (88%) do collaborate with others in their region. Results are consistent across council type.



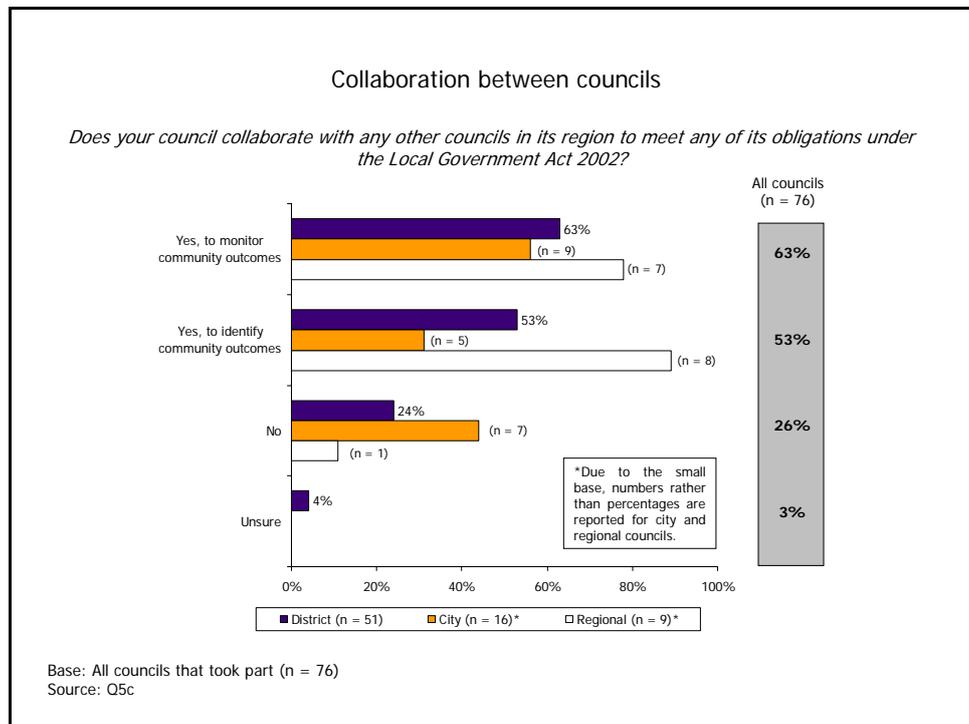
We asked all councils to describe what they do to collaborate with other councils in their region. Anonymous responses were provided to the Commission for classification. The Commission notes that examples of collaboration provided by councils, whilst wide ranging, generally come within one of four categories as follows:

1. Statutory/formal collaboration and coordination structures and processes. These include triennial agreement, mayoral/chief executive forums, and joint officer groups/committees (these are general structures/processes not relating to specific functions or services).
2. Joint (generic, non-function specific) planning and consultation processes: These include community outcomes process and intersectoral forums (including central government participation).
3. Land use and infrastructure planning/economic development/growth/ settlement/ migration patterns: These include Bay of Plenty 'smartgrowth', Wellington regional strategy), regional land transport committees.
4. Joint service/function delivery (including planning for such delivery, eg, shared service projects): These include civil defence/emergency management, landfills/solid waste, (waste) water, roading, road safety, building consents, libraries, warm homes, clean air and the like.

## The identification and monitoring of community outcomes

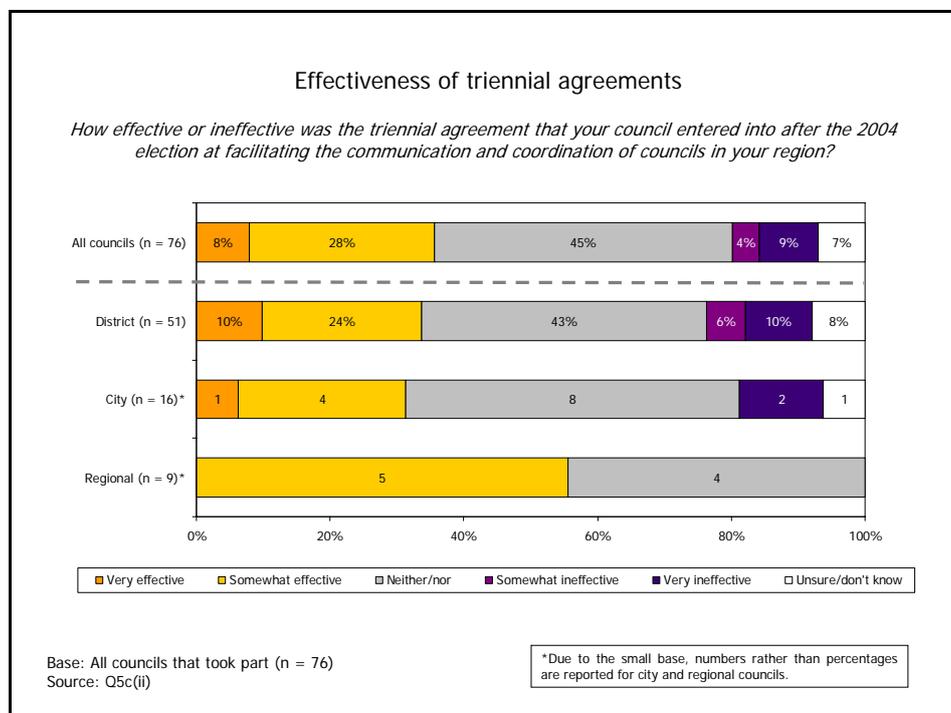
We asked councils if they work with other councils in their region specifically to identify and monitor community outcomes. As can be seen in the chart below, 63% of councils collaborate to monitor community outcomes and 53% collaborate to identify them.

Regional councils that took part are more likely than others to say that they collaborate with councils to identify community outcomes (89% [n = 8] of regional councils do this, compared with 31% [n=5] of city councils and 53% of district councils).



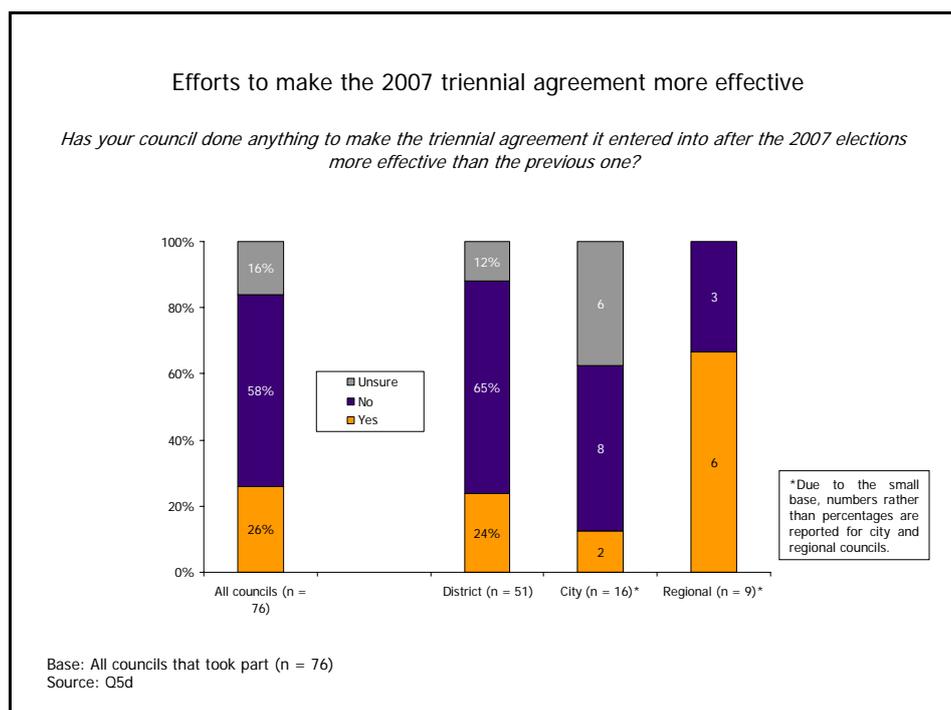
## The perceived effectiveness of triennial agreements

We asked all councils to tell us how effective or ineffective their 2004 triennial agreement was at facilitating communication and coordination of councils in their region. As can be seen in the chart below, perceptions regarding the effectiveness of triennial agreements are mixed. Although 36% of councils feel that the 2004 agreements were very or somewhat effective, 45% feel neutral about them and 13% feel they were either very or somewhat ineffective.



## Efforts to make the 2007 triennial agreements more effective

We then asked all councils if they had done anything to make their 2007 agreement more effective. Just over one quarter of councils (26%) say they have done so.



As can also be seen above, regional councils are more likely than city or district councils to have done something to make their 2007 agreement more successful (67% [n=6] of regional councils have done so, compared with just 13% [n=2] of city councils and 26% of district councils).

We also examined the results for a relationship between perceived effectiveness of the 2004 agreement and intention to make the 2007 agreement more effective. Results are shown in Table 6, below. There is no statistically significant relationship between responses to the two questions.

**Table 6. Perceived effectiveness of the 2004 agreement by intention to make the 2007 agreement more effective**

	Intention to make 2007 agreement more effective		
	% Yes (n = 20)	% No (n = 44)	% Unsure (n = 12)
<b>Very or somewhat effective</b>	45	30	42
<b>Neither effective nor ineffective</b>	50	50	17
<b>Very or somewhat ineffective</b>	5	18	8
<b>Unsure</b>	-	2	33

Base: All councils that took part (n = 76)

Source: Q5c(ii) and Q5d

#### **Councils' efforts to make 2007 agreements more effective**

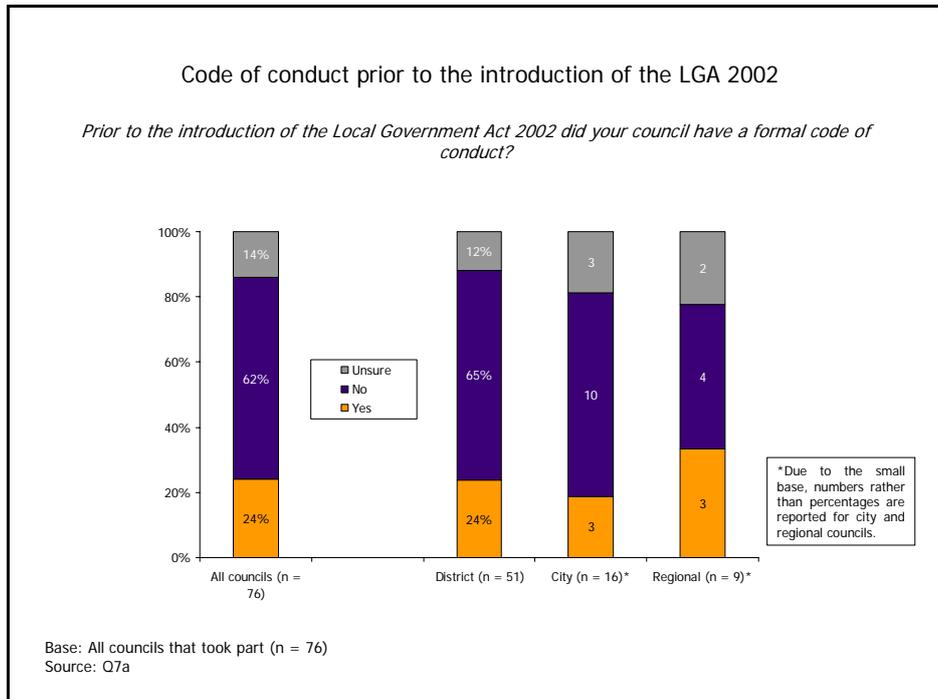
Councils were asked to tell us what they have done to make their 2007 agreement more effective. Anonymous responses have been provided to the Commission for classification and will be provided separately. However most comments tended to revolve around having more formal or informal meetings to aid collaboration between councils, changing the style of the agreements to make them either more simple or more comprehensive, and updating agreements to reflect new initiatives or objectives.

# Codes of conduct

This section examines codes of conduct and alleged breaches since the introduction of the LGA 2002.

## Codes of conduct prior to the introduction of the LGA 2002

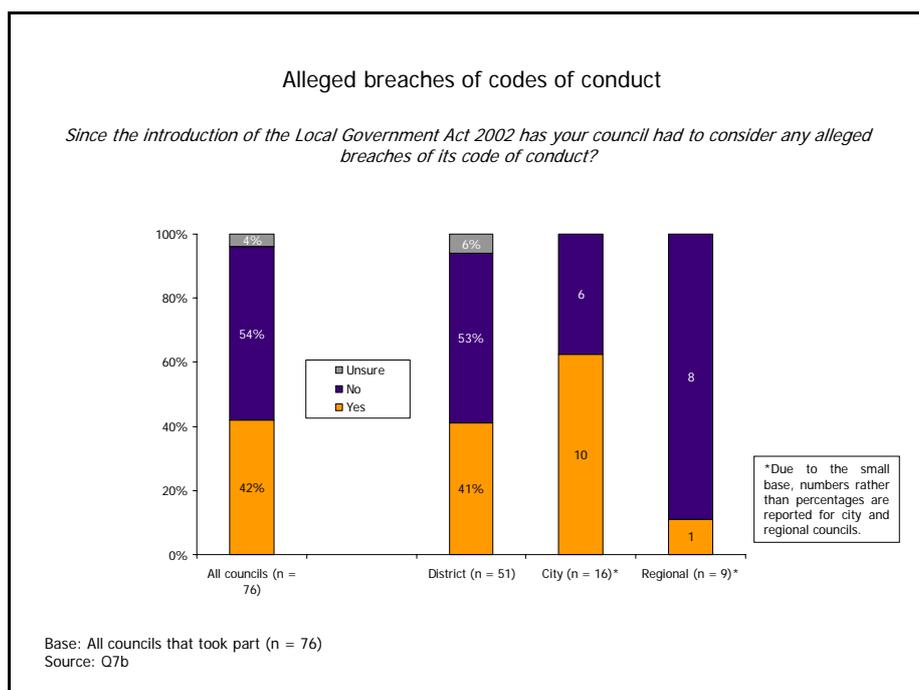
All councils were asked whether they had a formal code of conduct prior to the introduction of the LGA 2002. As can be seen in the chart below, only around one quarter (24%) of councils say they had a formal code of conduct at that time. There are no substantial differences by council type.



## Breaches and alleged breaches of council codes of conduct since the introduction of the LGA 2002

### Alleged breaches since the introduction of the LGA 2002

We asked all councils whether they have had to consider any alleged breaches of their code of conduct since the introduction of the LGA 2002. Forty two percent of the councils that took part say they have had to consider alleged breaches of their code of conduct. The regional councils who took part are more likely than both city and district councils to say they have *never* had to consider an alleged breach (89% [n=8] of regional councils say they have never had to consider an alleged breach, compared to 38% [n=6] of city councils and 53% of district councils).



Of the 32 councils who say they *have* had to consider an alleged breach, the majority (81%, n = 26) say they have had to consider just one or two breaches since the introduction of the LGA 2002 (see Table 7, below).

**Table 7. Number of alleged breaches councils have had to consider since the introduction of the LGA 2002.**

	Total (n = 76)		District (n = 51)		City (n = 16)		Regional (n = 9)	
	%	#	%	#	%	#	%	#
<b>No alleged breaches</b>	<b>54</b>	<b>41</b>	<b>53</b>	<b>27</b>	<b>38</b>	<b>6</b>	<b>89</b>	<b>8</b>
One alleged breach	<b>20</b>	<b>15</b>	<b>24</b>	<b>12</b>	<b>19</b>	<b>3</b>	-	-
Two alleged breaches	<b>14</b>	<b>11</b>	<b>14</b>	<b>7</b>	<b>19</b>	<b>3</b>	<b>11</b>	<b>1</b>
Three alleged breaches	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>6</b>	<b>1</b>	-	-
Four alleged breaches	<b>1</b>	<b>1</b>	-	-	<b>6</b>	<b>1</b>	-	-
Five or more alleged breaches	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>6</b>	<b>1</b>	-	-
Did not specify number	<b>1</b>	<b>1</b>	-	-	<b>6</b>	<b>1</b>	-	-
<b>Unsure if any breaches</b>	<b>4</b>	<b>3</b>	<b>6</b>	<b>3</b>	-	-	-	-

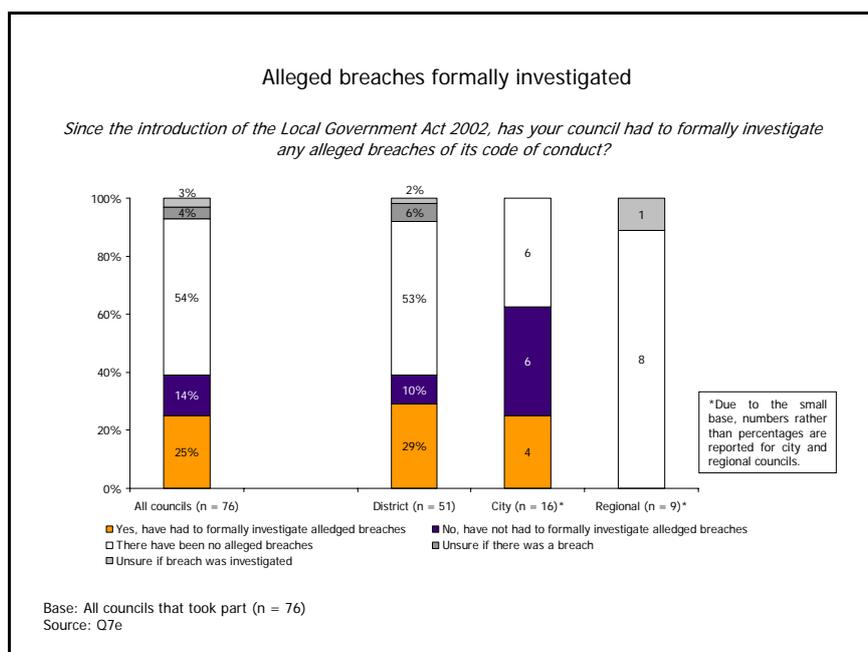
Base: All councils who took part (n = 76)

Source: Q7c

We asked all councils about the process used for dealing with any alleged breaches of their code of conduct. Anonymous responses have been provided to the Commission for classification and will be available separately.

### Alleged breaches formally investigated since the introduction of the LGA 2002

We asked all councils whether they have had to formally investigate any of the alleged breaches of their code of conduct. Of the 32 councils who say they *have* had to consider an alleged breach, 19 say they have had to formally investigate breaches. This equates to one quarter of all councils (25%), as shown in the chart below.



Of the 19 councils who say they *have* had to formally investigate an alleged breach, 16 (84%) have had to formally investigate one or two breaches, 3 (16%) have had to formally investigate three or more breaches, and 2 (11%) are unsure how many they have had to investigate (see Table 8, below).

**Table 8. Number of times alleged breaches have been formally investigated since the introduction of the LGA 2002.**

	Total (n = 76)		District (n = 51)		City (n = 16)		Regional (n = 9)	
	%	#	%	#	%	#	%	#
<b>No alleged breaches</b>	<b>54</b>	<b>41</b>	<b>53</b>	<b>27</b>	<b>38</b>	<b>6</b>	<b>89</b>	<b>8</b>
<b>None formally investigated</b>	<b>14</b>	<b>11</b>	<b>10</b>	<b>5</b>	<b>38</b>	<b>6</b>	-	-
One investigated	<b>14</b>	<b>11</b>	<b>18</b>	<b>9</b>	<b>12</b>	<b>2</b>	-	-
Two investigated	<b>7</b>	<b>5</b>	<b>8</b>	<b>4</b>	<b>6</b>	<b>1</b>	-	-
Three investigated	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	-	-	-	-
Four investigated	<b>1</b>	<b>1</b>	-	-	<b>6</b>	<b>1</b>	-	-
Five or more investigated	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	-	-	-	-
<b>Unsure if any breaches</b>	<b>4</b>	<b>3</b>	<b>6</b>	<b>3</b>	-	-	-	-
<b>Unsure if formally investigated</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>	-	-	<b>11</b>	<b>1</b>

Base: All councils who took part (n = 76)

Source: Q7f

## Council use of an independent person for conducting formal investigations

We asked all councils who have formally investigated a breach whether their current policy is to have an independent external person carry out the investigation. Out of the 19 councils that have conducted formal investigations, 4 have such a policy. Three of these are district councils and one is a city council.

## Breaches of council codes of conduct

We asked councils who have formally investigated a breach whether they concluded any investigations and found that there *was* a breach. We also asked how many times this occurred. As can be seen in Table 9, below, out of the 19 councils that conducted formal investigations 12 say they did find breaches of their code of conduct. This equates to 16% of all councils who took part in the survey.

**Table 9. Conclusions of formal investigations into alleged breaches**

	Total (n = 19)		District (n = 15)		City (n = 4)	
	%	#	%	#	%	#
<b>No breach was found</b>	<b>32</b>	6	<b>40</b>	6	-	-
<b>Breach was found</b>	<b>63</b>	12	<b>53</b>	8	<b>100</b>	4
One breach	-	9	-	6	-	3
Two breaches	-	1	-	1	-	-
Three or more breaches	-	2	-	1	-	1
<b>Unsure if breach was found</b>	<b>5</b>	1	<b>7</b>	1	-	-

Base: All councils that have formally investigated alleged breaches of their code of conduct since the introduction of the LGA 2002

Source: Q7h and Q7i

## Sanctions

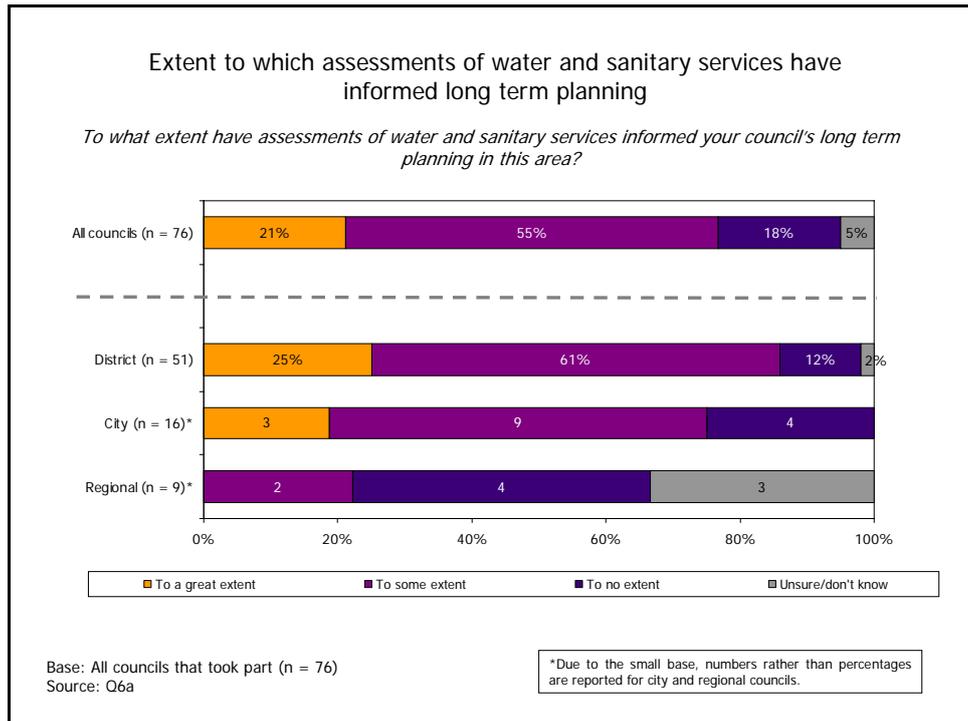
We asked councils what sanctions were imposed. Three councils were unsure. Of the remaining nine councils, five had asked a member to make an apology, three had removed a member from a specific committee or position, and three had issued formal censures.

Finally, we asked the 12 councils that found a breach whether they would have liked to impose any sanctions that they were not empowered to impose under the LGA 2002. Four district councils said they would like to have been able to suspend or remove an elected member from office.

# Obligations and restrictions for water and sanitary services

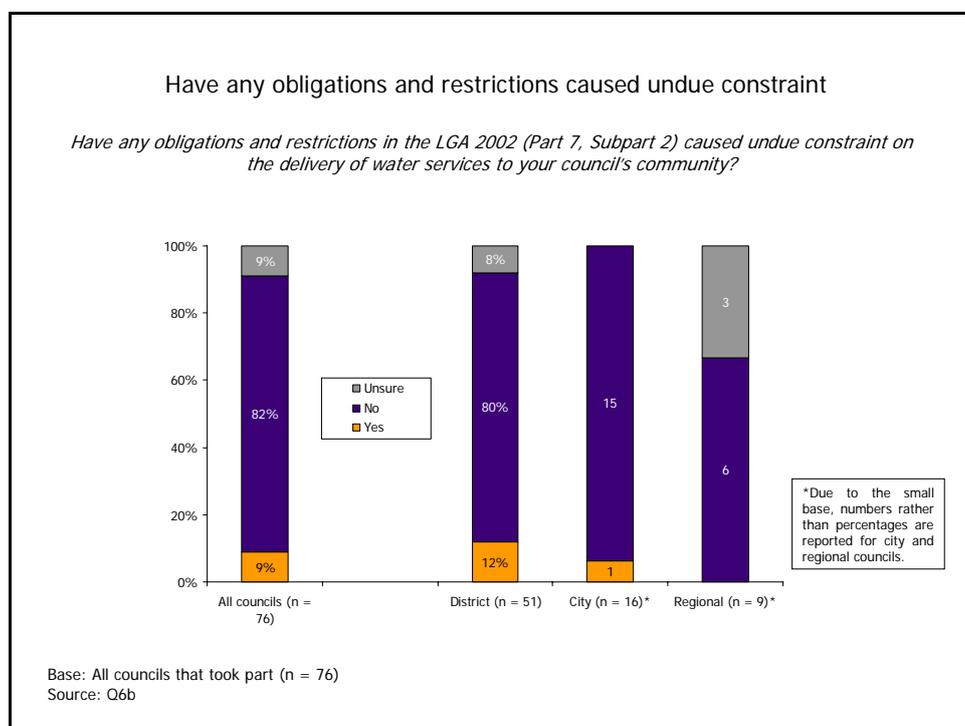
## Extent to which assessments have informed long term planning

We asked all councils to tell us the extent to which assessments of water and sanitary services have informed their long term planning in this area. Three quarters of councils (76%) say that these assessments have informed their long term planning to some extent or to a great extent. Although there were no significant differences by council type, it should be noted that 5 regional councils were unsure.



## Undue constraint on the delivery of water services caused by obligations or restrictions in the LGA 2002

We then asked councils whether any of the obligations or restrictions in the LGA 2002 (Part 7, Subpart 2) had caused undue constraint on the delivery of water services to their community. As can be seen below, the majority of councils (82%) have experienced no undue constraint. There were no significant differences by council type. Three of the nine regional councils who took part were unsure how to answer the question.



We asked councils who had experienced undue constraint to tell us about their experience. Council responses are presented below. Five relate broadly to financial implications, two to an inability to consider alternative approaches, and one relates to an overall dissatisfaction with new legislation.

### Financial implications

*Cannot charge Development Contributions for WaterCare infrastructure and the Rating Powers Act will not allow charging for waste water on a volumetric basis (which contradicts the LGA 2002).*

*Financial implications.*

*The imposition of mandatory drinking water standards has overridden LGA provisions whereby local communities should determine their priorities. Such standards have increased costs to ratepayers without ratepayers having a say on the matter because of their mandatory nature.*

*The inability to use a BOOT process. This increased the cost to our ratepayers, [had implications for] the effectiveness of accountability measures, and delayed the project.*

**Unable to consider alternatives**

*Most areas of [our district] are facing water allocation restrictions and the LGA 2002 requirement to continue water services in public ownership has not allowed Council to consider other alternatives, which may or may not have provided better delivery of water services for the District.*

*Prevents all options from being on the table.*

**Other comments**

*All new legislation that does not take into account individual situations causes problems (ie, having to fix something that is not broken).*

# Appendix: Questionnaire script

## COUNCIL SURVEY 37003300

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### The purpose of this survey

This survey is being conducted by Colmar Brunton, an independent research company, and it is part Local Government Commission's review of the operation of the Local Government Act 2002.

Local Government Commission seeks feedback from **all councils** about how the Act is operating. By completing this survey, you are ensuring that the views of **[INSERT COUNCIL NAME]** are included in the Commission's review.

### The survey questions

We would like just one person at **[INSERT COUNCIL NAME]** to complete the survey, but please feel free to seek information from other people or sources if you would like to.

The survey will allow you to move back and forward, so you don't necessarily have to complete the survey in the order the questions are presented. When you move back and forward your answers will be remembered. Your answers will also be remembered after you close your browser and when you log back in to the finish completing the survey.

Please click on the next arrow to continue.

**NEW PAGE**

### Confidentiality

Please be assured that your name and the name of your council are strictly confidential to Colmar Brunton.

With your express permission however, we would like the opportunity to link the name of your council with information about any new activities or ventures that your council has recently entered into. Although these details are public record, this survey is an excellent opportunity for the Commission to collect this information from **all councils** at one time.

When you arrive at this section of the survey, we will seek your permission to link **[INSERT COUNCIL NAME]** with **these responses only**. If you do not agree, that's fine, you can still answer the questions in that section, but your council's name will **not** be linked with your responses.

Please click on the next arrow to continue.

**NEW PAGE**

Before you begin the survey, we would like to know the position or job title of the person responsible for completing the survey.

Q0a Please type in your position or job title here: **RECORD**

Please click on the next arrow to start the survey.

**NEW PAGE**

## Decision making

The following questions are about the decision making processes at **[INSERT COUNCIL NAME]**

Q1a Overall, to what extent has the introduction of the Local Government Act 2002 influenced decision making at **[INSERT COUNCIL NAME]**? Has it had...

*Tick one only.*

A lot of influence	1
Some influence	2
Very little influence	3
No influence at all	4
Unsure / don't know	5

**GO TO Q1c**  
**GO TO Q1c**

Q1b In which of the following ways has the introduction of the Local Government Act 2002 influenced decision making at **[INSERT COUNCIL NAME]**?

*Tick all that apply.*

We now consider a wider <i>range</i> of options when making decisions	1
We now take a longer term focus when making decisions	2
We now consider the impact of decisions on the four types of community wellbeing (ie, social, economic, environmental, and cultural wellbeing)	3
We now consider the extent to which community outcomes could be achieved	4
Any other ways (please tell us)	5
<b>SINGLE CODE</b> Unsure / don't know	6

Q1c How often do 'community outcomes' influence **[INSERT COUNCIL NAME]**'s decisions? Do they...

*Tick one only.*

Frequently influence your decisions	1
Occasionally influence your decisions	2
Rarely influence your decisions	3
Never influence your decisions	4
Unsure / don't know	5

**GO TO Q1e**  
**GO TO Q1e**  
**GO TO Q1e**

Q1d For what reasons do 'community outcomes' **[INSERT: rarely / never]** influence your decisions?

If unsure, please tick this box  **SINGLE CODE**

**RECORD**

Q1e To what extent does [INSERT COUNCIL NAME]'s LTCCP influence your councils decisions. Does it have...

*Tick one only.*

A lot of influence	1
Some influence	2
Very little influence	3
No influence at all	4
Unsure / don't know	5

Q1f Does [INSERT COUNCIL NAME] have a provision in its **standing orders** for the mayor or chairperson or other person presiding over meetings to have a **casting vote**?

*Tick one only.*

Yes	1
No	2
Unsure / don't know	3

## Maori contributions to decision making

This section relates to contributions to decision making by Maori (outlined in Section 81 of the LGA 2002).

### PLEASE PRESENT ALL QUESTIONS ON THE SAME PAGE

Q2a What processes does [INSERT COUNCIL NAME] have in place to provide opportunities for Maori to contribute to decision making [Section (81)(1)(a)]?

If unsure, please tick this box  **SINGLE CODE**

**RECORD**

Q2b How does [INSERT COUNCIL NAME] foster the development of Maori capacity to contribute to the decision making processes of your council [Section (81)(1)(b)]?

If unsure, please tick this box  **SINGLE CODE**

**RECORD**

Q2c In what ways does [INSERT COUNCIL NAME] provide relevant information to Maori for the two purposes above [Section (81)(1)(c)]?

If unsure, please tick this box  **SINGLE CODE**

**RECORD**

## Consultation

This section is about the public engagement and consultation processes used by [**INSERT COUNCIL NAME**].

Below are some of the ways that council's can achieve two way communications with members of the public.

Q3a Which of these has [**INSERT COUNCIL NAME**] used in the past 3 years?

*Tick all that apply.*

Public meetings	1
Hui	2
Surveys of residents selected at random	3
Self-selected surveys of residents (including newspaper forms)	4
Focus groups	5
Citizen panels	6
Submissions	7
Community planning days and open houses	8
Websites that allow residents to provide electronic responses	9
Any other ways (please tell us)	10
<b>SINGLE CODE</b> Unsure / don't know	11

Q3b As far as you know, which of these does [**INSERT COUNCIL NAME**] plan to use at some point within the next 3 years?

*Tick all that apply.*

Public meetings	1
Hui	2
Surveys of residents selected at random	3
Self-selected surveys of residents (including newspaper forms)	4
Focus groups	5
Citizen panels	6
Submissions	7
Community planning days and open houses	8
Websites that allow residents to provide electronic responses	9
Any other ways (please tell us)	10
<b>SINGLE CODE</b> Unsure / don't know	11

Q3c In comparison to before the Local Government Act 2002 was put into place, how much would you say the Act has increased or decreased the **quantity** of feedback that [**INSERT COUNCIL NAME**] has received?

*Tick one only.*

Increased the quantity a lot	1
Increased the quantity to some extent	2
Neither increased nor decreased the quantity	3
Decreased the quantity to some extent	4
Decreased the quantity a lot	5
Unsure / Don't know	6

Q3d And in comparison to before the Local Government Act 2002 was put into place, how much would you say the Act has increased or decreased the **quality** of the feedback that [**INSERT COUNCIL NAME**] has received?

*Tick one only.*

Increased the quality a lot	1	<b>GO TO Q3f</b>
Increased the quality to some extent	2	<b>GO TO Q3f</b>
Neither increased nor decreased the quality	3	<b>GO TO Q3f</b>
Decreased the quality to some extent	4	
Decreased the quality a lot	5	
Unsure / Don't know	6	<b>GO TO Q3f</b>

Q3e What, in your view, is the main reason for this decrease in quality?

If unsure, please tick this box  **SINGLE CODE**

**RECORD**

Q3f Below are some circumstances under which councils use the Special Consultative Procedure (SPC) for providing the widest possible invitation for people to comment prior to decision making.

For each circumstance, please tell us how effective [INSERT COUNCIL NAME] has found the Special Consultative Procedure (SCP) for:

- a) Increasing the quantity of responses
- b) Increasing the quality of responses
- c) Providing value for money (ie, good quality and quantity of responses for the cost involved)

	Not at all effective	Somewhat effective	Very effective	Unsure
<b>(a) Adoption of LTCCP</b>				
i) Increasing the quantity of responses	1	2	3	4
ii) Increasing the quality of responses	1	2	3	4
iii) Providing value for money	1	2	3	4
<b>(b) Amendment to LTCCP</b>				
i) Increasing the quantity of responses	1	2	3	4
ii) Increasing the quality of responses	1	2	3	4
iii) Providing value for money	1	2	3	4
<b>(c) Adoption of annual plan</b>				
i) Increasing the quantity of responses	1	2	3	4
ii) Increasing the quality of responses	1	2	3	4
iii) Providing value for money	1	2	3	4
<b>(d) Making, amending or revoking bylaws</b>				
i) Increasing the quantity of responses	1	2	3	4
ii) Increasing the quality of responses	1	2	3	4
iii) Providing value for money	1	2	3	4
<b>(e) Other circumstances not mentioned above (ie, other times when your council is required by the LGA 2002 to use the SPC)</b>				
i) Increasing the quantity of responses	1	2	3	4
ii) Increasing the quality of responses	1	2	3	4
iii) Providing value for money	1	2	3	4

Q3g Have there been instances where [INSERT COUNCIL NAME] has chosen to use the Special Consultative Procedure when it was not statutorily required to?

*Tick one only.*

Yes	1
No	2
Unsure / don't know	3

**GO TO Q3j**  
**GO TO Q3j**

## PLEASE DISPLAY Q3h AND Q3i ON THE SAME PAGE

Q3h For what reasons has [INSERT COUNCIL NAME] used the Special Consultative Procedure when it was not statutorily required to?

If unsure, please tick this box  **SINGLE CODE**

### RECORD

Q3i Please briefly tell us the subject matter of these decisions (ie, a list of the 'decision topics' is fine)?

If unsure, please tick this box  **SINGLE CODE**

### RECORD

Q3j Does [INSERT COUNCIL NAME] evaluate the effectiveness of its consultation policy?

*Tick one only.*

Yes	1
No	2
Unsure / don't know	3

**GO TO Q4a**  
**GO TO Q4a**

Q3k How does [INSERT COUNCIL NAME] evaluate the effectiveness of its consultation policy?

If unsure, please tick this box  **SINGLE CODE**

### RECORD

## Full capacity, rights, powers and privileges

This section is about any new activities or ventures that [INSERT COUNCIL NAME] has engaged in since the introduction of the Local Government Act 2002.

### Special request

The entire questionnaire so far has been strictly confidential. We will not be linking your name or the name of your council with any of the responses you have given.

We would like your express permission to link your council's name with responses to **this section of the survey only**, as this information is public record, and the Commission is interested to learn about the new activities and ventures that different types of councils are undertaking.

If you do not agree, you will still be able to continue with this section, but the name of your council will remain **strictly confidential** to Colmar Brunton and will not be linked with your responses.

Q4a Do you agree to allow Colmar Brunton to link your council's name with responses to **this section** of the questionnaire only?

*Tick one only.*

Yes	1
No	2

Q4b Has **[INSERT COUNCIL NAME]** entered into any new activities or ventures as a direct result of the Local Government Act 2002 conferring on local authorities full capacity, rights, powers and privileges (ie, general empowerment under the LGA 2002)?

*Tick one only.*

Yes	1
No	2
Unsure / don't know	3

**GO TO Q4d**  
**GO TO Q4d**

Q4c Please **list** the activities or ventures in the space below.

**RECORD**

**ASK Q4d IF COUNCIL = REGIONAL, OTHERWISE SKIP TO Q4f**

Q4d Has **[INSERT COUNCIL NAME]** either proposed or reached agreement to undertake any significant new activities or ventures previously undertaken (or proposed to be undertaken) by a territorial local authority in your region (**Section 16 LGA 2002**)?

Yes	1
No	2
Unsure / don't know	3

**GO TO Q4f**  
**GO TO Q4f**

Q4e Please **list** those activities or ventures (from the question above) that:

i) **[INSERT COUNCIL NAME]** has **agreed to undertake**

If there are none, please tick this box  **SINGLE CODE**  
If unsure, please tick this box  **SINGLE CODE**

**RECORD**

ii) Have been proposed, but a **decision has yet to be made**

If there are none, please tick this box  **SINGLE CODE**  
If unsure, please tick this box  **SINGLE CODE**

**RECORD**

iii) Have been proposed, but a decision has been made **not** to undertake

If there are none, please tick this box  **SINGLE CODE**  
If unsure, please tick this box  **SINGLE CODE**

**RECORD**

Q4f Has **[INSERT COUNCIL NAME]** transferred any responsibilities (to or from other councils) under **Section 17 of the LGA 2002?**

Yes	1
No	2
Unsure / don't know	3

**GO TO Q4h**  
**GO TO Q4h**

Q4g Please **list** the responsibilities transferred in the space provided below [**IF CODE 1 AT Q4a INSERT:**, including which councils they were transferred to or from].

**RECORD**

**PLEASE DISPLAY Q4h AND Q4i ON THE SAME PAGE IF AT ALL POSSIBLE.**

Q4h Since the introduction of the Local Government Act 2002, has **[INSERT COUNCIL NAME]** used any new or innovative ways of providing activities/ventures (for example shared services, and/or partnerships with either the public or private sector)?

*Tick one only.*

Yes	1
No	2
Unsure / don't know	3

**GO TO Q5a**  
**GO TO Q5a**

Q4i Please provide details of each activity or venture where you have used a new/innovative method of provision.

Name of activity or venture	Method of provision	Was this method allowable under the LGA 1974?		
		Yes	No	Unsure
		1	2	3
		1	2	3
		1	2	3
		1	2	3
		1	2	3

## Collaboration between councils in your region

**IF Q4a = 1, INSERT:** Thank you. The rest of the survey is strictly confidential and your council's name will not be linked with your responses.

**DISPLAY TO ALL:** This section relates to [**INSERT COUNCIL NAME**]'s collaboration with other councils **in your region**.

**PLEASE DISPLAY Q5a AND THE ABOVE SENTENCES ON THE SAME PAGE.**

Q5a Does [**INSERT COUNCIL NAME**] collaborate with any other councils in its region to meet any of its obligations under the Local Government Act 2002?

*Tick one only.*

Yes	1
No	2
Unsure / don't know	3

**GO TO Q5c**  
**GO TO Q5c**

Q5b In the space provided below, please describe what [**INSERT COUNCIL NAME**] does to collaborate with other councils in its region.

If unsure, please tick this box  **SINGLE CODE**

### RECORD

Q5c Does [**INSERT COUNCIL NAME**] work with other councils in its region to identify or monitor community outcomes?

*Tick all that apply.*

Yes, to <b>identify</b> community outcomes	1
Yes, to <b>monitor</b> community outcomes	2
SINGLE CODE No	3
SINGLE CODE Unsure / don't know	4

Q5c How effective or ineffective was the triennial agreement that [**INSERT COUNCIL NAME**] entered into after the **2004 election** at facilitating the communication and coordination of councils in your region?

*Tick one only.*

Very effective	1
Somewhat effective	2
Neither effective nor ineffective	3
Somewhat ineffective	4
Very ineffective	5
Unsure / don't know	6

Q5d Has [**INSERT COUNCIL NAME**] done anything to make the triennial agreement it entered into after the 2007 elections more effective than the previous one?

Yes	1
No	2
Unsure / don't know	3

**GO TO Q6a**  
**GO TO Q6a**

Q5e In the space below, please tell us what **[INSERT COUNCIL NAME]** has done to make the current triennial agreement more effective than the previous one?

If unsure, please tick this box  **SINGLE CODE**

### RECORD

## Obligations and restrictions: Water and sanitary services

This section is about the specific obligations to make assessments of water and sanitary services (Part 7, Subparts 1 and 2, LGA 2002).

Q6a To what extent have assessments of water and sanitary services informed **[INSERT COUNCIL NAME]**'s long term planning in this area?

To a great extent	1
To some extent	2
To no extent at all	3
Unsure / don't know	4

Q6b Have any obligations and restrictions in the LGA 2002 (Part 7, Subpart 2) caused undue constraint on the delivery of **water services** to your council's community?

Yes	1
No	2
Unsure / don't know	3

**GO TO Q7a**  
**GO TO Q7a**

Q6c In the space below, please tell us how these obligations and restrictions have caused undue constraint on the delivery of water services to the **[INSERT COUNCIL NAME]** community.

If unsure, please tick this box  **SINGLE CODE**

### RECORD

## Code of conduct

This section relates to **[INSERT COUNCIL NAME]**'s code of conduct.

Q7a Prior to the introduction of the Local Government Act 2002 did **[INSERT COUNCIL NAME]** have a formal code of conduct?

Yes	1
No	2
Unsure / don't know	3

Q7b Since the introduction of the Local Government Act 2002 has **[INSERT COUNCIL NAME]** had to **consider** any **alleged breaches** of its code of conduct?

Yes	1
No	2
Unsure / don't know	3

**GO TO Q8a**  
**GO TO Q8a**

Q7c How many times has **[INSERT COUNCIL NAME]** had to consider alleged breaches of its code of conduct since the introduction on the Local Government Act 2002?

If unsure, please tick this box  **SINGLE CODE**

**ENTER NUMBER**

Q7d In the space provided below, please tell us about the process **[INSERT COUNCIL NAME]** has used for dealing with any alleged breaches of its code of conduct.

If unsure, please tick this box  **SINGLE CODE**

**RECORD**

Q7e Since the introduction on the Local Government Act 2002, has **[INSERT COUNCIL NAME]** had to **formally investigate** any alleged breaches of its code of conduct?

Yes	1
No	2
Unsure / don't know	3

**GO TO Q8a**  
**GO TO Q8a**

Q7f And how many times has **[INSERT COUNCIL NAME]** had to formally investigate alleged breaches of its code of conduct since the introduction on the Local Government Act 2002?

If unsure, please tick this box  **SINGLE CODE**

**ENTER NUMBER [LOGIC CHECK IF HIGHER THAN Q7c, SAY: This number should not be higher than the number of alleged breeches your council has had to consider.]**

Q7g Is it **[INSERT COUNCIL NAME]**'s current policy to have an independent external person carry out formal investigations of any breaches?

Yes	1
No	2
Unsure / don't know	3

Q7h Since the introduction on the Local Government Act 2002, has **[INSERT COUNCIL NAME]** concluded any investigations where it has found that there **was** a breach of its code of conduct?

Yes	1
No	2
Unsure / don't know	3

**GO TO Q8a**  
**GO TO Q8a**

Q7i And since the introduction of the Local Government Act 2002, how many times has **[INSERT COUNCIL NAME]** conducted a formal investigation and found that there **was** a breach of its code of conduct?

If unsure, please tick this box  **SINGLE CODE**

**ENTER NUMBER [LOGIC CHECK IF HIGHER THAN Q7f, SAY: This number should not be higher than the number of alleged breeches your council has formally investigated.]**

Q7j Thinking just about those cases where a breach **was** found, what sanctions did your council impose (please write in the space provided below)?

If no sanctions were imposed, please tick this box  **SINGLE CODE**

If unsure, please tick this box  **SINGLE CODE**

**RECORD**

Q7k Were there any sanctions that [**INSERT COUNCIL NAME**] would like to have considered, but that it was not empowered to impose under the LGA 2002 or any other Act?

Yes	1
No	2
Unsure / don't know	3

**GO TO Q8a**

**GO TO Q8a**

Q7l What were the sanctions that [**INSERT COUNCIL NAME**] would like to have considered?

If unsure, please tick this box  **SINGLE CODE**

**RECORD**

**Close (don't show this heading on screen)**

Q8a Thank you for taking the time to answer the questions in this survey. They are crucial to Local Government Commission's review of the Local Government Act 2002.

Before you complete the survey, can you please go back and check that all questions have been answered (or that you have indicated unsure/don't know where you have been unable to answer a question).

Please tick the box below and click the next arrow to indicate that you have completed the survey and checked your answers.

**Please note:** When you have checked this box and moved to the next screen you will no longer be able to access the survey.

I have completed the survey and checked my answers (please click on the next arrow below).