



**Local Government  
Commission**  
Mana Kāwanatanga ā Rohe

## **A local board for Golden Bay?**

## **Elsewhere in Tasman District?**

**A position paper by the Commission on the process to  
address this issue and matters to be considered**

**August 2019**

## Introduction

Late last year the Commission received a reorganisation application from the 'Working Group for a Golden Bay Local Board'. The application was for the establishment of a local board in the Golden Bay Ward of Tasman District which would replace the existing community board. The application met the requirements for the Commission to agree to assess it.

Tasman District Council requested a delay in the required next steps due to both its and the local community's focus on the wild fires occurring in the district early this year. The applicant agreed to this delay. In May, the Commission notified the application and called for alternative applications as it was required to do. It received five responses to this invitation by 10 June.

Due to the upcoming local government elections in October, the Commission does not believe it would be appropriate to undertake required consultation on a draft proposal immediately prior to these elections. However, the Commission still thinks the issue of the possible establishment of one or more local boards in Tasman District is likely to be debated during the election period.

To help inform this debate, the Commission decided to prepare this 'position paper'. It provides information on local boards compared to community boards, the process the Commission will follow in relation to the Golden Bay local board application, options available and considerations needing to be addressed. In short, the Commission needs to assess whether one or more local boards in Tasman District would best promote good local government in the district and the paper identifies the likely timeline for this decision.

I hope readers of this document find it useful in informing them on these matters.

A handwritten signature in black ink, appearing to read 'B. J. Duffy', written in a cursive style.

Brendan Duffy  
Commissioner

## **What is a local board?**

- it is a directly elected body (with between 5 and 12 members) for an identified area of a district
- it can only be established in the district of a unitary authority i.e. a territorial authority that also undertakes regional council responsibilities such as Tasman District Council
- it is not a local authority (like Tasman District Council) and it cannot employ staff, enter into contracts or hold or dispose of assets
- it represents the local area and must communicate with community and special interest groups in the area
- it is responsible for identifying and communicating to the council the interests and preferences of the people of the area in relation to the content of council policies and plans
- it may consider and report to the council on any matter of interest or concern
- it shares decision-making with the council on certain matters\*
- it is democratically accountable to the local community for these decisions
- it is responsible for identifying and developing bylaws specifically for its area and proposing these to the council
- it must adopt a 3-yearly plan of activities and services for its area
- it must negotiate an annual agreement with the council for the activities and services to be delivered in its area that year and for their funding
- it must monitor the implementation of that agreement by the council
- its responsibilities are determined by the Local Government Commission and continue in place until there is agreement for change
- it may have other responsibilities delegated to it by the council

\* These are activities and services that are not of a regulatory nature i.e. don't involve the enforcement of set rules like council bylaws, and there are not good reasons for decisions to be made on a whole-of-district basis.

## **How is a local board different from a community board?**

In some ways a local board and a community board are similar:

- both are directly elected bodies for the local area
- neither type of board is a local authority
- both are mandated to represent their local area and must communicate with community and special interest groups in the area
- both may consider and report to the council on any matter of interest or concern
- both must undertake any responsibilities delegated to it by the council

However, there are also important differences:

- areas of responsibility:
  - responsibility for all non-regulatory activities in a local board area such as for community facilities *must*, by legislation, be allocated to the local board unless there are specified good reasons for district-wide responsibility\*
  - in contrast, any areas of community board responsibility relating to council activities are decided at the sole discretion of the council
- ongoing responsibility for decision-making:
  - a local board's non-regulatory decision-making responsibilities are allocated to it by the Local Government Commission and while these may change over time, the council and local board must agree on any changes and any disputes may be referred to the Commission for resolution\*\*
  - in contrast, a community board's decision-making is limited to matters delegated by the council at its discretion and these may be withdrawn at any time
- local community planning:
  - a local board must prepare and adopt a 3-yearly plan for its area reflecting the priorities and preferences of communities within the local board area (the purposes of this plan include to inform the development of the council's long-term plan and to provide the opportunity for people to participate in council decision-making processes relating to the local board area)
  - there is no requirement for a community board to prepare and adopt a 3-yearly plan, with the board only guaranteed to have the opportunity to make an annual submission to the council on desired expenditure for its community
- annual agreement on activities and services to be provided in local area:
  - a local board and the council must negotiate an annual agreement on activities and services to be provided in the local board area that year and how these are to be funded
  - there is no requirement for a council and community board to negotiate an agreement for activities and services for that community for the next year

\* The legislation provides that these reasons are:

- the impact of the activity extends beyond the local board area
- there is a need for alignment or integration with other council decisions
- the benefits of a consistent or coordinated approach to the activity outweigh the benefits of reflecting local needs and preferences

\*\* In addition, any dispute between a local board and the council about a proposed bylaw or revocation of a bylaw in the local board area may be referred to the Local Government Commission for resolution.

## What the Commission will need to consider in making its decision

The Commission could propose:

- a local board for Golden Bay only
- a local board for Golden Bay and any other particular area
- a number of local boards, including for Golden Bay, across Tasman District
- no local boards in Tasman District

In making this decision, the Commission will need to consider:

- whether Tasman District has one or more local communities of interest sufficiently distinct from the wider community of interest represented by Tasman District Council, to warrant recognition by way of a local board?
- what is an appropriate balance between the principle of subsidiarity (decisions being made at the level closest to the people affected) and consistent, efficient and effective decision-making at the district level?
- what would be the appropriate area for a local board(s), including whether it covers one or more distinct communities of interest?
- does the area have an appropriate range of council facilities and services, with scope for different levels of service, to warrant establishment of a local board?
- what would be the cost of having a local board(s)? Subject to the number and nature of the responsibilities to be allocated, factors to consider will include:
  - the number of elected members for the board(s)
  - likely member remuneration (determined by the Remuneration Authority)
  - appropriate facilities for board meetings and for members to carry out other responsibilities
  - appropriate support staff including for policy advice, secretarial services, community liaison and engagement
- how does this compare to the cost of the current community boards?
- what would be the impact on Tasman District Council – how much would be additional responsibility/cost and how much would be transferred responsibility/cost?
- would there be an impact on any areas of the district without local boards?
- would the area be of an appropriate scale for a local board, such as have a sufficient ratepayer base in the event a targeted rate was levied on the area?\*
- how much local community support is there for a local board in that area?
- how much local community support is there for retention/establishment of community boards, possibly with significantly increased delegations? In what areas?

\* The Local Government Commission does not have the power to impose a targeted rate on an area as part of local government reorganisation. A decision on a targeted rate for a local board area would be the responsibility of Tasman District Council.

## What is the timeline for the Commission's decisions?

It is anticipated that the Golden Bay local board reorganisation application process will be subject to transition provisions relating to new local government reorganisation requirements expected to be enacted by Parliament shortly. Accordingly, the following indicative timeline for immediate next steps is subject to the passing of the new legislation:

- adoption of a Tasman District reorganisation investigation process document: **December 2019**
- release of Tasman District reorganisation proposal for consultation: **March 2020**
- completion of consultation on Tasman District reorganisation proposal: **May 2020**
- Commission decision on whether to adopt a Tasman District reorganisation plan for implementation: **July 2020**

## Further information

Further information is available on the Local Government Commission's website at [www.lgc.govt.nz](http://www.lgc.govt.nz). This includes the original reorganisation application, responses to the invitation for alternative applications, and related Commission reports.

You can also seek further information by:

Email: [info@lgc.govt.nz](mailto:info@lgc.govt.nz)

Telephone: (04) 460 2228

Post: Chief Executive Officer, Local Government Commission, PO Box 5362, Wellington 6140