

Local Leadership: The Role of Mayors and the Impact of the LGA 2002 Ammendment Act 2012

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**We are.
LGNZ.**

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Foreword



Foreword

Mayors are an important part of New Zealand's democratic tradition. They are the most visible face of our local councils, the person who speaks on behalf of our communities and the leader who we look to when tragedy strikes. They are an essential feature of our community and civic life.

The role of mayors has changed very little over the last 100 years however, with the changes to the Local Government Act in 2014 Parliament has, for the first time, set out the role of mayors in legislation. Section 41A of the LGA 2002 now recognises the role of mayors as that of leading communities, leading organisations and leading their councils' policy, planning and budgeting processes. The legislation has also given mayors the ability, should they choose to use it, to appoint their deputies and committee chairs.

The overall effect is that mayors can now play a more direct role in building a supportive team and ensuring policies and programmes are implemented.

As part of our programme to enhance the capacity of our councils and increase knowledge of good governance practice LGNZ undertook a survey of all mayors to find out whether or not they were being used and how mayors felt about them. We were pleased with the response to our survey and as the paper shows some mayors have made extensive use of the new powers.

This report is an analysis of the survey responses. Findings will be incorporated into our post-election guidance for new mayors and forwarded to the Government so that the legislation can be fine tuned in the future if necessary. The survey reinforces our desire to ensure that future policy is based on good research and evaluation. I trust that you will find the results interesting and helpful.

A handwritten signature in blue ink, appearing to read 'L. Yule', with a stylized flourish at the end.

Lawrence Yule
President
Local Government New Zealand

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Summary

The survey was undertaken during May/June 2015. A written questionnaire was sent to all 66 elected mayors (Kaipara District Council was under the control of commissioners). A copy of the questionnaire is attached, see **Appendix Four**. The survey received 31 replies; a response rate of 41 per cent. The response was also roughly approximate to the diversity of councils, with 10 per cent of replies received from the metropolitan sector (15 per cent); 45 per cent of replies received from the provincial sector (40 per cent) and 32 per cent of replies received from the rural sector (39 per cent). There were four questions, the responses to which are summarised below.

1.1 Leading members of the authority

There were 28 replies to this question which sought information on the way in which mayors exercised their leadership role to members of their authority. Members are defined as both elected and non-elected officials. Responses highlighted the importance of:

- engaging with councillors and senior staff at the beginning of each term;
- getting councillor buy-to a long term strategic view;
- creating a supportive culture; and
- playing a leading role in designing and implementing the process to create a vision and facilitate collective buy-in.

The new powers were seen to strengthen mayors' ability to express their views and expectations by providing additional levers by which to get councillors to accept those views.

1.2 Leading the people of the district

There were 27 replies to this question which sought information on the way in which mayors were leading the people of the district and whether or not the Local Government Act 2002 Amendment Act 2012 (LGA 2012) had changed their approach. The majority of responses noted the importance of "simply being available" and "getting out there" amongst the people. There were certain relationships and activities which were commonly mentioned as important for strengthening leadership, these included relationships with:

- business associations;
- Iwi; and
- service clubs.

There was little indication that the approaches taken by mayors to lead their communities had changed in any significant way following the LGA 2012. The replies to the survey suggested that this was a case where the legislation had effectively caught-up with what had become common practice.

1.3 Leading plans, policies and budgets

This question asked whether or not mayors were leading the development of plans, policies and budgets and if so, how. Many respondents noted that this was in effect a new role and some struggled to understand what it might mean in practice. Some mayors took the opportunity provided by the changes to lead from the front, making it clear to members of their authority and the public that they had their fingers on the pulse. Others preferred to take a more collaborative approach to the development of policies and plans.

1.4 Making appointments

This question sought information on whether or not mayors used the new powers of Section 41A to appoint deputies, committee chairs and establish the committee structures. Of the mayors who answered this question 26, or 85 per cent of respondents, answered in the affirmative, however many of the related comments suggest that their practice was little different to the practices they employed prior to the LGA 2012. Typically mayors will build a coalition of support for their appointments before making recommendations public and seeking the endorsement of the majority of councillors. In most cases they continued to follow this process, although the new powers may have given them more ability to influence the outcome.

A number of mayors highlighted the importance of selecting a deputy mayor they could trust and who had the right competencies for the job. Many replies were highly critical of the legislation for giving governing bodies the ability to over-rule a mayoral appointment. Mayors regarded this as essentially a veto power which made nonsense of the new provisions and resulted in many choosing not to use them.

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What changed?

2.1 What changed in 2012?

The LGA 2012 introduced, for the first time, a description of the mayoral role as well as providing a discretionary power that could be used to appoint the deputy mayor, committee chairs and design a committee structure. The Government's reasons for making the changes were outlined in the Better Local Government programme which described the role of mayors in the following terms:

Mayors are the public face of councils and publicly carry the responsibility for their decisions. The problems is that there is a mismatch in the current local government framework between the high level of interest, scrutiny and engagement in mayoral elections ... and their limited formal powers over the governing body of a council. Mayors need the capacity to provide clearer and stronger leadership (DIA 2012).¹

More detail on the planned changes and the rationale behind them was provided by the Department of Internal Affairs in its report to the Select Committee considering the Bill. The Department stated:

The proposed new section is intended to give the mayor a greater say in the governance structures and leadership of the council, but does not change the requirement for council decisions and policies to be made by the majority of council members. The powers are designed to assist the mayor to build an effective leadership team with a coalition of support across the council, thereby strengthening the leadership and capability of the council itself within the community.

The resulting legislation, the LGA 2012, described the role of mayors as providing leadership to other members of the territorial authority; the people in the district of the territorial authority; and of the territorial authority's plans, policies, and budgets (for consideration by the members of the territorial authority). Mayors were also given a discretionary power to:

- appoint their deputy mayors;
- determine the number of council committees and the terms of reference for those committees (but not their delegations); and

- appoint committee chairs (but not the membership)².

The changes did not end here, however. The Local Government and Environment Select Committee, concerned at the prospect of mayors acting without adequate checks and balances, amended the appointment process by allowing councils to:

- remove a deputy mayor appointed by the mayor (in accordance with the statutory process);
- discharge a committee established by the mayor;
- appoint additional committees; and
- discharge any chairpersons appointed by the mayor.

The select committee's change clarified that the new mayoral powers would not override existing Schedule 7 powers that councils already possessed. The result, however, is a framework that is quite different to the framework which applies to the Mayor of Auckland. It means that the relative roles and responsibilities of mayors and their governing bodies is more dynamic than in Auckland and not as clearly differentiated, being subject to continual negotiation as both mayors and the governing body can use their appointment and over-rule powers at any time during the triennium (see **Appendix Two** for the full wording of S. 41A).

¹ For the record, turnout in mayoral elections is no greater than turnout in council elections (see http://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Services-Local-Elections-Local-Authority-Election-Statistics-2013?OpenDocument).

² There is some debate whether this power extends to the appointment of the membership of committees. Departmental advice posted on DIA's website is clear that the power is not intended to extend to membership, however a strict interpretation of the text might struggle to identify this constraint.

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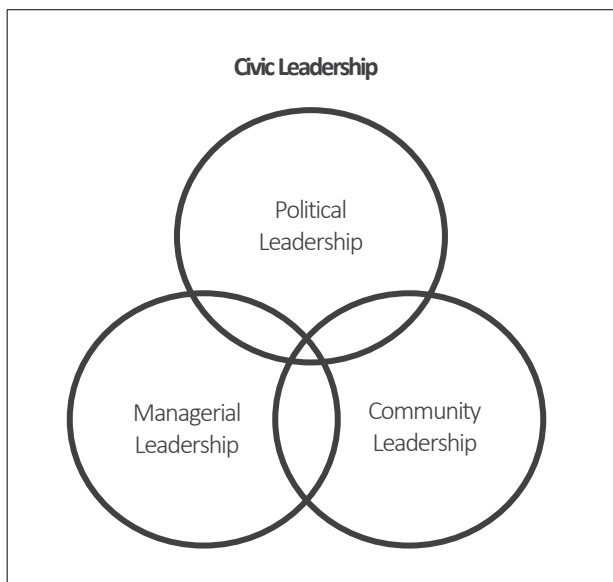
Mayors

3.1 The role of mayors

Mayors are generally considered to have three major roles. Margaret Evans, a former Mayor of Hamilton, wrote a masters’ thesis on the subject where she argued that the three roles involved political leadership; policy leadership and community leadership (Evans 2004). A similar view is taken by Professor Robin Hambleton (2008), who has written extensively on the role of mayors who describes the overall role of mayors as one of “civic leadership” which consists of three dimensions, political, managerial and community, as shown in Figure 3.1.

It is not unusual for local government legislation to describe the role(s) of the mayor and elected members, although it is a new development for New Zealand. For example, the South Australian local government legislation makes specific reference to the mayor of Adelaide, who is deemed responsible for the “leadership and guidance of the City of Adelaide”, while in Tasmania mayors are expected to “act as a leader of the community of the municipal area; oversee the councillors in the performance of their functions and in the exercise of their powers”.

Figure 3.1: Civic leadership



Political leadership

Political leadership refers to the roles mayors play as:

- ‘presiding’ members (the member who is responsible for chairing meetings of the council);
- influencing the establishment and management of the

- political structure of the council;
- influencing the appointment of deputy mayors and committee chairs;
- overseeing the chief executive and being responsible for the political administrative interface; and
- primary spokesperson for the organisation.

Mayors can play a key role in not only managing the political interface but also facilitating political alliances and support for council policies and plans. Leadership can be directive, in which mayors use their formal powers to achieve their objectives, or facilitative, in which mayors focus on creating a vision and securing a broad commitment amongst colleagues on the governing body. The LGA 2012 has given effect to this approach to political leadership.

Policy and managerial leadership

Policy leadership involves initiating and developing policy or “translating community wishes into defined outcomes” (Evans). It is a two way process in which mayors get to “know” the community while also ensuring that community concerns and aspirations are reflected in the council’s ongoing programme of policy development. This involves leading the development of strategic plans and policies that reflect community aspirations and ensuring that councils, as organisations, are able to implement those aspirations, for example, through ensuring that appropriate funding is available and/or that organisations have the requisite capacity.

With the passage of the LGA 2012 it is now clear that mayors are responsible for leading the development of planning, policy and budgets and the leadership of members of the authority. The legislation is silent on how such leadership should be exercised, necessarily so given the diversity of councils, and one purpose of this survey is to improve awareness of the different strategies that mayors can use to give effect to this change.

Community leadership

Community leadership generally describes a mayors’ representation function, their symbolic role as the having been chosen by the people in general and their ceremonial duties. Evans’ survey of mayors highlighted that, in the view of mayors, this was the most important of the three leadership functions.

An important aspect of community leadership is the role of community advocate, whether demanding that the government adopt or amend a policy affecting their district or promoting the qualities of their district to the investment community. The

community leadership role can be seen to stand outside the council's operation as the mandate is based on the fact that mayors are elected at-large election and New Zealand's tradition of popular mayors. Mayors often find that the range of issues they are asked to respond to extends well beyond their council's range of responsibilities, yet even though they may not have a formal responsibility they can, by using their "bully pulpit" role, achieve quite a lot. This is reflected in Section 41A which describes the role of the mayor as responsible for leading "the people in the district of the territorial authority".

The three dimensions emphasise the role of mayors as one of providing "place-based" leadership which is increasingly recognised as important for social and economic well-being. In fact Hambleton (2007) suggests that the areas of overlap between the three dimensions have the potential to produce genuine innovation in leadership (see Figure 3.1). It is a unique space that only mayors occupy.

< Under the Municipal Corporations Ordinance which established local government in New Zealand, mayors were elected by the elected members. This changed when Henry Dobson was elected leader of Blenheim in 1868. Dobson argued that the mayor's authority should come from all the ratepayers instead of the eight male councillors. Although the law prevented ratepayers from directly electing their mayor the Blenheim councillors agreed to elect as mayor whoever received the most votes in each election. Their approach was viewed favourably and was eventually incorporated into a new bill, known as the Blenheim Mayor's Bill, which then became the Municipal Corporations Act 1876 and applied to NZ as a whole. (Northern Advocate 2013)³ >

³ Thanks to Assoc. Professor Christine Cheyne for bringing this to our attention.

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Summary of responses

Question 1: The mayor's role in leading members of a territorial authority

Section 41A of the LGA 2012 describes the role of mayors as responsible for leading “the other members of the territorial authority”. It is a provision which, rather than being considered a new role for the mayor, might be seen as acknowledging a role mayors have historically played, although the survey results suggest wide variation in approach. Question one asked mayors to provide examples of any specific approaches that they employed in order to set the strategic direction of their local authority and achieve the buy-in of elected members and staff to that direction. It also asked what changes they might have introduced following the enactment of Section 41A.

There were 28 replies to this question and a number of common themes emerged. These themes emphasised the importance of engaging with councillors and senior staff at the beginning of a council term; building a team; creating a supportive culture, and ensuring that there were processes for regular review. In each case, mayors appeared to have played a leading role in both the design and implementation of the vision-setting processes and efforts to build a collective buy-in.

Building commitment

Virtually all respondents emphasised the importance of holding a councillor retreat or gathering shortly after the triennial elections. Retreats are commonly held for up to two days, often on a weekend, involve the chief executive and their senior managers and may involve an independent facilitator. Retreats tend to be used to set strategic priorities, gain commitment to an overall work programme and build relationships. Richard Kempthorne, Mayor of Tasman District, noted that his council held a workshop at the beginning of its term in February 2014 to identify their strategic priorities, and has measured all work since then against those priorities. Attendees at the workshop included councillors, the chief executive, council managers and key staff.

Steve Chadwick, Mayor of Rotorua, described how she used an external facilitator to run four strategic planning sessions in order to establish the Council's Vision 2030. This was followed by agreement on measureable priorities and the appointment, by the Mayor, of councillor portfolio leaders for each strand of the strategy. Since then community steering groups have been appointed for each portfolio and each portfolio holder has been allocated a senior staff member as their advisor.

Many respondents noted the importance of workshops for councillors and senior staff at the start of the Long Term Planning process so as to make sure that there was collective ownership of the strategy and that senior officials understood the council's direction and priorities.

Getting the culture right

A number of respondents described their approach to leadership as an inclusive one so as to build up the capacity of councillors and senior staff and consider delegations. The Mayor of South Waikato, Neil Sinclair, made the following comment on this issue:

I regard the essential component of leadership is to create a team that has a unified vision. This means that the mayor as leader brings together the team concept. To that end the changes in 2012 have had little effect on how I operate. As mayor you have to recognise that each councillor brings different attributes to the table and it is my job to bring those talents to the fore. Therefore each councillor has been given all previous plans, budgets, and given the opportunity at several workshops to buy into, help set the vision and objectives of the council they are now part of.

Reinforcing this approach John Forbes, the Mayor of Opotiki, described the challenge for mayors and other leaders as one of “growing the individuals and teams” that they work with. John further noted that “when a council is fully cohesive, functioning in a positive and productive manner, then this spills out into the wider community. Positive action is contagious. Positive leadership can encourage other groups and organisations to rise to the challenge of the future”.

Manawatu District Council holds an annual governance workshop which, in 2014, was facilitated by a local lawyer with knowledge of local government. The Mayor, Margaret Kouvelis, described the topics covered at these workshops as dealing with the nature of good governance. Topics included:

- How do we know we are working well as a governance team?
- How do we mitigate the risks to ourselves as a governance team?

- What needs to be in place for us to be an effective council?
- What are the constraints to us working effectively?
- How will we overcome them?
- How will we know that we are performing well as a council?

The Mayor of Opotiki, reflecting on the situation of smaller communities, noted the importance of staff being fully participating members of the team, on the same basis as elected members.

Ongoing review and communications

A number of mayors use mid-term retreats to review progress towards the implementation of their strategic agenda. Ross Paterson, Mayor of Western Bay of Plenty, holds regular councillor only forums which have both a strategic and tactical focus, and has weekly meetings with the deputy mayor and chief executive that alternate between having a strategic and operational focus. He also holds operational fortnightly meetings with committee chairs and the Council's executive team. In a similar vein Brendan Duffy, Mayor of Horowhenua, organises off-site meetings every three months with committee chairs, the Deputy Mayor, chief executive and senior staff in order to set high level strategy and ensure collective agreement.

Because of its size, Southland District Council takes all councillors on a tour of the district twice during each term to create a shared understanding of the issues affecting the area. Manawatu District Mayor, Margaret Kouvelis, holds one-on-one interviews with each councillor twice every year, both individually and with the Deputy Mayor. There is also a joint strategic committee with Palmerston North City Council to oversee regional projects, such as cycleways and setting strategic transport priorities. Similarly Don Cameron, Mayor of Ruapehu, has worked to revive the Regional Chair's Forum, involving the Mayor, chairs, chief executives within the region and Horizons. In Tauranga City, councillors meet with the chief executive informally every fortnight, or more if required, and meet with the Executive Leadership Team informally on a monthly basis.

Ross Dunlop, Mayor of South Taranaki, described having one-on-one discussions with councillors at the start of each term as well as a retreat. He also sends out weekly emails to provide an update about what he has been doing as Mayor. In addition there are quarterly informal catch-up dinners before a Council meeting, frequent informal chats and "lots of phone calls".

Impact of new roles

Mayors often made use of council retreats to highlight and

employ the new roles set out in the LGA 2012, particularly the mayor's role in leading plans. John Tregidga, Mayor of Hauraki, described the retreat and his role in the following terms:

I also discussed my proposed committee structure and the priorities for the Audit and Risk Committee where I have introduced an independent chair, and an Economic Development Sub-committee to take on more responsibility and be more pro-active in their areas of accountability. I also established a social issues agenda for the three ward committees of the council and set an expectation that they would be more visible and active within their wards.

Tony Bonne, Mayor of Whakatane, while noting the limitations on the new powers introduced by Section 41A, acknowledged that "all it does is give the mayor a chance to express his or her views more powerfully and through this more councillors will accept the direction ... Through the media where I am constantly pushing my direction".

Only three of the 28 respondents made specific reference to the new role of leading members of the authority (s.41A LGA 2002), however it was clear from the responses that mayors were taking a stronger hands-on approach to setting and over-seeing the strategic direction of their councils and encouraging buy-in from elected members.

Question 2: The mayor's role in leading the people of the district

Section 41A describes the role of a mayor as providing leadership to the people of the district of the territorial authority. As with "leadership of other members of the authority", leadership of the people of the district is a role that has historically been associated with mayors. The legislation has formally recognised a widely held perception.

Question two asked mayors to describe the specific approaches they employed to lead the people in their district or city and to identify any changes that they might have made as a result of the Section 41A. There were 27 replies, with the majority of respondents describing their personal style and approach to engaging with communities and local interest groups. A few respondents also included information about the institutional arrangements they had put in place to enhance leadership of their communities.

Many mayors noted the importance of simply being available. Winton Dalley, Mayor of Hurunui, stated that “I have an open door policy that welcomes any constituent to meet directly with me” while Gary Tong, Mayor of Southland, noted:

There are many ways that a mayor can integrate or lead and the best way is to get out there amongst “the people”. This gives a chance for an individual or small group to communicate one on one. Again, because of the vast Southland area a number of people find it difficult to travel into Invercargill (where the council’s main office is) therefore it is a treat for the Mayor to go to them.

Some mayors described how they were in constant contact with their communities, while the Mayor of Rotorua, Steve Chadwick, described her practice of being interviewed by Community TV after every council meeting and of having a recording of the interview placed on the council website. Don Cameron makes a point of meeting regularly (three to four times a year) with community groups in each of Ruapehu towns as well as the Department of Conservation, the army in Waiouru and Iwi. Richard Kempthorne writes mayoral opinion pieces for the council’s fortnightly Newsline magazine to highlight and comment on key issues.

The value of regular involvement with Iwi/Hapu and local stakeholder organisations was noted by many. John Tregidga, Mayor of Hauraki, discussed his approach of regularly attending his district’s “Business After 5” network and having meetings with local businesses in each of the district’s three Wards. In addition Mayor Tregidga and his chief executive meet with Grey Power and Federated Farmers’ groups at least once a year. He also made a point of noting:

I have taken a leadership role in developing strategic relationships with Iwi and have set the policy direction for Council in establishing appropriate communication and consultation mechanisms.

The survey showed that mayors played a high profile role in leading engagement between councils and their communities. As an example Jan Barnes, Mayor of Matamata Piako:

- Held an economic development thinktank to engage with small to medium businesses in the district and ascertain issues. A facilitator was used;
- Undertook regular engagement with district groups, including Greypower and business associations; and
- Held a large business breakfast (with major employers/industry) to establish a relationship and foster better relations with the regional council and business.

An example of a mayor who has taken a comprehensive approach to community leadership is Ross Paterson from Western Bay of Plenty. Mayor Patterson leads the programme that provides opportunities for customers and communities to engage “in place” with council, including regular road shows where councillors and staff travel to communities across the district to engage and consult. Specific measures include:

- Leading the Council’s Community Committee; a standing committee of the council established in 2008. The committee is fundamental to bringing democracy closer to people and is often held in the community;
- Working in partnership with communities to help them help themselves by, for example, supporting them to lead their own 20 year community development plans; and
- Collaborating with communities to “problem solve” significant issues around infrastructure provision e.g. stormwater e.g. a conscious move away from the old model of “announce and defend”.

Impact of new roles

In relation to this question at least six respondents commented that they had made no changes to their leadership style due to the new legislation. In his reply David Ayers, Mayor of Waimakariri, while noting the changes made in 2012 also commented that the amendments had not really changed the processes the council was using prior to the legislation. “We are frequently engaging with our community, including geographical and interest-group sectors within it, on a variety of matters. I am often the person fronting these engagements.” Typical of the responses explaining that there was little change was Neil Sinclair, Mayor of the South Waikato District Council, who stated:

Once again little change following 2012. As Mayor I make myself available to numerous community groups on a regular basis. Groups like Probus, Over 50s, Lions, Rotary, and “Business after 5” meetings. At Annual Plan or LTP time I chair and conduct the Business Breakfast and then open all the other public meetings. As I believe it is important for councillors to present the plan to show that the plan is a full Council plan but as Mayor I take the heat.

The lack of any trend suggesting mayors have noticeably increased or changed their approaches to community leadership or engagement suggests that the legislative change made in 2012 effectively put in statute what was already the case “on the ground”. Given that New Zealand’s mayors are directly elected communities have historically looked to them for district and city leadership, regardless of the absence of executive powers or specific legislative mandate.

Question 3: The mayor's role in leading the development of plans, policies and budgets

The third mayoral role set out in Section 41A gives mayors responsibility for leading the development of plans, policies and budgets for consideration by the members of the territorial authority. Unlike their roles in leading their organisations and communities, many respondents saw this as a new role and in some cases challenging, due to lack of guidance and/or resources.

The question asked respondents whether or not they had a leadership role in the development of plans, policies and budgets, if so, how they exercised leadership, and whether or not their practice had changed following passage of the LGA 2012. The replies revealed a clear distinction between those mayors who led "from the front" and those that emphasised the importance of facilitating the collective buy-in by all governing body members.

Mayors in the "lead from the front" camp tend to have greater visibility in the policy, planning and budget setting processes. One respondent commented that he has always put (his) name to plans, policies and budgets. This was an approach also taken by Jan Barnes, who commented:

Yes, all of the above (plans, policies and budgets) are always tabled under my name. They are Council's i.e. elected members, documents and I always write a forward in the documents along with presenting at numerous community and business groups and events.

The mayor who appears to have made a significant change in his approach was John Tregidga of Hauraki District. While emphasising his collegial style John described how he had assumed, in consultation with his chief executive, the role of "policy director":

I have assumed the role of policy director for the Council. ... On a day to day basis this results in the key policy managers of council discussing new policy matters and policy issues with me so they understand any political/mayoral policy directions that I think it appropriate to pursue within the legislative framework that may apply in any case.

All mayors emphasised the need to be actively involved in the consultation and decision-making processes. For example, Margaret Kouvelis described her approach as one of ensuring that nothing goes to her council without the mayor being briefed and having the opportunity to change items as she saw appropriate.

Many mayors were conscious of the need to take their councillors along with them. One respondent noted that despite being mayor he was only one voice out of ten elected members. This mayor described his approach as doing his homework and leading from the front while still collaborating and listening to the views of his elected members. Ross Paterson acknowledged the importance of ensuring that councillors, communities and community boards were engaged. Andy Watson from Rangitikei District Council captured this approach when he stated "you just lead by example". Mayor Watson fronts his community at all public consultation meetings, including pre-consultation meetings with, for example, major sector groups, such as Federated Farmers.

A number of respondents emphasised collective ownership and the need to acknowledge the contribution of councillors and staff. Richard Kempthorne indicated his support for collaborative processes involving workshops and having his committee chairs leading each of the meetings on behalf of council departments. These sentiments were echoed by Kelvin Coe, Mayor of Selwyn, who stated that in his view "reports should be signed by the writers of those reports, not the mayor, and highlighted the importance of all councillors buying into the council's policies and budgets; including the steps along the way. He made a particular point about the potential role of mayoral offices:

I don't support mayors having their own "departments". The smooth running of a council depends on a good relationship between the mayor and councillors and the chief executive which in turn provides access to council staff and information. We are all part of the same team and to have two teams has the potential to be divisive.

Other mayors incorporated the changes into usual practice or simply carried on as before. Brian Hanna, Mayor of Waitomo, meets with his chief executive at least three times a week so that both are fully briefed on all matters of council business. Winton Dalley holds regular meetings with his chief executive and management team and saw little need to make significant changes to his overall approach.

Question 4: The role of mayors in making appointments

The significant change introduced by Section 41A was the power given to mayors to appoint their deputy mayors, establish council committees and appoint the chairs of those committees. Question four asked whether or not mayors had made use of these new powers following the 2013 local authority elections and in addition whether they wished to make any general comments on the value of these powers. Are they, for example, helpful in fulfilling their roles as mayors? We received the following responses:

Table 1: Appointment powers

	Yes	No
Made use of the Section 41A powers to appoint the deputy mayor	22	4
Made use of the Section 41A powers to establish the council's committee structure	22	4
Made use of the Section 41A powers to appoint committee chairs	21	5

While the initial responses suggested that almost all mayors made use of their new powers to make appointments, on closer inspection the majority of respondents who replied in the positive also sought ratification of their decisions by their councils. There was no clear indication that their practice was any different to what it had been before the 2012 changes. A few did, however, describe how their practice had changed compared to previously. John Tregidga found that the ability to make appointments and determine the committee structure helped reinforce his leadership role, as also as set out Section 41A. Similarly Margaret Kouvelis noted that the new powers meant she was better placed to select the appropriate skill sets and appoint chairs who could add value through their knowledge, experience and leadership skills.

The most common area in which mayors made use of their new appointment powers, either directly or indirectly, was in relation to the appointment of the deputy mayor. Stuart Crosby answered by saying that he engaged fully with his councillors on the design of committee structure and appointment of chairs, but drew on his new powers to appoint his deputy. Don Cameron's response was similar when he said that "other than the appointment of the deputy mayor I did not change the conventions we had been working under in the past". Steve Chadwick also confirmed the importance of the new powers in the choice of deputy by

describing how she had appointed her deputy based on trust and competence and that this was announced and confirmed at the first council meeting.

The majority of respondents commented that the appointment of deputy mayors and committee chairs was subject to consultation with and corroboration by the majority of councillors, many arguing that this was an important measure in their desire to build a collaborative team. Typical of the responses were:

- *Plenty of one-on-one chats (with councillors) first, to be sure all options were considered;*
- *I followed exactly the same process I had followed three years earlier. I interviewed each councillor about who they thought the deputy mayor should be and what their committee and portfolio preferences were. This resulted in a report from me which was passed without dissent;*
- *Councillors have to have confidence in their deputy mayor therefore it is important that they have a say in the appointment;*
- *At the start of the new term I interviewed each councillor to explore their areas of interest. I recommended to council the committee structure, deputy mayor and committee chairs and this was adopted virtually unchanged; and*
- *I make a recommendation with clear reasoning for each of those appointments.*

However, a number of respondents were far from enthusiastic about the potential value of the new powers to appoint their deputy and committee chairs. The following statement by Winton Dalley was typical: "I take the strong view that council is a team working in the interests of their community and not about personal agendas. The team, therefore, needs to also be led by the deputy mayor and chairs who have the support of the entire council to the greatest degree possible - any further mayoral powers would erode the democratic role of elected councillors." Another mayor commented that "I try to behave collaboratively and the new powers are counter productive in that sense".

Some comments were more critical of the overall design of Section 41A rather than the principle itself, particularly the ability of councillors to overturn an appointments made by the mayor. Consider the following comments:

- *The veto by the council is a nonsense;*
- *The powers are in effect a nonsense, as if I had appointed a deputy mayor that the members disagreed with they could have over-turned that decision a the next meeting;*

- *The new powers are neither helpful nor unhelpful to me;*
- *The powers are there if needed but to date I haven't had to use them; and*
- *The new powers are meaningless because they can be overturned by the council.*

Interestingly, there was no evidence of mayors using their appointment powers in a confrontational or blunt manner. The general approach appears to be one in which mayors use the presence of the Section 41A powers to both initiate and mediate processes for achieving the appointment of their desired candidates without having to resort to the explicit use of those powers.

References

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Appendicies

Appendix 1: List of respondents

Ross Paterson	Western Bay of Plenty District Council
Andy Watson	Rangitikei District Council
Brendan Duffy	Horowhenua District Council
Dave Cull	Dunedin City Council
Bill Dalton	Napier City Council
Gary Tong	Southland District Council
Tracy Hicks	Gore District Council
John Tregidga	Hauraki District Council
Margaret Kouvelis	Manawatu District Council
David Ayers	Waimakariri District Council
Jan Barnes	Matamata-Piako District Council
Neil Sinclair	South Waikato District Council
John Forbes	Ōpōtiki District Council
Tony Kokshoorn	Grey District Council
Steve Chadwick	Rotorua Lakes Council
Roly Ellis	Tararua District Council
Don Cameron	Ruapehu District Council
Kelvin Coe	Selwyn District Council
Ross Dunlop	South Taranaki District Council
Stuart Crosby	Tauranga City Council
Richard Kempthorne	Tasman District Council
Damon Odey	Timaru District Council
Tony Lepper	Central Otago District Council
Tony Bonne	Whakatāne District Council
Brian Hanna	Waitomo District Council
Wayne Guppy	Upper Hutt City Council
Winton Dalley	Hurunui District Council

Appendix 2: New Mayoral Powers

41A Role and powers of mayors

- (1) The role of a mayor is to provide leadership to:
 - (a) the other members of the territorial authority; and
 - (b) the people in the district of the territorial authority.
- (2) Without limiting subsection (1), it is the role of a mayor to lead the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.
- (3) For the purposes of subsections (1) and (2), a mayor has the following powers:
 - (a) to appoint the deputy mayor;
 - (b) to establish committees of the territorial authority;
 - (c) to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor;
 - (i) may make the appointment before the other members of the committee are determined; and
 - (ii) may appoint himself or herself.
- (3A)⁴ However, nothing in subsection (3) limits or prevents a territorial authority from:
 - (a) Removing in accordance with Cl. 18 of sch. 7, a deputy mayor appointed by the mayor under subsection 3a; or
 - (b) Discharging or reconstituting, in accordance with cl. 30 of Sch. 7, a committee established by the mayor under sub section (3)(b); or
 - (c) Appointing, in accordance with cl. 30 of Sc. 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b), or

- (d) Discharging, in accordance with cl. 31 of Sch. 7, a chairperson appointed by the mayor under subsection (3)(c).
- (4) A mayor is a member of each committee of a territorial authority
- (4A) To avoid doubt a mayor must not delegate any of his/her powers under subsection (3)
- (5) To avoid doubt:
 - (a) Clause 17(1) of Sch. 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the TA declines to exercise the power in subsection (3)(a); and
 - (b) Clauses 25 and 26(3) of Sch. 7 do not apply to the appointment of the chairperson of a committee of a territorial authority established under subsection (3)(b) unless the mayor of the TA declines to exercise the power in subsection (3)(c) in respect of that committee.

To appoint or not?

Factors to take into account before exercising Sub-section 3 appointment powers

The Government's purpose in providing mayors with additional powers was to strengthen their leadership capacity so that it better matched the expectations of their communities that their local mayors will be able to address and resolve issues.

The new measures are also designed to strengthen accountability. Legislators hoped that giving mayors greater ability to decide who they will work closely with would encourage them to form alliances and campaign as part of a team. Theoretically, mayors will be better able to deliver on their promises, and be held accountable for them, if they can appoint their supporters to key positions and thus implement their programmes.

However, last minute changes by the Select Committee means that the new mayoral powers can only be used where a mayor has or is able to enlist the support and/or confidence of the majority of councillors.

⁴ Section (3a) (4A) and 5 were added by the Select Committee.

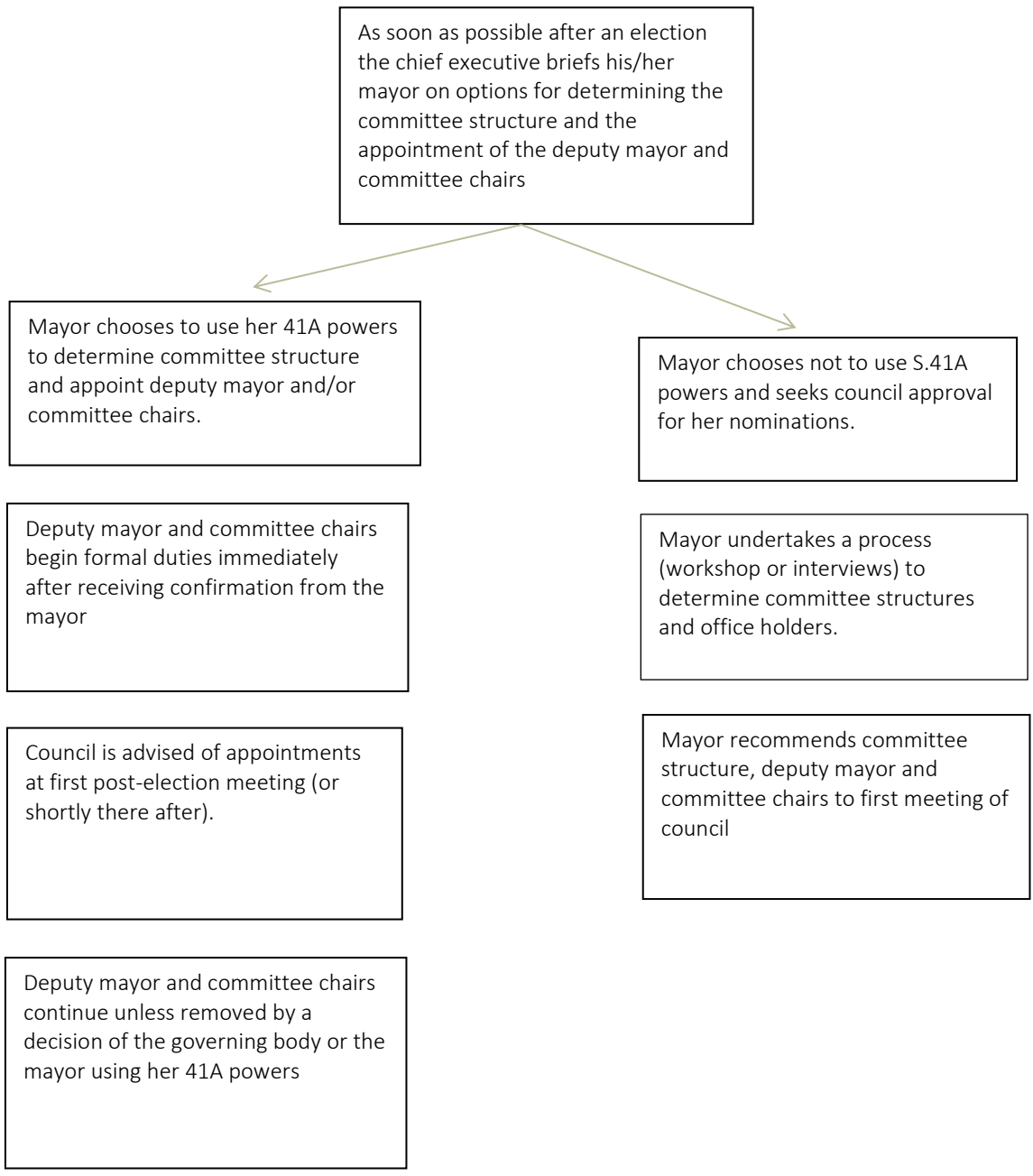
Managers should work with their mayors as soon as possible after an election to establish the process for considering and adopting a new committee structure, chairs and deputy mayor. There are two common approaches:

- Often mayors will approach individual councillors in order to ascertain their personal expectations as councillors and discuss possible appointments or candidates for positions of responsibility.
- An alternative approach, used by many councils, is to hold a workshop of all councillors, as soon as possible after an election, to discuss committee structure options and work towards agreement on a preferred model.

Where there is clear agreement, either through negotiation with individual councillors or through a workshop, mayors may wish to use the new powers in Section 41A to immediately set up their committee structure and make relevant appointments, before the council holds its first meeting. This has an advantage of being able to organise the affairs of the council more quickly.

As noted above, the mayor's powers to their deputy and committee chairs and the council's ability to discharge the mayor's appointments can occur at any time in the triennium.

Appendix 3: Optional process for implementing S. 41A



Appendix 4: Questionnaire

Questionnaire: Leading councils and communities: The role of mayors

Thank you for agreeing to answer the LGNZ survey about the leadership role of mayors and the impact of the LGA 2002 Amendment Act 2012 on this role. The amendment provided mayors with new and discretionary powers regarding the appointment of deputy mayors, committee chairs and committee structures. It also defined the role of mayors as:

- providing a leadership to the other members of the territorial authority; and the people in the district of the territorial authority; and
- leading the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.

The questionnaire has been prepared to help LGNZ identify the different leadership approaches used by Mayors and what if any changes may have occurred as a result of the LGA 2002 changes. The results of the survey will be incorporated in planned governance updates, KnowHow courses and post-2016 election guidance.

Name:

Council:

Q.1 Leading members of the territorial authority

Section 41A states that the role of a mayor is to provide leadership to the other members of the territorial authority.

Please provide examples of specific approaches that you employ in order to set the strategic direction of your local authority and achieve the buy-in of elected members and staff to that direction and any changes you have made following the changes to the LGA 2002.

Example: Hold a councillor retreat every three years to agree strategic direction.

Q.2 Leading the people of the district

Section 41A states that the role of a mayor is to provide leadership to the people of the district of the territorial authority.

Please describe any specific approaches you employ in order to lead the people in the district of the territorial authority and any changes you might have made as a result of the LGA 2002 Amendments.

Example: Facilitate a meeting of community and business leaders to seek agreement to the council's strategic plan.

Q.3 Leading the development of plans, policies and budgets

Section 41A gives mayors responsibility for leading the development of plans, policies and budgets for consideration by the members of the territorial authority.

Please list any changes in your practice to lead the development of plans, policies and budgets, for example, ensuring that all major policy, planning and budgetary reports are tabled under your name.

Example: Ensure all reports concerning plans, policies and budgets bear the name of the mayor.

Q.4 Mayoral appointments

Following the 2013 elections, did you make use of the mayoral powers under S41A in order to:

Appoint your deputy mayor	Yes	No
Establish the council's committee	Yes	No
Appoint the chairs of	Yes	No



We are. LGNZ.

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South Wairarapa.
Southland District.

Southland Region.
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Waikato Region.
Waimakariri.

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