

# **Local Government and Local Governance: Putting the Community into Recreation**

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# INTRODUCTION

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The background for this presentation is the rapidly changing role of local government and local governance both in New Zealand and internationally. We are at the beginnings of a shift from a relative dominance by central government to a situation in which the long-term direction of communities is increasingly set at the regional or local level.

Central governments are learning outcomes matter and that they are best determined and delivered regionally/locally albeit typically within frameworks which are set nationally and with the use of resources which may be derived primarily from the national tax base. Local governments are learning the difference between traditional local government ("roads, rats and rubbish") and local governance, a concept which embraces the various institutions, relationships and understandings through which communities determine their future direction. In parallel with this, significant participants in local governance, for example major trusts including community, energy and gaming trusts, are beginning to understand that their objectives are best achieved within a local governance framework rather than on a stand-alone basis.

New legislation and new attitudes underpin the changes. The objective of this presentation is to provide an overview for conference attendees of what is driving these changes both in New Zealand and internationally. The "take-away" from the presentation will I hope be a recognition of the potential of the changes and the contribution which the Recreation sector can make.

In the rest of this paper I will first provide some background, looking particularly at international influences, then consider the nature of the recent changes in local government legislation, including some comment on experience with implementation, and finally look at the role of Recreation in local governance.

## **BACKGROUND**

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I am assuming all of those at this conference will be aware that in 2002 the Government enacted a new Local Government Act. It introduced a number of changes. In this presentation the set on which I wish to concentrate are those associated with long-term planning.

Under the 1974 Act long-term planning had been primarily financial. Councils were required to prepare a Long Term Financial Strategy setting out, for a period of at least 10 years, the expected revenues and expenses (both capital and operating), the activities involved and the rationale for being engaged in those activities. The draft plan, when prepared, was required to go through a process of public consultation following which the Council was then free to make whatever decisions it thought appropriate in producing a final plan. The principal constraints on councils in terms of what they were proposing to do were primarily electoral -- would councillors be re-elected -- with the impact of public consultation itself often minimal. As I'm sure most in this audience will know, one of the major concerns with the 1974 Act, as it neared the end of its life, was the perception that public consultation was relatively ineffectual as a means of ensuring the community's concerns were properly taken into account.

This concern was one of the drivers for reform. There was an awareness on the part of government that the interest in greater community involvement in decision-making was not confined to New Zealand but reflected a growing trend internationally, at least in countries with local government systems similar to our own. In the United Kingdom, government enacted the Local Government Act 2000 which included provisions requiring every local authority to prepare a community strategy for promoting or improving the economic, social and environmental well-being of its area. The statutory provision was supported by directions from the Secretary of State for local government setting out the process local authorities are to follow. This requires the establishment of a local strategic partnership incorporating a wide range of interests from within the community.

In Australia local government legislation is handled at the state level. Most, in different ways, include an emphasis on community leadership. As one example, in New South Wales the Local Government Act 1993 includes a local government charter setting out the role and functions of the Council. This includes "to exercise community leadership", a provision which is clearly seen as providing a mandate for "whole of community" planning.

## **GLOBALISATION AND DEMOGRAPHIC CHANGE**

Legislation is not the only factor and in some respects not the most important one driving change. At least as significant are two long-term trends which are having major implications both for the nature of economic activity and for the structure of our communities.

The first is globalisation. This is often seen in pejorative terms as big business cynically exporting jobs to low-wage countries. The current reaction is a call within many developed countries to go slow on the process of trade liberalisation and to erect protective barriers in an attempt to turn back the clock.

Behind the reaction is an assumption central governments both have the lawful power to resist globalisation and that exercising the power will be effective. Both assumptions are at best questionable. First, a number of international treaties now significantly restrict the powers of individual governments to restrict trade or for that matter the movement of capital. If a New Zealand government, as an example, wanted to return to the former practices of import licensing and high tariffs as a means of protecting local employment, it would quickly find itself arraigned before international tribunals and required either to desist or face significant penalties.

Secondly, and more importantly, such measures even if they could be put in place are very unlikely to have the desired effect. The world economy is now significantly different from what it was 30 or more years ago when border protection was a common practice. In those days the world economy was dominated by a handful of developed nations. In essence, trading policy was a matter of those nations deciding who would be permitted to enter the international trading arena and on what terms.

Several years ago the United States attempted to protect its domestic steel industry against low-cost competitors by imposing quite draconian tariffs. These were eventually rolled back as being a breach of WTO rules. Of greater importance, though, was what this move demonstrated about the power of even as significant a trading nation as the United States to protect its own industries in the current international environment. Employment in the steel industry was protected. However, employment in steel using industries declined significantly as those industries lost market share within the United States to imports and lost export sales as they were less competitive internationally. The overall impact, as far as employment in the US was concerned, was significantly negative.

This illustrates one consequence of the major shift in the world economy since protection was last a normal government response to demands for employment protection or creation. World trade is no longer dominated by a handful of developed countries. The emergence of nations such as China, India, much of Southeast Asia and increasingly Eastern Europe is a major structural shift. The idea of Fortress America or Fortress New Zealand, if it ever made sense, has now become a historical curiosity.

Protecting or increasing employment, and the industries which create it, now depends on genuine competitive or comparative advantage rather than on central government intervention. In turn, this places an increasing emphasis on the role of the region/locality in providing the type of environment which sustains viable high-value businesses. Central government still has a role in setting the framework for economic activity through instruments such as tax policy, public good research and development, education and much else but for the most part its ability to influence outcomes through specific interventions in the economy has gone.

## **DEMOGRAPHIC CHANGE**

This is being reinforced by demographic change. Most of us are used now to public discussion of the impacts of an ageing society. Generally, this is seen in terms of what sort of provision should we be making for people who may now have 20 or 30 years of life left after they reach what we once thought of as the age of retirement. It is attracting increasing

interest on the part of recreation professionals -- what should we be doing to encourage older people to remain fit and active.

What most of us have yet to recognise is another aspect of demographic change; the increasing competition for skilled labour. In March 2005 the European Commission released a paper considering demographic change in Europe over the period 2005 -- 2030. The projections in that paper were for the number of people in the age bracket 15 -- 64 in the countries of the European Community to fall by 21 million and the number of people aged 65 and over to increase by 40 million. Two years earlier the Commission had issued a paper considering the measures which would need to be put in place to achieve the goal of spending 3%pa of GDP on research and development. That paper predicted a requirement for 1.2 million additional people working in research and development over and above those needed to replace people retiring. A principal strategy identified for achieving that target was immigration.

We live in a world in which the competition for skilled labour will be intense. It is a competition in which New Zealand faces a number of disadvantages. We do not have the ability to match international incomes. Often, we cannot offer skilled professionals the support infrastructure, or the intellectual challenge that larger and more developed economies can.

One competitive advantage that we do have is quality of space -- a mix of physical, social and cultural environment. What we know from our own experience and from significant work internationally is that quality of space is something which is delivered uniquely at a regional and local level. People in making decisions about where to live may initially select a country in terms of general impressions about economic and policy settings and what they have heard about lifestyle. However, when it comes to the final decision, what they are choosing is a place -- not New Zealand, but Auckland, the Bay of Plenty, Taranaki, the West Coast or whatever part of the country they believe best matches what they are seeking.

Uniquely, quality of space is something which is delivered by local and regional communities, something which gives a very special role to local government and those who work through the instruments available to it.

## LOCAL GOVERNMENT LEGISLATION

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The Local Government Act 2002 was introduced against a background of concern that local councils were insufficiently responsive to their communities. The then Minister, in her introductory speech, emphasised that the purpose of the new legislation was empowerment -- not of councils to exercise more control over their communities, but of communities to exercise more control over their councils. This is reflected in the purpose statement in the Act which includes "to enable democratic local decision-making and action by, and on behalf of, communities". It is also recognised in the extended provisions regarding decision-making and public consultation (Section 78 requires a local authority to give consideration to the views or preferences of persons likely to be affected by or to have an interest in the matter at each of four separate stages in the decision-making process).

For present purposes, the most important part of the new legislation is that dealing with community outcomes. At this stage I need to emphasise my personal view, based on quite substantial work undertaken for Local Government New Zealand, a number of councils and government agencies, that this process is, with some exceptions, poorly understood both within and outside local government.

Section 91 sets out the requirement for local authorities to identify community outcomes. In contrast to much of the rest of the legislation, the section is quite non-prescriptive -- there are no detailed statutory requirements on how the outcomes process should be undertaken. Instead, the section first states the purposes of the identification of community outcomes and then goes on, in subsection 3, to set out what I see as the crucial component of the entire process. It provides:

A local authority may decide for itself the process that it is to use to facilitate the identification of community outcomes under subsection (1), but the local authority—

(a) must, before finally deciding on that process, take steps—

(i) to identify, so far as practicable, other organizations and groups capable of influencing either the identification or the promotion of community outcomes; and

(ii) to secure, if practicable, the agreement of those organisations and groups to the process and to the relationship of the process to any existing and related plans; and

(b) must ensure that the process encourages the public to contribute to the identification of community outcomes.

The first point to note in the subsection is that the role of a local authority is to **facilitate** the identification of community outcomes. Facilitate is a well understood term. The role of a facilitator is to draw out from others their knowledge and their preferences, not to impose its own. Interestingly, this was well recognised in the guidance prepared for the local government sector on the new act and published as LG Knowhow which had this to say:

Outcomes are a community judgment and therefore belong to the community, not a local authority. The local authority does *not* have to adopt them in the sense that it

would adopt a LTCCP (though the outcomes must be recorded in this document) or an annual plan. The local authority may not necessarily even agree with the outcomes. This is what distinguishes community outcomes from the strategic plans that many readers will be familiar with. The local authority's key decision comes in deciding how it will contribute to the outcomes that the community has identified.

The next point to note is the requirement to identify other organisations and groups capable of influencing either the identification or the promotion of community outcomes and, if practicable, securing their agreement to the process. In a facilitation context, this was a clear signal that local authorities should be seeking to engage with other organisations and groups. Set in an international context, with the experience of other jurisdictions, this was also a signal that local authorities were engaged in a process of community-based strategic planning, a process which to be effective required input from across the board.

Few local authorities actually took a strategic approach to the community outcomes process. Most actually treated it as an extension of the consultation practices which they had developed over the past decade or so. In a way, this response was understandable. Although the process of developing the new act had incorporated people from local government, with hindsight it seems clear that there was not sector wide support for or understanding of the concept of community-based strategic planning. A number of local authorities saw the community outcomes process as a further tightening of accountability requirements on the part of central government rather than an opportunity for councils to exercise community leadership -- and the heavy emphasis currently on LTCCP audits is reinforcing this perspective.

On the other hand, a little reflection should have made it clear that community outcomes are concerned not just with the conventional role of local government but overwhelmingly with matters such as health, education, employment, housing, economic development, culture and the arts and recreation. This is where the real potential for gain from the new legislation actually lies -- the opportunity for communities to take the lead in determining the kind of future to which they aspire, how to get there and what services they wish to have delivered, how and by whom in order to achieve that.

This is also where the real effort in implementation of the new provisions should have been placed, drawing on the requirement to identify and engage "other organisations and groups". In most cases local authorities responded to this requirement either by writing to a long list of organisations and groups, setting out what they were proposing to do, and asking whether they agreed, or by inviting them to a meeting to discuss the council's proposed process.

Anyone familiar with organisational process will know that this was an approach which virtually guaranteed that whatever the Council put forward would be adopted -- the circular letter or town hall meeting approach is not one which makes any effective provision for engagement with alternatives, or which places any real emphasis on the importance of engagement -- especially given prevailing attitudes on the utility of local government consultation.

In fairness to councils, it is worth noting that they were not given a great deal of guidance by central government on what was expected from the new legislation and few, if any, were familiar with what had been happening internationally in terms of community-based strategic planning. With the numerous other pressures resulting from the new Local Government Act



(the compliance requirements associated with LTCCPs are particularly demanding) it is perhaps not surprising that few councils took the opportunity to consider the strategic potential of the new legislation and how best to get genuine engagement across their communities. With hindsight, this can be seen as perhaps yet another instance of central government investing heavily in the development of legislation and then failing to follow through with the needed investment in implementation.

At least in respect of its own activities central government has shown a greater understanding of the potential of the legislation -- perhaps only to be expected given that it was responsible for it. However, even its response has been somewhat patchy. There are departments such as the Ministry of Social Development which have invested heavily in the community outcomes process as a means of facilitating its engagement at a regional and local level in order to help deliver the outcomes government requires of it. Other departments and agencies, which should also have a very strong focus on engagement at a regional and local level because of the nature of the outcomes for which they are responsible, have been less forthcoming. Current examples include the Ministry of Health, the Ministry of Education and the Tertiary Education Commission.

We can take some comfort from the evidence of experience with the local strategic partnership approach in England and Wales. That experience shows how difficult it is to move from a conventional local government role, including consultation, to one of facilitating community-based strategic planning. One issue which that experience highlights and which has not been properly addressed in New Zealand is the question of whether it makes sense to try and move to community-based strategic planning across the full range of outcomes a community is likely to identify, or whether the process should specifically acknowledge the wisdom of selecting one or two priority areas and working through them before extending more widely.

The experience from England and Wales also emphasises the resourcing problem. This is not just a matter of cost, although that is obviously important. It is also whether those responsible for facilitating community-based strategic planning (typically local authorities) actually have both the capacity and the capability to do so. One of my concerns is whether it actually makes sense to hand responsibility for facilitating strategic planning to people whose primary role has been managing public consultation with the very different purpose of winning over community support for council objectives.

# THE ROLE OF RECREATION IN LOCAL GOVERNANCE

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As part of my preparation for this presentation I spent some time looking at a series of documents dealing with recreation planning, and the role of key stakeholders in the recreation sector. The range and depth of material is impressive. What it highlights is the extent to which involvement in recreation is embedded within local communities. It also, however, suggests that as with most areas of public policy, there is a risk of falling into what is often referred to as a "silo" approach.

As *Our Vision, Our Direction* recognises, recreation is an important contributor to outcomes across a range of different areas including health and economic development. It is the classic example of an activity which will best deliver its full benefits if there is a high level of collaboration between different stakeholders at the community level including participants, funders and a range of public and private agencies who help deliver recreational services.

This gives the recreation sector a very strong vested interest in the potential of local governance, and thus in the role of the new Local Government Act. Community-based strategic planning is, after all, community local governance in action.

Earlier in this paper I referred to local governance as a concept which embraces the various institutions, relationships and understandings through which communities determine their future direction. I want to begin the substantive discussion in this section by providing a bit more detail on the meaning and role of local governance.

The past decade has seen an increasing interest in what is often referred to as "good governance". Typically this includes a focus on the role of the governing body of an organisation -- the directors, the trustees, the elected members depending on the nature of the organisation. It encompasses their responsibility for ensuring effective management. In the public sector, it has often been associated with sound public management and as one of the themes of public sector reform.

Local governance is much more than this. It is concerned with the different influences which, taken together, set a community's direction. It draws part of its rationale from the concept of subsidiarity -- that decisions should be taken as close as possible to the level of impact.

More importantly, it recognises that a number of different influences operate within any community and that the best outcomes are achieved when these influences are aligned one with another rather than working at cross purposes. It includes what is often referred to as "social capital" -- the received understandings and the networks which influence how people interact with each other at a local level.

It also recognises that governance is not just a function of the formal institutions of government. In any New Zealand community, as an example, the direction that we take in (say) social, economic or cultural development may be as much influenced by the funding decisions of a community or energy trust as they are by a local authority or a government agency. It is an interesting curiosity that we have gone to extraordinary lengths to ensure

the formal accountability of local authorities to their communities but have virtually ignored major trusts whose decisions may be at least as important. Another important factor, and one which is gaining significance, is the role of Iwi, especially as they gain in economic influence.

Good local governance is not just about being inclusive in the sense of ensuring that all of the significant players are engaged or at least given the opportunity for engagement. It is also about building capability. The skills of governance do not descend like manna from heaven on people who put themselves forward for involvement; they are developed through experience. Good local **government** is likely to be present in communities where there is extensive involvement in local **governance** so that people have the opportunity to learn the skills of governance and gain the satisfaction which comes from being effective in helping the community, or the part in which they are most interested, set and achieve the goals that matter for it.

Indeed, this has been one of the underlying concerns with conventional public consultation -- that it does exclude any opportunity for the interested public to be engaged with or have responsibility for the decisions that result or the opportunity to be involved in their implementation. It is as though the whole consultation process was designed around the presumption that local governance is too important to be left to local people.

Dealing with the challenges that we now face as a consequence of phenomena such as globalisation and demographic change is going to require a communitywide response. We can no longer afford the luxury of acting as though just a few of us could get on with the business of governance, in the sense of determining the future direction of the community, whilst the rest of us go to the beach. Instead, we need effective means of enabling people and the organisations of which they are part to engage in determining where we are seeking to go and how we're going to get there.

The recreation sector is particularly well placed to play a crucial role in the development of local governance. Reasons include:

- A growing recognition of the contribution recreation makes not just in a lifestyle sense but as a significant contributor to economic development, to public health goals, to social capital and in a number of other ways.
- The depth and consistency of analysis which has gone into the role of Recreation (see for example the SPARC publication *Our Vision, Our Direction*, the Queensland government publication *Open Space for Sport and Recreation - Planning Principles and Implementation Notes for Local Government*, the Western Australia government's publication *Recreation Planning Guide* and numerous publications of New Zealand local authorities).
- The extent of voluntary engagement in the governance and management of recreational activity -- a contribution which is an order of magnitude greater than in any other area of activity with which local government is involved.

A further and probably determining factor is the high level of awareness within the recreation sector itself of the importance of engagement with community, not just in the formal sense of the local authority and for that matter other institutions of local governance, but with the myriad of individuals, families, firms and others who participate in or contribute to

recreational activity. Accordingly, it seems a reasonable assumption that the recreational sector has strong incentives for helping develop local governance.

From my perspective, there are two areas which the sector should see as priorities. The first is the effective use of the community outcomes process and the second the opportunity for increasing involvement in the governance of recreational activity, especially that under the control of local government.

## **COMMUNITY OUTCOMES**

The opportunity presented by the community outcomes process is for the recreation sector to take a strategic planning approach to the contribution which recreation is able to make.

A platform for this already exists in *Our Vision, Our Direction* which recognises the significant contribution which the sector makes in areas such as economic development and health outcomes. At the local level, the community outcomes process provides the means for engagement with local government and with other key influencers to develop a strategic vision and plan for recreational activity which builds on local strengths and opportunities (here local may mean the level of a district or city council; it may mean the level of a regional council -- which one is appropriate depends on the nature of the issue involved, the resources required, and the area of impact of any initiatives which will result).

My own city provides an example. Tauranga is an important area for water-based recreation, including training and development (it is heavily involved with dive training, has the country's first purpose-built surf reef, and offers a wide range of opportunities for fresh and salt water-based sports). There is potential for the city and the surrounding region to develop as an international centre of research, training and participation in water-based recreation. The community outcomes process provides a real opportunity for articulating these types of initiatives building on the strengths within local communities, and identifying the gaps which need to be bridged -- such as different participants either talking past each other or not engaging at all. This is an example of how the outcomes process could be used to lift economic development to a new level, based on the inherent strengths and capabilities within an individual region.

One lesson which has been learned from international experience with community-based strategic planning is that the process is resource intensive. Indeed, one problem which evaluation of local strategic planning in England and Wales has highlighted is the resource imbalance between central government and local government on the one hand and business and community on the other. It is comparatively easy for central or local government, if they see something as a priority, to resource it -- they simply send the bill to the taxpayer or ratepayer. It is much more difficult for business or community organisations. Typically they need to find room in very limited budgets, funded by people who have a very short-term focused return on investment approach.

What this suggests is that, rather than the recreational sector seeking to encourage every local authority to join with it in developing a community-based strategic planning approach to the role of recreation, it would be appropriate to take a pilot project approach. This would involve working with one or more districts or regions which are both prepared to become engaged (with preparation being a combination of preparedness to use the outcomes process strategically, and a willingness to resource it) and which offer good opportunities for

immediate gains from doing so. This may be a matter which SPARC could consider, perhaps in conjunction with Local Government New Zealand.

The rationale for this type of approach is not simply making better use of the community outcomes process in the interests of the recreational sector. Much more importantly, it can become one means of responding to the challenges we now face from globalisation and demographic change.

One of the most significant strategies for responding to those challenges will be developing quality of place. Recreation is not the only activity which contributes to this but it is a crucially important one, and one which links to a number of others including urban design, arts and culture, health and education.

Both the sector's structure, and its relationships with local and central government and with other key influencers in local governance, such as major trusts, give it a genuine comparative advantage in taking the lead in developing community-based strategic planning.

## **GOVERNANCE OF RECREATIONAL ACTIVITY**

New Zealand local government is by far the greatest owner and provider of recreational facilities. Typically, that role extends to governance and management including decisions on matters such as allocation of scarce resources amongst competing users.

The normal governance structure for local government recreational activity is a council committee, advised by local government officers and responsible to the Council itself. It is common for council committees to have a very wide range of responsibilities. What follows is the statement of responsibilities for Manukau city council's community development committee, which has the governance responsibility for recreation:

### **Community Development Committee**

GOAL: Stimulate community development

- Allocation of resources in accordance with goals and priorities
- Arts and cultural facilities and services
- Arts Strategy
- Community advisory services
- Community Development
- Community funding initiatives
- Community Halls
- Community Houses
- Creative Communities Funding
- Cultural Heritage

- Healthy City
- Hillary Commission funding
- Housing for the Elderly
- Libraries and Information
- Monitor the community development climate within which Council operates
- Parks and Civic Areas
- Preparation of reserve management plans
- Recreation and sporting facilities and services
- Safer Community
- Shared Responsibility schemes
- Social policy and advocacy

What the statement highlights is the very wide stretch which council committees often have and, accordingly, the extent to which individual activities, even of significance, have to compete against others for attention. This is a situation, which like topsy, has just grown. As council activities have become more diverse and complex, the typical council has simply added to the range of matters for which councillors, either through full council or through committees, are responsible. For whatever reason, it has not been common for councils to consider sharing the governance activity with their communities.

There are good reasons for moving away from current practice. In an area such as recreation, a strong case can be made that the governance of the activity should be provided by people who are committed to that specific activity, rather than to a very extensive and diverse range of activities of which recreation is just one amongst many.

The case is also strong when considered from a local governance perspective. Well governed communities typically have a depth of available skill within them -- of people who understand the process of governance within the community and who are prepared to contribute to that process. Arguably, one priority for local government should now be the provision of opportunities for greater involvement in community governance as a means of growing community capability.

In recent years there has been some interest in the use of arms length structures for the governance (and sometimes the ownership) of selected local authority activities. In Wellington, for example, both the Basin Reserve and the Westpac Stadium are trust managed. The benefits are considerable. They include a committed governance resource so that the activity does not have to fight for attention. Because they are outside the formal council structure, they will normally have much more effective decision-making processes (especially when timeliness is taken into account). They are often better placed for fund raising and for the development of the activity's business planning.

So far, these experiments have been relatively limited. It is now timely to consider a much greater degree of community involvement in the governance of council activity. The recreational sector provides an excellent opportunity. Any council's overriding interest is in

balancing the different demands from the community on the limited resources available to council. Often it will have less interest and less expertise in the governance and day-to-day management of the activities themselves than could be gained through direct community involvement.

Adopting a more generalised strategy of outsourcing governance of council activities to representatives of the users not only has advantages from the perspective of the activities themselves. It also offers a very real opportunity to expand the depth and breadth of governance capabilities within the community itself. The potential reward is a deepening of local democracy.

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## **CONCLUSION**

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We are at a time of great change in the role of government, with forces such as globalisation and demographic change significantly shifting the balance between the centre and the local.

Internationally, a common response is the recognition that the region/locality is now a focal point for much of the decision-making required to set the future direction of our communities and, collectively, our nations as a whole.

In New Zealand, it is this understanding which lies behind the emphasis in the new Local Government Act on community outcomes and the shift in the role of a local authority from making decisions on behalf of its community to facilitating the identification by its community of its key priorities and strategies for achieving them.

As with many significant legislative changes, it is taking time for those affected to understand the purpose and it will take more time for that understanding to translate into practice. Achieving this will require sectors which themselves already have a strong involvement with local communities, and with local government, to understand both the potential of the new legislation and the role which they themselves can play.

The recreation sector because of the extent of its involvements, and its awareness of the strategic significance of recreation for New Zealand's future, is uniquely well-placed to take up this role.

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