



## Collaborative Processes and the Roles of the Council

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### RECOMMENDATIONS

Regional councils hold a number of roles within a collaborative process. Articulation of these roles is necessary to ensure council staff and stakeholders understand when and what roles are being undertaken at any one time. We offer the following recommendations for how councils can manage the likely tensions between the various roles they can play in collaborative processes.

**Leader:** The role of leader should be filled by a councillor or senior staff member who champions the collaborative process, secures a mandate and resources and has sufficient authority to keep the process on track and the participants around the table. An effective leader is committed to finding an outcome that reflects a genuine consensus rather than one that is dominated by a particular interest.

**Facilitator:** While the facilitator may be paid by the council (or other sponsoring body), perceptions of bias can be reduced if the facilitator is not an employee of the council. In practice, however, performance is probably more important than perceptions based on employment status. That is, participants will judge a facilitator for themselves after a few meetings; the facilitator must maintain impartiality or the process is likely to falter.

**Expert/Analyst:** Council science staff will be called upon to provide expert analysis and advice to a collaborative stakeholder group (CSG). To mitigate the risk that this advice will be seen as serving the council's own interest as a stakeholder, at least one science staff member should participate in CSG meetings from an early stage to build mutual trust with other participants. Non-council participants of CSGs should also be encouraged to present their information and analysis.

**Stakeholder:** As a stakeholder, the council has additional interests to its duty to represent the wider community. Councillors can serve as members of the CSG to represent interests not at the table and the wider community, while senior staff represent the statutory and organisational interests of the council. These CSG members should liaise with other councillors and staff in the same way other stakeholders are expected to liaise with their networks, to ensure there are no surprises and that a consensus reached by the CSG will hold after the signatures on the paper are dry.

### BACKGROUND

#### THE FRESHWATER REFORMS AND COLLABORATIVE PLANNING

The National Policy Statement on Freshwater Management (NPSFM), released by the New Zealand Government in 2011, directs local government to manage water in an integrated and sustainable way. Councils are required to set objectives and limits, for both water quality and quantity, for all bodies of freshwater in their regions. In future, councils may choose to prepare or review freshwater policy statements and plans using collaborative planning processes, if the Government's proposed amendments to the Resource Management Act 1991 (RMA) are enacted.

According to International Association of Public Participation (IAP2), to engage in a collaborative process means to partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution. Collaboration is not the same as consultation, which is defined by IAP2 as to obtain public feedback on analysis, alternatives and/or decisions (IAP2, 2013). In New Zealand most resource management practitioners are familiar with consultative processes (because they are required under the RMA and the Local Government Act 2002) but are less familiar (or not familiar at all) with collaborative processes.

Not all planning problems lend themselves to successful collaborative outcomes, and some may be better suited to the existing RMA Schedule 1 process. However, if a council chooses a collaborative process, a key to achieving successful outcomes is identifying at the design stage the different roles council staff play in such processes.

Literature on public administration, bureaucratic behaviour and regulatory theory identifies four broad roles agency personnel might play in a collaborative process: leader, facilitator, stakeholder and expert/analyst ([see Berkett & Sinner, 2013, for a summary of this literature](#)). Different roles will require different skill sets and are likely to involve a number of people across the organisation. More importantly, if a person has multiple roles, both the person and the other participants may become confused as to which role is being performed at any given time.



**Figure 1:** Collaborative stakeholder group members discuss values attributed to the Ngaruroro River in Hawke’s Bay.

As members of a research team, we have been observing and documenting the roles council staff have played in a collaborative process underway in Hawke’s Bay. The process (known locally as ‘TANK’) was initiated in 2012 by Hawke’s Bay Regional Council (HBRC) to recommend allocation and water quality limits to be included in a plan change for the Greater Heretaunga and Ahuriri catchments. In the TANK process, HBRC has at various times played each of the roles described above, although at times the lines have been blurred. We discuss each of the roles in turn and make a number of recommendations for how the role of councils can be clarified in the design of collaborative processes.

## THE ROLE OF LEADER

Leadership in a collaborative process includes sponsoring and legitimising the process and establishing the boundaries for dialogue. Certain aspects of leadership are essential at the outset, while others are more important during moments of deliberation or conflict and when championing the collaborative process through to implementation.

An effective leader is committed to the process and to supporting its outcomes. As leader of the TANK process, HBRC initiated the plan change and provided the mandate for the CSG, including a council resolution to give effect to any consensus recommendations agreed by the CSG. The mandate is documented in the TANK terms of reference (TOR), which was drafted by Council staff before being reviewed, amended, and agreed by the CSG participants during the first two meetings.

Another aspect of leadership is identifying and recruiting stakeholders for a CSG. In the TANK process HBRC staff recruited most of the CSG participants directly, although some “snowballing”, whereby participants suggested other people, did

occur. In Canterbury and Greater Wellington, the council advertised for community members for its zone committees, but the council still decided who would be appointed.

HBRC staff have also been responsible for engaging a facilitator, organising the CSG meetings, recording the meeting outcomes and processing information generated from the meetings.

The person who fulfils the leader role should be sufficiently senior to champion the process with both the regional council and the CSG participants. In Canterbury this role has been performed by a commissioner. In other processes this role has been undertaken by a councillor or senior staff member.

The leader of a process is likely to experience an inherent tension between getting an outcome that suits the council’s needs and supporting a neutral process. The tension can perhaps be managed by the council stating its boundaries and positions clearly at the outset and acknowledging it has a role as a stakeholder and cannot be entirely neutral.

## THE ROLE OF FACILITATOR

The facilitator role requires a person or persons with sufficient trust and respect from the participants to keep the process moving forward (i.e. process facilitation) and to ensure the diversity of views is heard (i.e. meeting facilitation). The lack of trained, well-resourced facilitators can be a significant barrier to effective stakeholder participation. Good facilitators must be able to create an environment where participants can feel comfortable enough to explore differences respectfully.



**Figure 2:** Facilitation of small group sessions during the TANK process

Confusion of roles, especially that of the facilitator, can lead to misunderstandings and conflict among CSG participants. Whilst a facilitator needs to be neutral on the issues under discussion and have no substantial stake in the proceedings, a council does have a stake and should be actively advocating its interests. For example, where a council is tasked with environmental protection, the council cannot play the role of a neutral facilitator for decision making in a project with potentially negative impacts on the environment. A facilitator should not be the same person who is representing the interests of the council at the table. Facilitators must also recognise that their own views and biases can impact on the process. They need to refrain from debating the substance of an issue and stay focussed on good process.

In the TANK process, the meeting facilitator is contracted but not employed by HBRC, and is a resident of Hawke's Bay with good knowledge of local issues. The meeting facilitator has had an active part in organising each meeting and has input into the next steps at each stage of the process. The meetings have benefited from having an impartial facilitator who ensures there is equal air time for everyone and a fair hearing for all.

Like the role of leader, the role of an independent facilitator is also not without tension. A facilitator requires an ability to tread the line between the needs of the group and the needs of the council who is, effectively, their employer. In managing this tension we consider it important to clearly define the expectations for the facilitation role at the design stage and to identify 'who does what' – particularly with regard to the interaction between the process leader and the facilitator, if different people are in these roles. Details, such as whether the

facilitator can make unplanned changes to a meeting agenda in response to group needs, should be ironed out before meetings.

### THE ROLES OF EXPERT/ANALYST

The appropriate use of data and technical knowledge and how it might affect planning outcomes is an issue council staff will need to consider as part of the design of a collaborative process. Technical expertise is needed in collaborative processes to identify and explain the social, environmental, cultural and economic effects of different policy options. However, too much data and analysis can overwhelm the collaborative dialogue and may come at the expense of the process itself.

As in a RMA Schedule 1 process, collaborative outcomes should be underpinned by a sound base of scientific and technical information. Failure to do this could result in outcomes where scientific and legal realities have been ignored. It is also important to introduce information at the right time and in a format that addresses a question or an information need. An information 'dump' early in the process is not likely to be very helpful for participants.

Council staff have been involved in the TANK process as technical experts and have been brought in to inform the process at key times. The Council holds a number of reports that contain data that are, or will be, useful to the TANK participants during the collaborative process. Staff have collected and displayed these reports on the Council website, have presented findings from the reports and have identified gaps in information that will be addressed, if possible, in their future work programmes.

One learning from the TANK process is that it would be helpful to have a technical person at each meeting who is familiar with the range of science knowledge the council collects and can be part of the discussion, explaining technical matters and challenging ideas that are not supported by evidence. This person could also serve as a liaison with other council staff asked to provide expert advice. Involving a technical person for the entire process may also help to build trust between council science staff and the CSG participants. Trust is important to enable science staff to speak openly of the consequences of potential policy options and to consider alternative analysis provided by CSG members, which should be encouraged.

## THE ROLE OF STAKEHOLDER

Councils, as statutory agencies, are stakeholders in collaborative processes in that they are one of many participants with a specific set of interests to advocate. The council's main interests are to ensure that the process stays within scope, budget, legal and time boundaries. It may also wish to maintain control over planning, monitoring and reporting procedures and outcomes. Councils also have a responsibility to represent community interests not present in the CSG.

In the TANK process HBRC appointed three councillors to the CSG "so that the group does not recommend a solution that the Council finds unacceptable and so expectations are managed".<sup>1</sup> The Council's role as a stakeholder has also been represented by a staff member who is the project manager for the process. A senior manager has attended at critical junctures, e.g. when the TOR was being finalised and when an interim report was being negotiated.

During TANK meetings, the councillors have advocated for the Council's statutory responsibilities and the interests of the Hawke's Bay community at large. They have also contributed their understanding of policy and local government legislation, and have offered valuable comment from a ratepayer's perspective. The councillors' role is an interesting one, as councillors are not employees of the Regional Council but are elected by the community to represent community interests. Are they there to represent the Council as an organisation or to represent the interests of their constituents in the wider community, or a combination of both? This is an example of the blurring of role boundaries and an inherent tension that councillors sitting on a CSG face.

The HBRC councillors were asked to do three things:

- Advocate for the council's statutory responsibilities, e.g. meet its obligations under the NPSFM
- Ensure the group did not recommend HBRC spending that the council would not accept
- Represent wider community interests not present in the TANK membership.

These three roles can be in conflict at times, as well as potentially being at odds with a desire to promote politically popular positions. Perhaps because of the blurring of the role boundaries for councillors, the HBRC staff member who is managing the process has realised that at times he also has to advocate for the council's responsibilities, and in that sense is a member of the group (i.e. a stakeholder on behalf of the council) and not just a neutral project manager.

*"...if the group reached an outcome which impacted on staff resources and I knew, say, our science team couldn't deliver, I would have to intervene"*

(pers. comm. 10 September 2013).

Indeed, because the council is a stakeholder, its other roles as the leader of the process, the employer of a facilitator and a provider of science are all potentially compromised or made vulnerable to perceptions of bias or hidden agendas. This tension cannot be completely avoided, so it must be managed.

## SUMMARY

The tasks of being a leader, possibly a facilitator, and certainly a stakeholder, a representative of wider public interests and provider of technical expertise imply an array of skill-sets for councils that wish to undertake collaborative processes. It is apparent that these roles are rich, complex and difficult to fulfil. Councils must clearly identify the roles their staff and councillors will be expected to play and must build personal and institutional capacity to enable collaborative processes to reach successful outcomes. More importantly, it should be clear, at any given time, who is performing what role to avoid confusion for the other CSG participants.

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<sup>1</sup> HBRC 2012. Heretaunga Plan Change. Report from HBRC staff to HBRC Environment and Services Committee, 15 August 2012.

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