



AGENDA

The Agenda of the Ordinary Meeting of the Carterton District Council to be held at the Carterton Events Centre, Hurunui o Rangi Room, Holloway Street, Carterton on Wednesday 23rd November 2016 at 1.00pm

- 1. Karakia (Prayer)**
- 2. Public Participation**
 - 2.1 Adrienne Staples, GWRC**
 - 2.2 SPCA (Linda Coughan)**
- 3. Apologies**
- 4. Conflict of Interest Declaration**
- 5. Courthouse refurbishment Update (verbal report)**
- 6. Destination Wairarapa Report and Memorandum of Understanding** *Page 1 – 20*
- 7. Toi Wairarapa update** *Page 21 – 24*
- 8. Carterton District Council Roading Procurement Strategy** *Page 25 – 44*
- 9. Aratoi Museum Funding arrangements** *Page 45 - 48*
- 10. Code of Conduct** *Page 49 – 84*
- 11. Standing Orders** *Page 85 – 168*
- 12. Council Committee and Advisory Groups for 2016-19 Triennium** *Page 169 – 182*
- 13. Elected representative appointments to external bodies, joint committees and other groups** *Page 183 – 184*
- 14. Meeting schedule 2016/17** *Page 185 – 188*
- 15. Governance Statement** *Page 189 – 216*
- 16. Elected Members' Remuneration 2016/17** *Page 217 - 218*
- 17. Delegations Manual** *Page 219 – 248*
- 18. Chief Executive's report** *Page 249 – 260*

19. Confirmation of the Minutes

19.1 Minutes of the Ordinary Meeting held on 26 October 2016 *Page 261 - 266*

Matters Arising from Minutes

20. Exclusion of Public *Page 267 - 268*

20.1 Sewer and Water Renewals Contract *Page 269 -274*

20.2 Appointments to other bodies *Page 275 - 278*

Jane Davis
Chief Executive



7 November 2016

Destination Wairarapa Report to 30 September 2016 and Memorandum of Understanding

1. PURPOSE OF THE REPORT

For the Council to receive a report of activities for the quarter ending 30 September 2016 and to receive a copy of the Memorandum of Understanding between Destination Wairarapa and the three Wairarapa Councils.

2. SIGNIFICANCE

The matters for decision in this report are not considered to be of significance under the Council's Significance and Engagement Policy.

3. BACKGROUND

Destination Wairarapa is an incorporated society established to encourage, facilitate and develop tourism and associated industries and services within the Wairarapa. Carterton District Council provides funding to the agency of just over \$50,000 per annum. Destination Wairarapa also receives funding from Masterton and South Wairarapa District Councils, as well as its members and Trust House.

Through a Memorandum of Understanding (MOU) between Destination Wairarapa and the three Wairarapa District Councils, it is required to act as the Wairarapa Regional Tourism Organisation. Its objectives include growing visitor numbers to Wairarapa and increasing the length of stays and the amount visitors spend). The MOU has recently expired and a new one has been signed.

4. REPORT TO END SEPTEMBER 2016

The report to end September 2016 is in **Attachment 1**. The report shows growth in most of the metrics reported. David Hancock, Destination Wairarapa's Chief Executive, will be in attendance at the meeting to answer any questions Councillors may have on the report.

5. MEMORANDUM OF UNDERSTANDING

Attachment 2 contains the renewed Memorandum of Understanding between Destination and the three Wairarapa Councils. As part of the negotiations to finalise the MOU we

requested some measures relating to activities in Carterton. Specifically we asked for the following for Carterton:

- To prepare and manage an online Wairarapa events calendar and report on usage
- To run at least one marketing campaign for each territory per year, for example the Kia Ora magazine.
- To provide specific data on at least one significant event per territory per Year, information to cover number of participants and spectators, income generated to the territory area through accommodation, food and entertainment.
- To promote the Carterton Event Centre as a multi-purpose centre.

Destination Wairarapa advised they were unable to manage a Wairarapa-wide events calendar as they do not have the resources, but do have an online event calendar for events managed by Event Finda or direct through Destination Wairarapa. They believe managing this would be too complicated and time consuming and their role is to promote and offer advice, and has no control over when event organisers schedule events.

They would not promote the Event Centre in any capacity except through their usual avenues of promotion and believe that deliverables that are council-specific are not appropriate in the MOU. They advised that this was a membership issue and not part of the funding.

We have since made enquiries about becoming a member in order to promote the Event Centre as a multipurpose centre as previously the main promotion has been around being a conference venue. We have not had any conference bookings as a result of this promotion. We will be paying for standard membership - \$155 and this will take effect from January 2017. We have agreed with Destination Wairarapa that this additional cost would be deducted from the grant contribution.

6. RECOMMENDATION

That the Council:

1. **Receives** the Destination Wairarapa report to end of September 2016.
2. **Notes** the Memorandum of Understanding between Carterton, Masterton and South Wairarapa District Councils and Destination Wairarapa, 2016.

Jane Davis
Chief Executive

Attachment 1: Destination Wairarapa Report to end September 2016

Attachment 2: Memorandum of Understanding with Destination Wairarapa 2016

Destination Wairarapa Council and Trust Report 30 September 2016

More Visitors, Staying Longer & Spending More

Overview

Visitor Arrivals

Wairarapa's growth has continued particularly with international visitor guest nights up each month for the past year. The average monthly growth has been 48% for international visitors.

Domestic growth has also continued with 10 of the past 12 months improving on the previous year and with an average of 5.4% per month.

We have seen a marked decline in length of stay which is disappointing but we continue to educate members on how to package and give that reason to stay another night.

Commercial Accommodation Monitor

Statistics New Zealand

July 2016

	Wairarapa	Greater Wellington	Hawkes Bay	Taupo	National
Guest Arrivals					
2016	7,575	92,288	32,664	47,790	1,259,558
2015	6,314	94,690	27,730	44,103	1,166,482
Variance	20.0%	-2.5%	17.8%	8.4%	8.0%
Guest Nights					
2016	13,546	211,635	69,690	83,732	2,636,046
2015	12,860	206,401	56,885	79,469	2,467,016
Variance	5.3%	2.5%	22.5%	5.4%	6.9%
Occupancy					
2016	17.5%	60.2%	31.4%	34.1%	36.3%
2015	16.5%	58.8%	25.3%	31.3%	34.4%
Variance	1.0	1.4	6.1	2.8	1.9
Length of Stay					
2016	1.79	2.29	2.13	1.75	2.09
2015	2.04	2.18	2.05	1.80	2.11

Note: Greater Wellington excludes Wellington City

Carterton and South Wairarapa statistics are grouped together so the following table for Masterton is not available for the other two TLAs.

Commercial Accommodation Monitor

Statistics New Zealand

12 Months Ending July 2015 v 2016

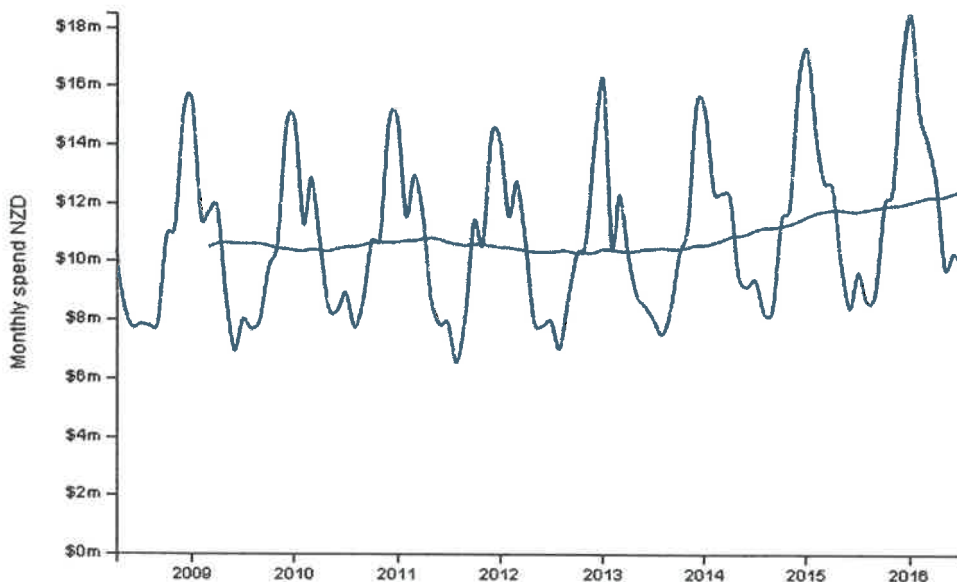
	Wairarapa	Masterton	National
Guest Arrivals			
2016	120,405	68,378	18,908,371
2015	108,952	66,101	17,551,414
Variance	9.5%	3.3%	7.2%
Guest Nights			
2016	220,724	135,673	37,734,415
2015	201,462	127,544	35,599,693
Variance	8.7%	6.0%	5.7%
Occupancy			
2016	23.2%	27.3%	42.7%
2015	21.0%	26.5%	40.8%
Variance	2.2	0.8	1.9
Length of Stay			
2016	1.83	1.94	2.00
2015	1.85	2.01	2.03

Visitor Spend

The data Destination Wairarapa has used in the past to report on credit card spend is not currently available as MBIE overhaul their systems. There are also no reports available at the moment specific to individual TLAs. RTONZ the Regional Tourism Organisation association is working with MBIE and Statistics NZ to get the TLA reports operational again before the end of 2016.

This series of graphs is a more aggregated view of spend but still shows growth for all visitors at YE July 2016.

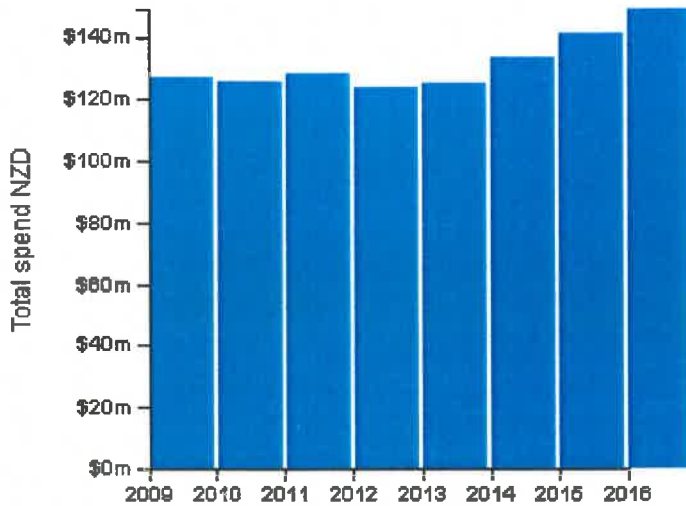
Historical monthly spending pattern



The financial objective for the tourism industry is outlined in the Tourism 2025 framework. In a Wairarapa context this means growing annual tourism revenue from \$134 million (YE 2014) by \$78 million to \$212 million a year by 2025.

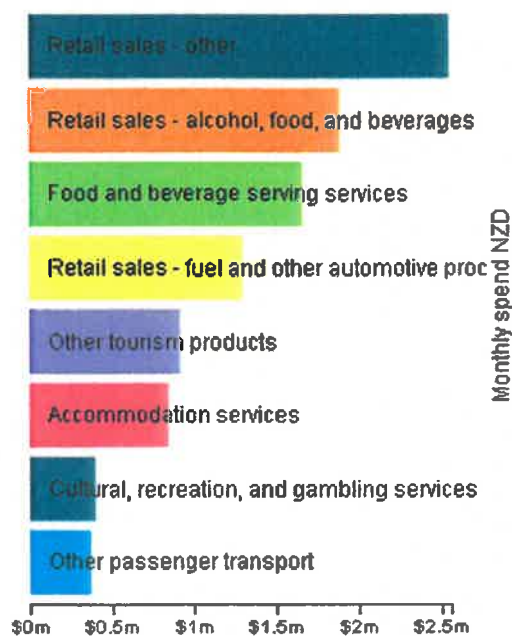
Revenue from tourism YE July 2016 for the Wairarapa is \$149 million. That's an average growth of 5.6% per annum. The target is average growth of 5.3% per annum, so the Wairarapa is well on track for doing its part for the New Zealand tourism industry.

Total spending for year to July



The following graph shows spend in the Wairarapa by product for July 2016. This order of products purchased doesn't change when viewed for 12 months. The importance of tourism to retail and therefore retail to tourism cannot be understated in the Wairarapa. Getting as many retailers open 7 days a week is a real opportunity for the towns.

Spend by Product



Building our Councils into the Tourism Spend in NZ Local Government 2015/2016

Hammond-Robertson has developed a simple format based on sector research to determine the value for council's tourism investment and compare it nationally and by population cohort.

The three Wairarapa District Councils perform very well compared to other TLAs throughout NZ in terms of spend on tourism v return from tourist spend. All three spend between 1/3 and 1/6 of the national average.

Masterton's spend on tourism by the TLA is at about par with the average spend of similar sized populations. Carterton and South Wairarapa are again between 1/3 and 1/6 of the average of similar sized populations.

Compared to the Visitor spend in the 10 largest cities in New Zealand, South Wairarapa performs better than the average. Masterton performs better than the 10th largest city and Carterton is just below the 10th largest city.

Visitor dollars earned per dollar of Council spend on tourism ranks South Wairarapa ahead of Queenstown, Carterton just below the national average and Masterton just behind Wellington, just ahead of Taupo but below the national average.

It is interesting to note that the MOU with the three District Councils has Taupo and Wellington as comparative destinations should Wairarapa GDP growth rates not be reached.

For all of the following comparisons, additional money does need to be added to the three Wairarapa District Councils for what they spend on tourism grants for investment in cycleway construction. But does not include spending on public toilets, expanded sewerage and water schemes, bylaw regulation and rubbish services.

The first data table in the report (page 10) shows the top 11 cities investment in the visitor sector.

6. Wellington City Council	\$6.5 million spend	\$31.90 per head of pop.
10. Taupo District Council	\$3.35 million spend	\$94.20 per head of pop.

NZ Average

\$37.90 per head of pop.

Masterton District Council	\$271,000 spend	\$11.68 per head of pop.
South Wairarapa District Council	\$115,000 spend	\$11.05 per head of pop.
Carterton District Council	\$54,000 spend	\$5.62 per head of pop.

Masterton District Council advises that Wairarapa population is divided as follows:

Carterton	9,600
South Wairarapa	10,400
<u>Masterton</u>	<u>23,200</u>
TOTAL	43,200

The next table (page 12) shows the TLA expenditure by population cohort

10,000 – 20,000	No. TLAs	Av. Spend	Av. Spend / head
	10	\$303,000	\$20.73
Masterton		\$271,000	\$11.68
Under 10,000	14	\$412,000	\$59.60
South Wairarapa		\$115,000	\$11.05
Carterton		\$54,000	\$5.62

The only real comparison here is the population of the towns in the cohorts. Some small TLAs will have enormous tourism spend and possibly have a targeted rate enabling the larger investment in tourism.

(page 15) Visitor Spend per head of pop. In 10 largest cities

1. Wellington	\$8,047 per head of pop.
South Wairarapa	\$6,250 per head of pop.

NZ Average \$5,054 per head of pop.

Masterton	\$2,844 per head of pop.
10. New Plymouth	\$2,531 per head of pop.
Carterton	\$1,875 per head of pop.

Wellington and Christchurch spend will severely distort the average spend given their comparatively low populations. The three Wairarapa TLAs perform very well in the national mix based on the top 10 cities.

(page 16) Visitor \$ earned per \$ of Council spend

South Wairarapa	\$565.21 visitor \$ earned /\$ Council spend
Queenstown	\$467.20

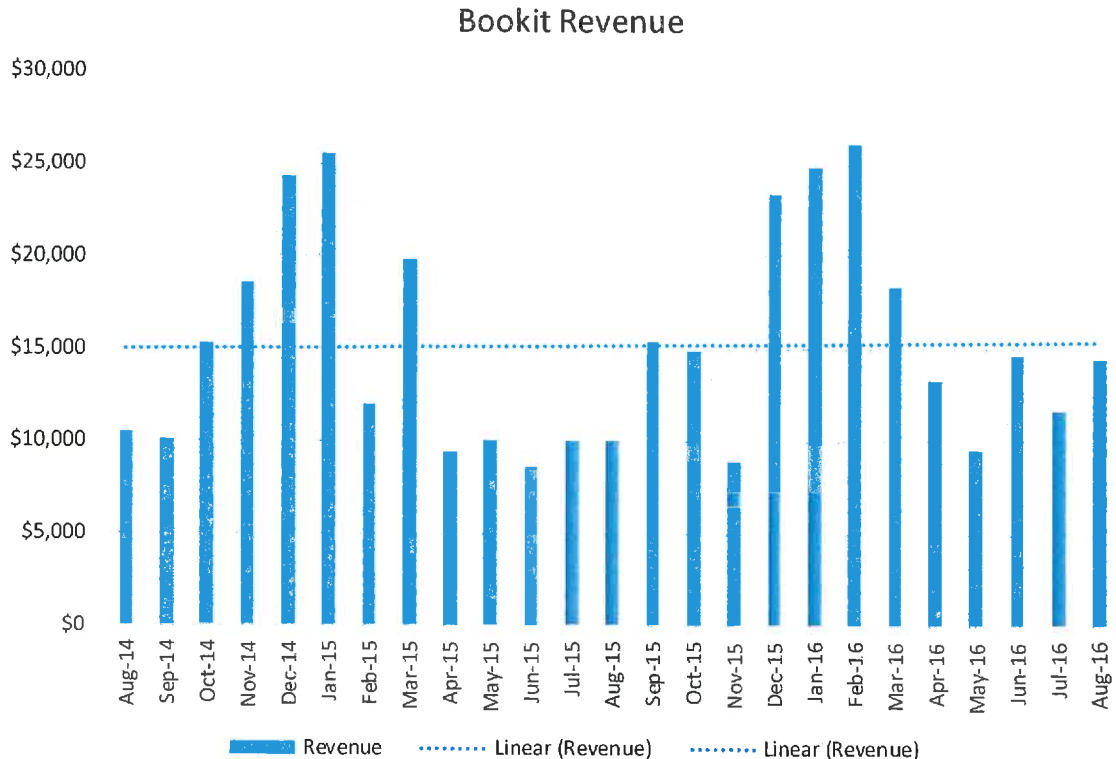
NZ Average \$379.15 per head of pop.

Carterton	\$333.33
Wellington	\$252.30
Masterton	\$243.54
Taupo	\$137.20
New Plymouth	\$26.20

All three TLAs rank very well against other Councils in the country producing a strong return on tourism marketing investment.

Bookit

Bookit is the online booking engine on the Destination Wairarapa website. Bookit continues to perform and the winter campaign has had a positive impact. Through June to August booking volumes were up 34.4% on the same period last year and 37.4% up on revenue. This is revenue going direct to local businesses.



Winning Business Events

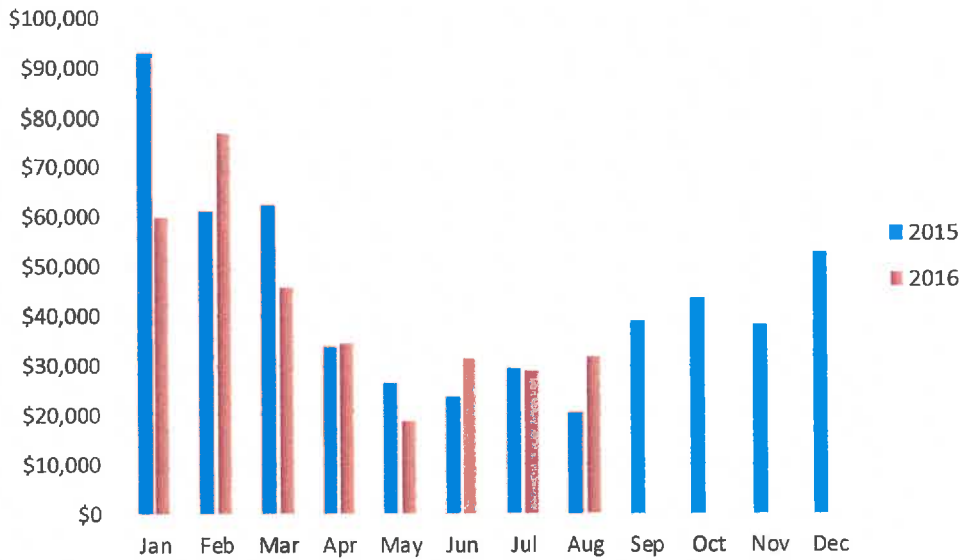
Currently working through 2017 Business Event Trade Shows which the partners want to attend as a Wairarapa collective.

i-SITE Visitor Centres

Highlights:

- **i-SITE Total Sales**
 - i-SITE Visitor Centre gross revenue for YE August 2016 (\$501,319) was down 6.8% on the previous 12 months but improved 5 points since July 2016.
 - More work is being done to remind the industry that the i-SITE Visitor Centres are there for onward promotion and sales

i-SITE REVENUE



Product Development

- Development of operators to become China ready with three workshops being prepared
- Development of a coastal guided tour product
- Development of Rivenrock mountain bike park
- Development of a new stellar tourism experience
- Assistance connecting new retailer with local contacts
- Continued development of New Zealand Cycle Classic & Huri Huri; Wairarapa's Bike Festival

Operator Development

- Accommodation providers meeting was held in Masterton
- Hosted the Carterton District Business Inc function
- Becoming 'China Ready' workshop was held for members. 1st of 3

David Hancock
General Manager

Profit & Loss

Destination Wairarapa Inc. For the month ended 31 August 2016

	Actual	Budget	Var NZD	Var %	YTD Actual	YTD Budget	Var NZD	Var %
Income								
Accommodation Commission	965	2,500	(1,535)▼	-61.4%▼	1,460	3,500	(2,040)▼	-58.3%▼
Bookit	581	150	431▲	287.4%▲	919	650	269▲	41.4%▲
Interest Received	86	208	(122)▼	-58.7%▼	200	416	(216)▼	-51.8%▼
Membership	182	-	182▲	0.0%	325	500	(175)▼	-35.1%▼
Other Revenue	1,287	100	1,187▲	1187.0%▲	(649)	100	(749)▼	-748.9%▼
Ticket Commission	376	70	306▲	436.5%▲	407	140	267▲	190.8%▲
Tourism Products	248	150	98▲	65.1%▲	434	270	164▲	60.9%▲
Travel Sales	409	120	289▲	241.1%▲	704	490	214▲	43.7%▲
Council Grants								
Grants - CDC	4,417	4,595	(178)▼	-3.9%▼	8,833	9,190	(357)▼	-3.9%▼
Grants - MDC	66,560	-	66,560▲	0.0%	66,560	68,250	(1,690)▼	-2.5%▼
Grants - SWDC	28,866	-	28,866▲	0.0%	28,866	29,443	(577)▼	-2.0%▼
Total Council Grants	99,842	4,595	95,247	2072.8%	104,259	106,883	(2,624)	-2.5%
Retail Sales								
Retail Sales	850	400	450▲	112.6%▲	1,251	790	461▲	58.3%▲
Less Cost of Sales	(475)	-	(475)▼	0.0%	649	-	649▲	0.0%
Total Retail Sales	375	400	(25)	-6.1%	1,900	790	1,110	140.4%
Total Income	104,351	8,293	96,058	1158.3%	109,959	113,739	(3,780)	-3.3%

Profit & Loss

	Actual	Budget	Var NZD	Var %	YTD Actual	YTD Budget	Var NZD	Var %
Less Cost of Sales								
Cost of Goods Sold	-	880	(880)▼	-100.0%▼	-	960	(960)▼	-100.0%▼
Total Cost of Sales	-	880	(880)▼	-100.0%▼	-	960	(960)▼	-100.0%▼
Gross Profit	104,351	7,413	96,938	1308.0%	109,959	112,779	(2,820)	-3.0%
Less Operating Expenses								
Corporate Support Expenses								
ACC Levies	1,040	125	915▲	731.6%▲	1,040	250	790▲	315.8%▲
Accounting Fees	1,200	1,200	-	0.0%	2,400	2,400	-	0.0%
Audit Fees	-	-	-	0.0%	35	-	35▲	0.0%
Bad Debts	39	42	(3)▼	-7.1%▼	39	84	(45)▼	-53.6%▼
Bank Fees - ANZ	42	71	(29)▼	-41.1%▼	122	142	(20)▼	-14.0%▼
Board Members Expenses	-	-	-	0.0%	-	100	(100)▼	-100.0%▼
Depreciation	-	1,334	(1,334)▼	-100.0%▼	-	2,668	(2,668)▼	-100.0%▼
Electricity Corporate	145	145	-	0.3%▲	291	280	11▲	4.1%▲
Entertainment	-	-	-	0.0%	489	-	489▲	0.0%
Equipment Rental	91	100	(9)▼	-9.2%▼	182	200	(18)▼	-9.2%▼
Fringe Benefit Tax	-	600	(600)▼	-100.0%▼	493	1,200	(707)▼	-58.9%▼
Information Technology	1,097	592	505▲	85.3%▲	1,559	1,184	375▲	31.6%▲
Insurance	409	450	(41)▼	-9.0%▼	819	900	(81)▼	-9.0%▼
Interest Expense	432	432	-	-0.1%▼	870	871	(1)▼	-0.1%▼
Kitchen Supplies Corporate	69	29	40▲	136.3%▲	69	58	11▲	18.2%▲
KiwiSaver Employer Contributions	-	971	(971)▼	-100.0%▼	983	1,942	(959)▼	-49.4%▼
Membership Expenses	707	-	707▲	0.0%	2,617	500	2,117▲	423.4%▲
Merchant & BNZ Bank Fees	142	317	(175)▼	-55.3%▼	314	634	(320)▼	-50.5%▼

Profit & Loss

	Actual	Budget	Var NZD	Var %	YTD Actual	YTD Budget	Var NZD	Var %
Office Supplies & Photocopying Corporate	493	583	(90)▼	-15.4%▼	1,143	1,166	(23)▼	-2.0%▼
Personnel Incl. Training Corporate	33	250	(217)▼	-86.8%▼	443	500	(57)▼	-11.5%▼
Printing & Stationery	-	-	-	0.0%	(16)	-	(16)▼	0.0%
Rent & Rates Corporate	1,156	1,292	(136)▼	-10.6%▼	2,311	2,584	(273)▼	-10.6%▼
Salaries	19,905	21,250	(1,345)▼	-6.3%▼	37,796	42,500	(4,704)▼	-11.1%▼
Subscriptions & Membership	813	500	313▲	62.6%▲	5,959	4,875	1,084▲	22.2%▲
Telecom Incl Mobiles Corporate	822	883	(61)▼	-6.9%▼	1,646	1,766	(120)▼	-6.8%▼
Vehicle Leases	544	550	(6)▼	-1.1%▼	1,088	1,100	(12)▼	-1.1%▼
Vehicle Operating Costs	1,275	808	467▲	57.8%▲	2,194	1,616	578▲	35.7%▲
Total Corporate Support Expenses	30,452	32,524	(2,072)	-6.4%	64,885	69,520	(4,635)	-6.7%
Total I-Site Expenses								
Electricity I-SITES	311	335	(24)▼	-7.1%▼	625	1,140	(515)▼	-45.1%▼
Kitchen Supplies I-SITES	44	25	19▲	75.9%▲	61	50	11▲	21.7%▲
Office Supplies I-SITES	81	100	(19)▼	-19.3%▼	81	200	(119)▼	-59.7%▼
Personnel Incl Training & Conferences I-SITES	578	167	411▲	246.0%▲	1,250	334	916▲	274.3%▲
Photocopier I-SITES	115	196	(81)▼	-41.5%▼	249	392	(143)▼	-36.4%▼
Rent & Rates I-SITES	2,448	1,958	490▲	25.0%▲	4,343	3,916	427▲	10.9%▲
Repairs & Maintenance I-SITES	-	-	-	0.0%	65	100	(35)▼	-34.7%▼
Telecom I-SITES	405	367	38▲	10.5%▲	774	734	40▲	5.4%▲
Wages	12,530	14,750	(2,220)▼	-15.0%▼	23,965	29,500	(5,535)▼	-18.8%▼
Total Total I-Site Expenses	16,512	17,898	(1,386)	-7.7%	31,413	36,366	(4,953)	-13.6%
Total Marketing Expenses								
Advertising	-	-	-	0.0%	-	270	(270)▼	-100.0%▼
Business Events Marketing	-	3,000	(3,000)▼	-100.0%▼	-	3,000	(3,000)▼	-100.0%▼

Profit & Loss

	Actual	Budget	Var NZD	Var %	YTD Actual	YTD Budget	Var NZD	Var %
CNZWT Marketing	-	-	-	0.0%	2,500	3,500	(1,000)▼	-28.6%▼
Distribution	800	1,000	(200)▼	-20.0%▼	1,550	2,000	(450)▼	-22.5%▼
Domestic Marketing	619	-	619▲	0.0%	619	-	619▲	0.0%
Domestic Marketing Email Distribution	323	333	(10)▼	-3.1%▼	619	666	(47)▼	-7.1%▼
Domestic Marketing Facebook	-	125	(125)▼	-100.0%▼	-	250	(250)▼	-100.0%▼
Domestic Marketing Spring Campaign	-	1,000	(1,000)▼	-100.0%▼	-	1,000	(1,000)▼	-100.0%▼
Domestic Marketing Winter Campaign	-	-	-	0.0%	278	3,000	(2,722)▼	-90.7%▼
Domestic Marketing Consumer Expos	-	-	-	0.0%	486	1,600	(1,114)▼	-69.6%▼
International Marketing Alliance	-	-	-	0.0%	5,000	-	5,000▲	0.0%
Media Hosting	649	375	274▲	73.0%▲	2,026	750	1,276▲	170.1%▲
Relationship Marketing	176	150	26▲	17.1%▲	410	300	110▲	36.6%▲
Trade Events & Training	-	575	(575)▼	-100.0%▼	-	1,150	(1,150)▼	-100.0%▼
Trade Famils	34	667	(633)▼	-94.9%▼	34	1,334	(1,300)▼	-97.4%▼
Website	200	1,583	(1,383)▼	-87.4%▼	459	3,166	(2,707)▼	-85.5%▼
Total Total Marketing Expenses	2,800	8,808	(6,008)	-68.2%	18,979	21,986	(8,007)	-36.4%
Total Operating Expenses	49,764	59,280	(9,466)	-16.0%	110,278	127,872	(17,594)	-13.8%
Operating Profit	54,588	(51,817)	106,405	205.0%	(318)	(15,093)	14,775	98.0%
Non-operating Expenses								
Entertainment - Non deductible	67	-	67▲	0.0%	682	-	682▲	0.0%
Total Non-operating Expenses	67	-	67	0.0%	682	-	682	0.0%
Net Profit	54,521	(51,817)	106,338	205.0%	(1,000)	(15,093)	14,093	93.0%



(Memorandum of Understanding between:

- Masterton District Council
- Carterton District Council
- South Wairarapa District Council

August 2016

Destination Wairarapa Incorporated

Memorandum of Understanding

Introduction:

The three Wairarapa Territorial Authorities (TLA's), Masterton District Council (MDC), Carterton District Council (CDC) and South Wairarapa District Council (SWDC) collectively referred to as the Funders, agree to continue to collectively part fund Destination Wairarapa Inc (DW), the Wairarapa's Regional Tourism Organisation (RTO).

DW was formed in October 2007 as an incorporated society with funding secured from the three TLA's and Trust House under three successive memorandums of understanding expiring 30th September 2016.

They note that whilst Trust House Foundation has advised that it is required to consider grant applications on an annual basis and cannot guarantee future decisions in this regard, it has been indicated that its intention is to continue making similar grants to DW to that made, for a further three years concluding in September 2019.

In accordance with the provisions of this Memorandum, the Funders have agreed to continue to provide funding for a further three years from 1 October 2016 to 30 September 2019.

Funding Conditions:

DW will be governed by a Board of up to six director's comprising:

- One Director appointed by each TLA
- Three Directors appointed by DW membership

The role of the Board is to ensure effective operation of DW as the RTO, ensuring appropriate tourism strategies, business planning and effective financial management practices are developed and implemented.

DW will maintain strict financial controls, provide regular and effective financial reports and be audited independently on an annual basis.

DW will enlist the support of stakeholders including funders, tourism operators, event organisers and others associated with the visitor industry.

DW will be totally dedicated to tourism activities and will not engage in other business operations (such as general economic development).

The deliverables of DW's tourism activities are:

- (i) To increase the number of visitors to the Wairarapa, the length of time they stay in the region and the amount they spend. Specifically, DW are tasked with delivering 3% growth in tourism GDP per annum for each territory (Masterton, Carterton and South Wairarapa), with statistics sourced from infometrics. This information to be reported as Wairarapa-wide and by each territory.
- (ii) That the percentage growth to tourism is comparable to Wellington and Taupo
- (iii) To provide a balanced budget
- (iv) To provide and manage an online Wairarapa events calendar
- (v) To report quarterly to the council, including attending council meetings. The report is to cover progress towards all deliverables.
- (vi) To have a joint partnership with Tourism New Zealand's Business Events Team for at least one funded pitch per annum.
- (vii) To provide a clear marketing strategy including at least six workshops and/or networking events per annum.

DW's detailed goals and activities will be set out in a Tourism Strategy which shall be updated regularly following input from members, the Funders, and other stakeholders, and signed off by the Board following endorsement by the Funders.

Funding Provisions:

From 1 October 2016 the Funders make the following three year funding commitment towards the operating costs of Destination Wairarapa:

Masterton District Council

Commit \$275,000 plus GST (as per the 2016/17 Annual Plan), plus an adjustment for inflation based on the annual Consumer Price Index (to 31 March each year) to be applied each year via the council's Annual Plan.

Carterton District Council

Commit \$54,000 plus GST (as per the 2016/17 Annual Plan) plus an adjustment for inflation based on the annual Consumer Price Index (to 31 March year year) to be applied each year via the council's Annual Plan.

South Wairarapa District Council

Commit \$115,462.88 plus GST (the 2015/16 donation), plus an adjustment for inflation based on the annual Consumer Price Index (CPI) (to 31 March each year) to be applied each year via the council's Annual Plan.

All payments shall be quarterly on invoice unless otherwise agreed.

Before 30 June 2019 the Funders (or their successor) commit to meet with Trust House to establish a further commitment to DW funding for the next three year period beyond 30 September 2019.

This agreement shall cover the period 1 July 2016 to 30 June 2019 and will, subject to the review provisions contained in paragraph 19 above, continue for successive periods of three years until terminated by either party, giving the other party a minimum of three years notice of termination.

Signed for and behalf of Masterton District Council

Signature: _____

Title: _____

Date: _____

Signed for and behalf of Carterton District Council

Signature: _____

Title: _____

Date: _____

Signed for and behalf of South Wairarapa District Council

Signature: _____

Title: _____

Date: _____

Signed for and behalf of Destination Wairarapa

Signature: _____

Title: _____

Date: _____



15 November 2016

Toi Wairarapa Update

1. PURPOSE OF THE REPORT

For the Council to receive an update of activities by Toi Wairarapa – Heart of Arts.

2. SIGNIFICANCE

The matters for decision in this report are not considered to be of significance under the Council's Significance and Engagement Policy.

3. BACKGROUND

The Council has formed a partnership with Toi Wairarapa. As part of this partnership the Council is providing \$16,000 funding in the form of a grant. \$4,000 of this was paid in the last financial year, as an early instalment. The balance has been paid over the first four months of the current year.

Regular meetings between Toi Wairarapa representatives and Council officers have been held as Toi develops its financial plans for the year.

In **Attachment 1** is a report from Toi Wairarapa. As referred to in the attached update, Toi Wairarapa is actively seeking new funding partners which it will need to ensure its ongoing viability.

Representatives of Toi Wairarapa will be attending the meeting to present its activities and answer Councillors' questions.

4. RECOMMENDATION

That the Council:

1. **Receives** the report.

Jane Davis
Chief Executive

Attachment 1: Toi Wairarapa – Heart of Arts activities



UPDATE - NOVEMBER 2016

TOI WAIRARAPA'S CREATIVE HUB - 'HEART OF ARTS' continues to exceed all expectations with continued growth in usage as a creative hub, artist participation, sales and attracting visitors to the CBD seven days a week.

'Heart of Arts' is front of house for Toi Wairarapa, a trust set up in 2008 by the three councils to implement their joint Arts, Culture & Heritage strategy.

Now only funded by Carterton District Council, Toi Wairarapa's trustees are currently working on securing other funders to partner CDC to ensure the ongoing viability of 'Heart of Arts' and Toi Wairarapa.

Toi Wairarapa's trustees and the 400 Wairarapa artists and organisations on our creative directory, would like to thank you for your ongoing support.

The trustees' look forward to speaking to this report.

On behalf of Toi Wairarapa trustees',

Greg Lang
Chairman

**"The Heart of Arts" 47 High Street North, Carterton
PO Box 431, Masterton 5886 T: 021 121 0980 W: toiwairarapa.co.nz**

**TOI Wairarapa
Profit & Loss Report for Year to Oct:2016/17**

	Actual
Income	
1000 Operating Grants (Incl AC&H Survey)	12,000.00
1005 Projects Grants	8,000.00
1815 Donations	1,640.20
1830 Artworks Sold	8,149.12
	29,789.32
Expenses	
3018 Artworks (Net Payment to Artist)	6,775.80
3040 Bank Fees	52.30
3080 Coordination Services	13,019.82
3108 Electricity	934.69
3130 General Expenses	317.90
3140 Insurance	189.04
3190 Maintenance Property	13.57
3206 Programme Costs	100.00
3230 Rent	1,831.58
3235 Secretarial Services	253.75
	23,488.45
Profit (Loss)	6,300.87

TOI Wairarapa

Statement of Financial Position

As at end of Oct:2016/17

CAPITAL	This Year	Last Year
Funds Introduced	21,050.00	21,050.00
Retained Earnings	(21,724.22)	(13,936.80)
	<u>(674.22)</u>	<u>7,113.20</u>
Plus Current Year Operating Surplus/(Deficit)	6,300.87	(7,787.42)
TOTAL CAPITAL FUNDS	<u><u>5,626.65</u></u>	<u><u>(674.22)</u></u>
REPRESENTED BY		
CURRENT ASSETS		
Accounts Receivable	42.00	42.00
GST Paid	9,738.04	6,485.45
Kiwibank Business Edge Account	6,983.87	896.91
	<u>16,763.91</u>	<u>7,424.36</u>
LESS CURRENT LIABILITIES		
Accounts Payable	(88.49)	(88.49)
GST Received	5,970.87	2,932.19
GST Holding	5,254.88	5,254.88
	<u>11,137.26</u>	<u>8,098.58</u>
NET WORKING CAPITAL	5,626.65	(674.22)
FIXED ASSETS		
	<u>0.00</u>	<u>0.00</u>
NET ASSETS	<u><u>5,626.65</u></u>	<u><u>(674.22)</u></u>



15 November 2016

Carterton District Council Roading Procurement Strategy

1. PURPOSE OF THE REPORT

For the Council to approve a revised Roading Procurement Strategy, as required by the New Zealand Transport Agency.

2. SIGNIFICANCE

The matters for decision in this report are not considered to be of significance under the Council's Significance and Engagement Policy.

3. BACKGROUND

The cost of carrying out the Council's roading work is met by co-funding from the New Zealand Transport Agency (NZTA). One of the conditions of this funding is that Council has a procurement strategy. This has to be approved by NZTA. To assist Councils in preparing these strategies NZTA has a Procurement Manual which guides the contents of Procurement Strategies.

The Council has an existing Strategy. This has formed the basis for the proposed Strategy.

4. ROADING PROCUREMENT STRATEGY

The proposed Roading Procurement Strategy is in **Attachment 1**. It generally follows the checklist in the NZTA Procurement Manual (1st edition) amended Mar 2011, and provides the required information to meet NZTA's requirements. This is the second review of the strategy. The Strategy was originally prepared through collaboration between the three Councils in Wairarapa in an endeavour to maximise efficiency, share resources and for regional consistency.

The Procurement Strategy will be developed further through regular reviews with each Council's Roading Activity Management Plans.

5. RECOMMENDATION

That the Council:

1. **Receives** the report.
2. **Adopts** the Roading Procurement Strategy 2106, contained in Attachment 1.

Jane Davis
Chief Executive

Attachment 1: Draft Roading Procurement Strategy 2016

DRAFT

**Carterton District Council
Roading Procurement
Strategy 2016**

Carterton District Council Roading Procurement Strategy 2016

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Overview

To meet the requirements of the NZTA Procurement Manual this Procurement Strategy generally follows the checklist in Appendix A of the NZTA Procurement Manual 1st edition amended Mar 2011, and provides the required information to meet NZTA's requirements. This is the second review of the strategy which will be developed further through regular reviews with each Authority's Roading Activity Management Plan.

This strategy was originally prepared by collaboration between the Approved Authorities of the Wairarapa, listed below, in an endeavour to maximise efficiency, share resources and for regional consistency:

- South Wairarapa District Council
- Carterton District Council
- Masterton District Council

to maximise efficiency, share resources and for regional consistency in achieving value for money through robust procurement strategies.

Executive Summary

Summary Statement

This strategy has been prepared by the Approved Authorities of the Wairarapa:

- South Wairarapa District Council
- Carterton District Council
- Masterton District Council

A Community which provides a cost effective District wide road network by:

- Promoting sound competition through communication with the marketplace
- promote stability in the marketplace,
- provide confidence to the Council and the contracting industry,
- encourage investment in systems, training and equipment.

Recommendations

It is recommended that NZTA:

1. Endorses this procurement strategy
2. Approves the use of in-house professional services as follows:

Approved Authority	Professional Services
Carterton DC with Masterton DC contracted to provide administration and management of the network	Contracted

* supplemented with procured services in accordance with this strategy

Corporate Ownership/Endorsement

Evidence of endorsement of this strategy is appended in Appendix 1.

Policy Context of the approved Organisation

Strategic objectives and outcomes

The Carterton District Council is committed to demonstrate to its ratepayers that it is delivering the lowest cost best value service possible (ref RAMP).

Procurement Strategy Objectives and Outcomes

The Carterton District Council has current purchasing guidelines that are required to be followed in the procurement of goods and services. Its goals align and are those generally set out in the Local Government Act 2002 as detailed above.

In addition, the Councils are committed to providing an open and competitive marketplace in Wairarapa. This is essential to allow the Councils to demonstrate to its ratepayers that it is delivering the lowest cost, best value, service possible.

The Councils also recognise that successful contracts are relationship based and can have two, three and even more parties contracted to deliver a single outcome. This relationship involves a sharing of skills, risk and jointly promoting innovation to improve value of the service delivery and is relevant from the smallest of contracts to large performance based, long term contracts. Solid contractual relationships;

- promote stability in the marketplace,
- provide confidence to the Council and the contracting industry,
- encourages investment in systems, training and equipment,
- place a value on local knowledge and skills.

There are no other relevant contextual factors, such as other Council policies, wider Council procurement plans, or any other regulatory requirements that supersede this procurement strategy for the purchase of services for managing the roading asset.

NZTA Procurement Requirements

The NZTA is committed to the concepts of value for money, maintaining competitive and efficient markets, and fair competition among suppliers. The NZTA's Procurement Manual contains procurement procedures approved by NZTA under s 25(1) of the Land Transport Management Act 2003 (LTMA).

The procurement procedures contained in the manual are approved for use to purchase the goods and services required to deliver the activities that have been funded under s 20 of the LTMA.

Organisational Policies

Council and its suppliers contracted to procure services on its behalf all have policies on handling conflicts of interest in procuring services. Issues that arise are dealt with on an individual basis in line with those policies.

Procurement Program

Council Reorganisation

The three Wairarapa Councils are currently subject to a Local Government review process. It is uncertain as to when any restructure will be finalised, what form it will take, and when it will be implemented. If a restructure occurs, it is unlikely to be in place prior to LG elections in 2019. The procurement programme below has been prepared assuming no significant change during the 3 year term of this strategy, but allows for consideration of any changes.

It is understood an announcement will be made by Feb 2017.

Procurement Program

Matters to be taken into consideration include:

- Size, type or duration
- Complexity, scale, timing, innovation, risk
- Specialised skills
- Maximising cooperation with the other councils

The following tables outline the current roading corridor contracts and their programming for each of the Approved Organisations:

Carterton

Contract	In conjunction with	Awarded	Duration	Value [\$]	Procurement Method	Assessed Risks	Re-tender due
Network Maintenance	MDC & SWDC	2014/15	Term 3+1+1	3M	Price Quality	L	2019
Reseals		2 year 2015/16	24mths	800k	Price Quality	L Performance based	2017
Roading Professional Services		2015/16	Term 24 mths	1.2M	Contract extended by agreement	L	2017
Rehabilitation		Annual	3mths	300k	Lowest Price Conforming Method	L-M	
Bridge construction & maintenance		By project	As required		By project	M	
Footpath renewals	SWDC	2015/16	24 month	190 k	Lowest Price Conforming Method	L	2017

Contract	In conjunction with	Awarded	Duration	Value [\$]	Procurement Method	Assessed Risks	Re-tender due
Drainage Renewals		By project	As required		By project	M-L	
Street Light Maintenance	MDC & SWDC	2014/15	Term 3+1+1	150k	Price Quality	L	2019
Street lighting Energy	MDC & SWDC	2015/16	3 years	50k	Joint consortium	M	
Pavement Marking	MDC (include SWDC when re tendered)	2014/15	2 years extended 1 year	90k	Lowest Price Conforming Method	L	2017
Minor Works		By project	As required		By project	M-L	
Emergency Works		By project	As required		By project	M	

The largest single contract for each Authority is each Network Maintenance Contract, which typically have a term of 5 years. The current contracts were let jointly by all three Councils (Group Contract) with the opportunity for the tenderers to offer a reduced price if awarded 2 or more contracts. Each Council's contract remains stand alone.

In the short term it is not anticipated that the procurement programmes will change significantly.

High Risk or Unusual Procurement Activities

At this time the Approved Authorities have not identified any particularly high risk activities nor the need for unusual procurement activities that are not covered adequately by the NZTA Procurement Manual.

Procurement of energy for street lighting was undertaken by a consortium of the three Wairarapa local authorities for the purpose of obtaining rates. Each Approved Authority has entered into individual contracts. Supply of energy for NZTA NHO street lighting is via these contracts through each Authority.

Procurement Environment

Analysis of Supplier Market

The local roading construction and maintenance marketplace is dominated by 2 national contracting firms with the capability to undertake the necessary full service work. There are local contracting firms with the capability to undertake physical components of the work required, but have not developed management systems and lack available resources to undertake the full service contracts currently tendered in accordance with expected roading industry standards. These firms are able to subcontract to the head contractors. There is reasonable competition at present and this is encouraged and is expected to continue.

There is sufficient interest in the large road maintenance contracts currently tendered for other large, national, contractors to express interest in and tender for these contracts when they come up for renewal.

The larger civil contracting marketplace in Wairarapa has been fairly static. The rooding sector competes for contractors that are engaged in subdivision and other private development work.

Councils have, over a period of years, experimented with various models for delivering the relevant services relating to the rooding asset. This has transitioned from 'own-forces' delivery in the 1980's, through a multitude of individual contracts for various services in the 1990's, to comprehensive rooding maintenance contracts.

Typically the following types of contracts are procured outside the rooding maintenance contracts:

- footpath maintenance/renewals contracts;
- various individual bridge maintenance and replacement/upgrading contracts;
- maintenance surfacing – chip reseals and TAC; and,
- various miscellaneous seal widening, seal extension, and rehabilitation contracts.
- various minor improvement contracts

These contracts attract interest from smaller contractors within the region,.

In the short term it is not expected that this procurement programme will change significantly. Consideration may be given in the future to revising the scope and geographic coverage of maintenance contracts to ensure that the correct levels of service are achieved.

There is a continuing programme of rehabilitation projects, seal widening and bridge renewals/upgrading planned in the AMPs and Councils RLTP to maintain the interest of the local contracting industry and hence competition.

The projected expenditure on the rooding asset is similar to the current level of expenditure with some minor fluctuations only. While there have been some comments from the smaller players in the contracting industry that there should be further work put onto the open local market for competitive tendering, current analysis of the savings generated from the larger packages demonstrate that overall the best value is being delivered with the current contract arrangements.

Work Programme Delivery

Each Authority has a Rooding Activity Management Plan for the 3 year period from July 2015 to June 2018.

Carterton has a 10 year expenditure forecast for rooding activity. It was used by the Council in developing its 2015/25 Long Term Plan.

The 10 year forward works programs developed from the Long Term Plans are given in Appendix 2.

During this 3 year period, the term network maintenance contracts are due to expire in 2019 subject to acceptable performance, and are to be retendered on a similar basis as the present contract.

There has been some consideration to repackaging the contracts to realise further savings to the Councils. There are other delivery models available to Council including traditional models and full Performance Specified Maintenance Contracts (PSMC). The pure performance based contracts such as the PSMC's do place limits on Council's ability to influence the contracts during their term. Considering all of the issues and in the interest of maintaining a competitive industry it has been determined that the current model, with a full service package, delivers the best overall performance. Where considered appropriate, letting contracts for multiple years has been offered. The medium term of the contracts, and the ability to maintain input into the management of the network at officer level, and thus manage the political environment of a local government body, gives the best outcome. Other specialist services undertaken under separate contract include, professional services, footpath maintenance contracts, specific bridge maintenance, renewals and upgrading, all which only have a moderate contracting base with average competition.

Emergency works do occur from year to year generally as a result of heavy rain and localised flooding. The scale of these events vary from \$50,000 every couple of years, to over \$500,000 events approximately every 10-20 years. Councils put aside an amount into reserves to cover its share of the cost of these abnormal events with Financial Assistance (subsidies) available. To ensure that Council meets the subsidy requirements it must ensure that value for money is being achieved with minor works being competitively negotiated with the maintenance contractors and larger, significant works being tendered out to the open market, once the site is made safe and open to traffic.

The Carterton DC Professional Services contract is also staggered from network maintenance contract to maintain an element of continuity to the network's management and delivery. The contract was due to expire in 2015, but an extension was agreed for 2 years with the expectation at that time of the LG reorganisation being confirmed. This has not happened and the contract is due to be re let in 2017. The form and term of the next contract will be confirmed early in 2017 when the LG reorganisation is known.

The Authorities recognise the intrinsic value received from some of its existing suppliers with their intimate local knowledge and excellent service delivery. This is particularly relevant to cyclical contracts where the incumbent contractor's value needs to be correctly recognised. This is valued at tender time with quality-price considered, not only lowest price.

Contracts are delivered utilising the following accepted standard conditions of contract:

- NZS 3910:2013 Conditions of Contract for Building and Civil Engineering Construction
- NZS3915:2005 Conditions of Contract for Building and Civil Engineering Construction (where no person is appointed to act as the Engineer to Contract)
- Conditions of Contract for Consultancy Services (2010) (CCCS)
- Smaller consultancy contracts are let using the IPENZ Short Form of Agreement

as the basis of the contract with conditions and specifications to standardise the work and realise savings with industry standard contract conditions.

Risk based estimating is utilised giving value through identifying where further investigatory work might drive improved cost certainty.

Risk processes used are covered in each Approved Authority's AMP.

Implementation

Capability and Capacity

All procurement related to management of the road assets is currently as follows:

Authority		Provider
Carterton	Rooding Services Professional	Opus
	Rooding Services Management	Masterton District Council

Where major purchases are being considered these are referred to Council for consideration and approval as the client organisation. This includes the main network maintenance contracts and any other significant projects. The CEO and Rooding Managers have certain delegated authorities to approve works.

Contract payments are authorised by the appropriate Engineer to Contract and vouchers prepared for payment and debited to the appropriate Council budget ledger item.

The organisation structure is given in Appendix 3

The individual Approved Authorities comply with NZTA procurement policies and current purchasing requirements. Project approvals, contract documentation, and tender management are carried out by internal staff or appropriately qualified contracted professional services. All tenders are managed by the Tender's Secretary and held in a secure location. Accredited tender evaluators are used as required by NZTA procedures.

It is a requirement that all tenders over \$200,000 are required to be assessed by a person holding the National Certificate in Civil Engineering – Asset Management (CPP).

Authority	Provider	CPP Qualified Evaluators
Carterton	Opus	1
	MDC	1

Policies are routinely discussed between the adjoining local authorities and NZTA NHO officers and consultants. This assists in consistency throughout the greater region and nationally. Council officers and consultant's staff communicate with other roading authorities and suppliers through a range of forums such as the RCA forum, IPWEA, CRAML Group, IPENZ, and courses, presentations, etc through the year. Management staff (Council and consultant's) are encouraged to gain and share experience outside of the district, such as involvement on reference groups, etc.

Internal Procurement processes

The Authorised Authority has its own internal procurement processes which are contained in the Delegation Policy, attached as Appendix 4.

Performance Measurement and Monitoring

In line with the requirements of the interim NZTA Procurement Manual, Council intends to align its performance measures and monitor the following indicators to determine the success of this strategy;

Achievement of value for money

Time – Estimated duration of key contracts verses actual duration of contracts
 Cost – Estimated cost of key contracts verses actual cost of contracts
 Quality – Council's satisfaction with the goods or services procured

Regard for markets

Fairness – Whether or not the supplier selection process was an open or a closed contests, and the reasons for these decisions
 Competitiveness – Number of bids received and whether alternative bids were permitted and/or received
 Innovation – Whether alternative bids that add value for money were permitted; whether alternative bids were received and accepted or rejected; what added value alternative bids realise and their cost .

Efficiency of procurement procedures

This area of monitoring aims to measure whether the procurement procedures are cost effective and to ensure they are not overly complex. This will be broadly measured by;

Comparing the overall cost of the procurement function to the total cost of contracts let

Compliance with procedures

This area of monitoring aims to measure how well the Authorities are complying with this strategy. This will be broadly measured by;

Number of complaints received on purchasing process

Due to the length of time that it takes to develop a sufficient sample size for these types of performance measures, it is intended that this analysis will be undertaken once, at the end of the life of each AMP, and as part of the development of the next AMP to measure the success or otherwise of this procurement strategy.

Council will continue to rely on NZTA audits to ensure compliance with funding requirements and performance with other RCA's.

Overall success is measured by achievement of the approved programme in the NLTP. Council monitors a range of criteria through its Long Term Plan processes. These include performance measures in health & safety, financial performance, technical measures, and customer satisfaction.

Data Collection

Data will be collected in accordance with the NZTA Procurement Manual, Appendix E.

Communication Plan

This strategy is presented to Council for endorsement and is available to the public and industry via the Council's website. Formal communication to the public and the market is through the Long Term Plan process.

Council's Roading Manager is responsible for the overall management of the road network and its assets. Regular meetings and reviews are held with staff and Council's roading delivery team to provide Council with an assurance that it is receiving value for money as a "Smart Buyer" and that its assets are being preserved and managed appropriately.

Each tenderer is currently advised of the outcome of each tender in accordance with the NZTA requirements.

Implementation Plan

The NZTA Procurement Manual has considerable detail on the process for correctly determining which procurement model should be utilised in each situation, ie; staged, design & build, shared risk, and supplier panels.

The Procurement Manual also has considerable detail on the process for correctly determining the supplier selection method;

- Direct appointment
- Lowest price conforming
- Price quality
- Purchaser Nominated (Target) price
- Quality based

The following tables summarises the approach to be used for supplier selection – in accordance with the NZTA Procurement Manual, Appendices A,B & C:

Programme	Annual Expenditure [\$M]	Direct Appointment	Closed Contest	Lowest Price	Price Quality Physical works	Price Quality Professional services	Quality based
Maintenance	1.2	Y	Y	Y	Y		
Renewals	1.3	Y	Y	Y	Y		
Improvements	0.2	Y	Y	Y	Y		
Emergency Works	0.2	Y	Y	Y	Y		
Professional Services	0.2	Y	Y	Y		Y	Y

Supplier Selection Method	Expected Usage	Typical Value	Price weight [%]	Assessed Risk
Direct Appointment	Generally	Up to \$100k*	NA	L
Closed Contest (LPC & PQ)	Generally	all	See below	L-M
Lowest Price Conforming	Generally	all	100	L-M
Price quality (physical works)	Occasionally	>\$100k	50-70	M
Price quality (professional services)	Rarely	>\$100k	30-50	M-H
Purchaser Nominated Price	Rarely	NA	0	M-H
Quality Based	Rarely	>\$1M	0	M-H
Prequalification	To be reviewed	all	NA	all

* NZTA upper limit

The method of procurement will be based on the assessment of risk and in accordance with the NZTA Procurement Manual Appendix C.

The Approved Authorities have not typically used prequalification systems for procurement, however this is a process which will be explored to further meeting this strategy and objectives.

Considering all of the issues raised above, implementation plan is intended to be followed during the life of the RAMP;

Corporate Ownership and Endorsement

Refer to Appendix 1 for Council endorsement of this Strategy.

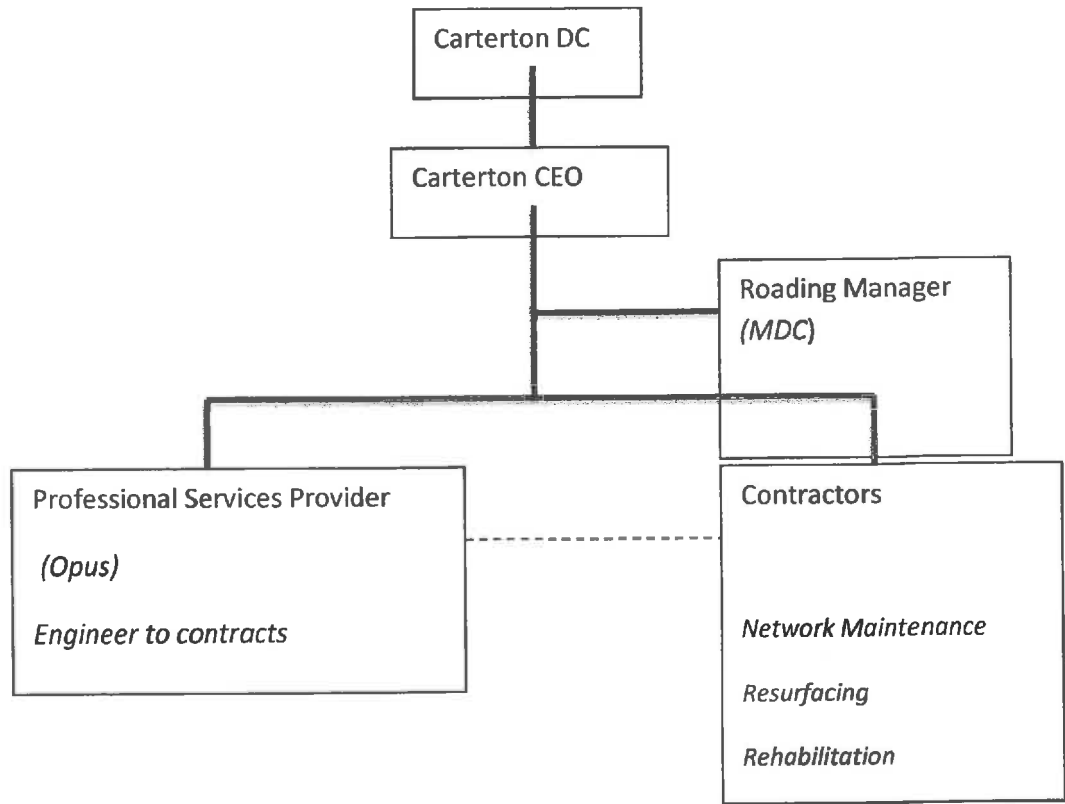
APPENDIX 1: Council Endorsement

The Carterton District Council endorsed the Carterton District Council Roading Procurement Strategy at its Council Meeting on 23 November 2016.

APPENDIX 2: Forward Works Programs

CARTERTON DISTRICT COUNCIL LTP 2016 - 2025										
ROADS AND FOOTPATHS										
ROADS & FOOTPATHS	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
210 Roadwork										
210 Roadwork										
191 Corporate Services	291,686	292,823	293,954	294,776	295,825	297,189	298,836	299,865	301,314	302,941
192 Operations Overhead	32,743	36,329	40,654	42,885	45,796	48,982	52,965	57,542	62,851	68,911
193 Planning & Regulatory Overhead	2,859	3,863	4,859	5,518	6,779	8,296	10,077	12,152	14,598	17,382
195 Garage	227	254	341	246	253	254	258	266	275	285
Operating Expenses										
124 Consultancy Fees - Professional Services	-	-	-	-	-	-	-	-	-	-
144 General Expenses	389	130	701	164	166	189	112	115	118	126
Personnel Expenses										
341 Wages Allocated	10,511	10,511	10,711	10,925	11,154	11,400	11,662	11,942	12,240	12,558
345 Superannuation	556	556	566	578	590	603	617	631	647	664
347 ACC-Leave	916	116	118	120	123	126	129	131	136	142
Finance Expenses										
255 Depreciation	1,351,778	1,358,763	1,362,876	1,400,148	1,418,864	1,426,878	1,516,118	1,536,772	1,633,962	1,675,754
Subsidised Roading Expenses										
351 Sealed Pavement Maintenance	252,000	255,528	261,150	267,851	267,808	266,579	266,000	266,000	266,000	266,000
352 Unsealed Pavement Maintenance	144,000	146,016	149,228	152,629	154,461	158,062	162,737	168,549	175,116	182,555
353 Roadside Drainage	157,500	159,795	163,219	166,881	170,880	181,737	193,962	206,561	219,468	232,450
354 Structure Maintenance	43,000	43,882	45,287	46,807	47,952	49,896	52,806	56,757	61,763	67,840
370 Environmental Maintenance	252,000	255,528	261,150	267,851	267,808	266,579	266,000	266,000	266,000	266,000
371 Traffic Services Maintenance	50,400	50,232	51,557	52,722	53,841	55,572	57,923	60,865	64,485	68,141
372 Operational Traffic Management H	-	-	-	-	-	-	-	-	-	-
373 Local Crossing Maintenance	18,000	18,252	18,654	19,103	20,557	21,112	22,784	23,656	24,389	25,194
374 Minor Works	135,000	136,820	138,962	141,423	154,183	158,345	163,123	177,421	182,321	188,957
Emergency Rehabilitation										
Asset Management Plans	-	15,218	15,545	15,871	16,216	16,757	17,392	18,122	18,952	19,883
277 Network Asset Management	288,000	292,152	298,457	305,931	314,624	324,604	335,923	348,628	362,782	378,540
278	-	-	-	-	-	-	-	-	-	-
Income										
577 NZ Transport Agency Subsidy	1,540,560	1,584,874	1,557,782	1,648,138	1,638,854	1,734,587	1,803,000	1,868,075	2,000,428	2,077,938
582 Police Tax	60,000	60,840	62,178	63,671	65,283	67,026	68,901	70,908	73,148	75,583
592 Subsidy - Emergency Works	-	-	-	-	-	-	-	-	-	-
Rates Allocated										
700 Rates Income - UAC & General	1,462,756	1,512,886	1,558,914	1,627,432	1,638,512	1,746,251	1,771,923	1,815,800	1,905,833	1,929,820
701 Rates Income - Roading	-	-	-	-	-	-	-	-	-	-
Total Operations	42,880	51,320	75,222	45,818	47,274	20,827	38,120	100,128	58,433	72,275
Capital Expenditure										
Drainage renewals - curb and channel replacement	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000
New traffic management facilities	61,800	61,800	61,800	61,800	61,800	61,800	61,800	61,800	61,800	61,800
Component structures replacement	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
Footpath resurfacing	110,000	110,000	110,000	110,000	110,000	110,000	110,000	110,000	110,000	110,000
Minor improvement works	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
Pavement rehabilitation	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
Roads	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000
Traffic services	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
Unallocated road installing	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
Total Capital Roads & Footpaths	1,626,860	1,637,813	1,673,947	1,688,756	1,717,121	1,750,851	1,802,400	1,842,200	1,903,640	2,043,440

APPENDIX 3: Organisation Chart



APPENDIX 4: Delegations Policy

This appendix contains the Council's Delegations Policy.

Adopted by Council on 23 November 2016





15 November 2016

Aratoi Museum funding arrangements

1. PURPOSE OF THE REPORT

For the Council to consider a funding request from Aratoi Museum Trust.

2. SIGNIFICANCE

The matters for decision in this report are not considered to be of significance under the Council's Significance and Engagement Policy.

3. BACKGROUND

Carterton District Council has, for a number of years, supported the Aratoi Museum (based in Masterton) by way of annual grant for the amount of \$12,000 + GST. These have been applied for during the annual plan submissions and have been regular recipients for the past five years.

The Museum Trust did not apply for funding during this year's Annual Plan process due to an administrative error and as such, no commitment for funding was made by Council. Recently it had a major funder significantly reduce its funding support.

The Museum Trust has since made an application to Carterton District Council for funding an annual grant of \$12,000 + GST.

4. ARATOI MUSEUM'S RELATIONSHIP WITH CARTERTON

Carterton District Council currently funds Toi Wairarapa and WaiArt, which are both based in Carterton. Consideration needs to be made of whether we should be funding an organisation that is not based in our District while we are funding organisations that are.

In their Annual Report 14/15 Aratoi acknowledges that without the funding from Lands Trust Masterton they would not be able to operate. In their letter to Council dated 4 November 2016 they have advised that 'funding from Lands Trust Masterton has been severely reduced and placed them under considerable financial difficulty'.

Officers do not believe Carterton residents would be disadvantaged in the area of arts and culture if the Council was to decide not to fund Aratoi, and as a result of that decision Aratoi could no longer operate.

5. BUDGETED FUNDING OPTIONS

5.1 Community Grants

During the Community Grants process a number of organisations were funded. As in previous years, some of the Grants Fund was left unallocated for consideration of new applications through the financial year. An amount of \$9306.84 is currently in the Fund for this purpose. There is \$2000 committed to a Road Safety in Schools initiative. This leaves a balance of \$7306.84.

The Grants Committee had confirmed at the conclusion of the August allocation round that this money could be used for applications for funding during the year.

Offices do not support the use of the Community Grants Fund to support Aratoi Museum.

5.2 Community Development Budget

The Council needs to consider whether this unallocated amount could be used to part fund Aratoi Museum. If that is agreed, the remaining \$6493.16 needs to be sourced.

The Community Development budget has been set at \$11,500 for this financial year. \$2000 has been allocated to the Mens Shed and as at October 2016 there is approximately \$8533.74 remaining in the budget. The normal expectation for this budget is that the Community Services Manager uses it to support low cost community initiatives that request Council support through the year.

Council needs to consider whether the amount of \$6493.16 is paid out of this budget.

There are consequential considerations of allocating the Community Development budget. Some of the projects we have funded from this budget previously have been:

- TUIA Mayoral mentorship programme
- Haumanu House establishment
- Community Networks meetings
- Wairarapa Combined Councils Youth Development Strategy
- Social Services Network meetings
- Community gardens for R2R
- Emergency funding for community groups that approach during the year.
- Community patrol annual fee
- School holiday programme – plan for April 2017 school holidays.
- Youth focussed initiatives.

Officers do not support the diversion of this funding to Aratoi as it would disadvantage other community groups in Carterton and reduce the ability of the Council to support their work. The Council's relationships with these groups are very important for the wellbeing of Carterton.

6. ALTERNATIVE FUNDING OPTIONS

The Council could resolve to fund Aratoi as an unbudgeted expenditure item. Effectively this would mean the Community Grants Fund would be increased by the value of the unbudgeted expenditure.

The use of unbudgeted expenditure should be limited to exceptional circumstances. If the Council was to decide to support Aratoi in this way Councillors will need to be satisfied that exceptional circumstances apply.

7. RECOMMENDATION

That the Council:

- 1. Receives the report.**
- 2. Notes** the request from the Aratoi Museum Trust for funding support of \$12,000 plus GST
- 3. Agrees** that a funding allocation should not be made from either the Community Grants Fund or the Community Development budget.
- 4. Considers** granting the Aratoi Museum Trust \$12,000 as unbudgeted expenditure.

Carolyn McKenzie
Community Services Manger



11 November 2016

Code of Conduct

1. PURPOSE OF THE REPORT

For the Council to adopt a Code of Conduct for the 2016-19 Triennium.

2. SIGNIFICANCE

The matters for decision in this report are not considered to be of significance under the Council's Significance and Engagement Policy.

3. PROPOSED CODE OF CONDUCT

The Local Government Act 2002 requires the council to have a code of conduct. This code is to set out the expectations for how elected members will conduct themselves, including their behaviour and the disclosure of information. Members are required to comply with the code.

The Carterton District Council has previously adopted a Code of Conduct that was based on a model code, developed by Local Government New Zealand. LGNZ has recently updated its model code. A copy of the Code, modified slightly for Carterton, is in **Attachment 1**.

The adoption of a new Code requires a 75% vote in support from those present at the meeting. If 75% support is not achieved, the Council's previous Code of Conduct will continue to apply. This original Code of Conduct was adopted for the first time in February 2005 and reviewed by the council in 2007, 2010 and 2013 following the local government elections, but no changes were made at those times. A copy is in **Attachment 2**.

4. RECOMMENDATION

That the Council:

1. **Receives the report.**
2. **Agrees to adopt the Code of Conduct in Attachment 1.**

Jane Davis
Chief Executive

Attachment 1: Code of Conduct 2016

Attachment 2: Current Code of Conduct (2005)

Carterton District Council

Code of Conduct

Adopted on the

36874

1. Introduction

This Code of Conduct (the Code) sets out the standards of behaviour expected from elected members in the exercise of their duties. Its purpose is to:

- enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
- promote effective decision-making and community engagement;
- enhance the credibility and accountability of the local authority to its communities; and
- develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviours agreed in this Code.

2. Scope

The Code has been adopted in accordance with clause 16 of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members. The Code is designed to deal with the behaviour of members towards:

- each other;
- the chief executive and staff;
- the media; and
- the general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities

This Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the council's Standing Orders.

3. Values

The Code is designed to give effect to the following values:

1. **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behaviour.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability. Members will respect the impartiality and integrity of officials.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by this Code of Conduct, and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.

These values complement, and work in conjunction with, the principles of s.14 of the LGA 2002 and the governance principles of s.39 of the LGA 2002.

4. Role and responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the council and those responsible for advice and the implementation of council decisions. The key roles are:

4.1 Members

The role of the governing body includes:

- representing the interests of the people of the district;
- developing and adopting plans, policies and budgets;
- monitoring the performance of the council against stated goals and objectives set out in its long term plan;
- providing prudent stewardship of the council's resources;
- employing and monitoring the performance of the chief executive; and
- ensuring the council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

Elected members are not authorised to enter into contacts on behalf of the Council, nor can elected members commit the Council to any expense.

4.2 Chief executive

The role of the chief executive includes:

- implementing the decisions of the council;
- ensuring that all responsibilities delegated to the chief executive are properly performed or exercised;
- ensuring the effective and efficient management of the activities of the local authority;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- providing leadership for the staff of the council; and
- employing staff on behalf of the council (including negotiation of the terms of employment for those staff).

Under s.42 of the LGA 2002 the chief executive is the only person *directly* employed by the council itself. All concerns about the performance of an individual member of staff must, in the first instance, be referred to the chief executive.

The Chief Executive and officers with appropriate delegations are able to enter into contracts on behalf of the Council.

5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public.

5.1 Relationships between members

Given the importance of relationships to the effective performance of the council, members will conduct their dealings with each other in a manner that:

- maintains public confidence;
- is open and honest;
- is courteous;
- is focused on issues rather than personalities;
- avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- avoids aggressive, offensive or abusive conduct, including the use of disrespectful or malicious language.

Any failure by members to act in the manner described in s.5.1 represents a breach of this Code.

Please note that nothing in this section of the Code is intended to limit robust debate within the council as long as it is conducted in a respectful and insightful manner.

5.2 Relationships with staff

An important element of good governance involves the relationship between the council and its chief executive. Members will respect arrangements put in place to facilitate this relationship, and:

- raise any concerns about employees, officers or contracted officials with the chief executive;
- raise any concerns about the performance or behaviour of the chief executive with the mayor;
- make themselves aware of the obligations that the council and the chief executive have as employers and observe those requirements at all times, such as the duty to be a good employer;
- treat all employees with courtesy and respect and avoid publicly criticising any employee;
- observe any protocols put in place by the chief executive concerning contact between members and employees;

- avoid doing anything which might compromise, or could be seen as compromising, the impartiality of an employee.

Any failure by members to act in the manner described above represents a breach of this Code.

Please note: Elected members should be aware that failure to observe this portion of the Code may compromise the council's obligations to be a good employer and consequently expose the council to civil litigation or affect the risk assessment of council's management and governance control processes undertaken as part of the council's audit.

5.3 Relationship with the public

Given that the performance of the council requires the trust and respect of individual citizens, members will:

- interact with members of the public in a fair, respectful, equitable and honest manner;
- be available to listen and respond openly and honestly to community concerns;
- consider all points of view or interests when participating in debate and making decisions;
- treat members of the public in a courteous manner; and
- act in a way that upholds the reputation of the Council.

Any failure by members to act in the manner described above represents a breach of this Code.

5.4 Relationships with other bodies

Elected representatives will have a number of interactions with members and staff of other councils and bodies on behalf of the Council. In doing so, members will:

- interact in a fair, respectful, equitable, courteous and honest manner;
- consider all points of view or interests when participating in debate and making decisions; and
- act in a way that upholds the reputation of the Council.

Any failure by members to act in the manner described above represents a breach of this Code.

6. Contact with the media

The media play an important part in the operation and efficacy of local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of council.

From time to time individual members will be approached to comment on a particular issue either on behalf of the council, or as an elected member in their own right. When responding to the media members must be mindful that operational questions should be referred to the chief executive and policy-related questions referred to the mayor or the member with the appropriate delegated authority.

When speaking to the media more generally members will abide by the following provisions:

6.1 Media contact on behalf of the council

- the mayor is the first point of contact for an official view on any issue, unless delegations state otherwise. Where the mayor is absent requests for comment will be referred to the deputy mayor or relevant committee chairperson or portfolio holder;
- the mayor may refer any matter to the relevant committee chairperson or to the chief executive for their comment; and
- no other member may comment *on behalf of the council* without having first obtained the approval of the mayor.

6.2 Media comment on a member's own behalf

Elected members are free to express a *personal view* in the media, at any time, provided the following rules are observed:

- media comments must not state or imply that they represent the views of the council;
- media comments which are contrary to a council decision or policy must clearly state that they do not represent the views of the majority of members;
- media comments must observe the other requirements of the Code; for example, comments should not disclose confidential information, criticize, or compromise the impartiality or integrity of staff; and
- media comments must not be misleading and should be accurate within the bounds of reasonableness.

Any failure by members to meet the standards set out above represents a breach of this Code.

7. Use of Council premises and resources

The Mayor is provided with an office to use for Council business. A car is also provided, but may only be used for Council business. The Mayor may enter into arrangements for personal use of the car, but this must be approved by the Remuneration Authority and the value of the use will be calculated as part of the Mayor's remuneration.

Councillors may book Council meeting rooms to carry out Council business. Rooms are booked through the Mayor's Executive Assistant.

8. Information

Access to information is critical to the effective performance of a local authority and the level of public trust felt by the public.

8.1 Confidential information

In the course of their duties members will occasionally receive information that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

8.2 Information received in capacity as an elected member

Members will disclose to other members and, where appropriate the chief executive, any information received in their capacity as an elected member that concerns the council's ability to give effect to its responsibilities.

Members who are offered information on the condition that it remains confidential will inform the provider of the information that it is their duty to disclose the information and will decline the offer if that duty is likely to be compromised.

Any failure by members to act in the manner described above represents a breach of this Code.

Please note: failure to observe these provisions may impede the performance of the council by inhibiting information flows and undermining public confidence. It may also expose the council to prosecution under the Privacy Act and/or civil litigation.

9. Conflicts of Interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Members will not participate in any council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse contracts with the authority or has a pecuniary interest. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the chief executive *immediately*. Members may also contact the Office of the Auditor General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

Please note: Failure to observe the requirements of the LAMIA could potentially invalidate the decision made, or the action taken, by the council. Failure to observe these requirements could also leave the elected member open to prosecution. In the event of a conviction, elected members can be ousted from office.

10. Register of Interests

Members shall annually make a declaration of interest. These declarations are recorded in a Register of Interests maintained by the council and made publicly available. The declaration must include information on the nature and extent of any interest, including:

- a) any employment, trade or profession carried on by the member or the members' spouse for profit or gain;
- b) any company, trust, partnership, etc. for which the member or their spouse is a director, partner or trustee;
- c) the address of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) the address of any land owned by the local authority in which the member or their spouse is:
 - a tenant; or
 - the land is tenanted by a firm in which the member or spouse is a partner, a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee;
- e) any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the chief executive)

Please note: Where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

11. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly members will:

- claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the council developed in accordance with that determination;
- not influence, or attempt to influence, any council employee, officer or member in order to benefit their own, or families personal or business interests;
- only use the Council resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the chief executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the chief executive for inclusion in the publicly available register of interests.

Any failure by members to comply with the provisions set out in this section represents a breach of this Code.

11.1 Undischarged bankrupt

In accordance with clause 15(5) of Schedule 7 (LGA 2002) any member who is an “undischarged bankrupt” will notify the chief executive prior to the inaugural meeting or as soon as practicable after being declared bankrupt. The member will also provide the chief executive with a brief explanatory statement of the circumstances surrounding the member’s adjudication and the likely outcome of the bankruptcy.

12. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by the council for the purpose of facilitating agreement on the council’s vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment of the Council’s overall performance and operating style during the triennium.

- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfil their Declaration of Office and contribute to the good governance of the city, district or region.

13. Breaches of the Code

Members must comply with the provisions of this Code (LGA 2002, schedule 5, s. 14(4)). Any member, or the chief executive, who believes that the Code has been breached by the behaviour of a member, may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

13.1 Principles:

The following principles will guide any processes for investigating and determining whether or not a breach under this Code has occurred:

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;
- that the roles of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code. This requires, conditional on the nature of an alleged breach, that affected parties:
 - have a right to know that an investigation process is underway;
 - are given due notice and are provided with an opportunity to be heard;
 - have a right to seek appropriate advice and be represented; and
 - have their privacy respected.

13.2 Complaints

All complaints made under this Code must be made in writing and forwarded to the chief executive. On receipt of a complaint the chief executive must forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to warrant a full investigation.

Only members and the chief executive may make a complaint under this Code.

13.3 Investigation, advice and decision

The process, following receipt of a complaint, will follow the steps outlined in Appendix A.

13.4 Materiality

An alleged breach under this Code is material if, in the opinion of the independent investigator, it would, if proven, bring a member or the council into disrepute or, if not addressed, reflect adversely on another member of the council.

14. Penalties and actions

Where a complaint is determined to be material and referred to the council the nature of any penalty or action will depend on the seriousness of the breach.

14.1 Material breaches

In the case of material breaches of this Code the council, or a committee with delegated authority, may require one of the following:

1. a letter of censure to the member;
2. a request (made either privately or publicly) for an apology;
3. a vote of no confidence in the member;
4. removal of certain council-funded privileges;
5. restricted entry to council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. limitation on any dealings with council staff so that they are confined to the chief executive only;
7. suspension from committees or other bodies; or
8. an invitation for the member to consider resigning from the council.

A council or committee may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- attend a relevant training course; and/or
- work with a mentor for a period of time; and/or
- participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

14.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under the LAMIA);
- breaches which result in the council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s.30 of the LGA 2002 which may result in the member having to make good the loss or damage); or
- breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

15. Review

Once adopted, a Code of Conduct continues in force until amended by the council. The Code can be amended at any time but cannot be revoked unless the council replaces it with another Code. Once adopted, amendments to the Code require a resolution supported by 75 per cent of the members of the council present at a council meeting where the amendment is considered.

Council may formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be considered by the council in regard to potential changes for improving the Code.

Appendix A: Process for the determination and investigation of complaints

Step 1: Chief executive receives complaint

On receipt of a complaint under this Code the chief executive will refer the complaint to an investigator. The chief executive will also:

- inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- inform the respondent that a complaint has been made against them, the name of the investigator and refer them to the process for dealing with complaints as set out in the Code.

Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

1. the complaint is frivolous or without substance and should be dismissed;
2. the complaint is outside the scope of the Code and should be redirected to another agency or process;
3. the complaint is non-material; and
4. the complaint is material and a full investigation is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine the appropriate course of action. The investigator has full discretion to dismiss any complaint which, in their view, fails to meet the test of materiality.

On receiving the investigator's preliminary assessment the chief executive will:

1. where an investigator determines that a complaint is frivolous or without substance, inform the complainant and respondent directly and inform other members (if there are no grounds for confidentiality) of the investigator's decision;
2. in cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

Step 3: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material the investigator will inform the chief executive and, if they choose, recommend a course of action appropriate to the breach, such as;

- that the respondent seek guidance from the Mayor;
- that the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint.

The chief executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the council.

Step 4: Actions where a breach is found to be material

If the subject of a complaint is found to be material the investigator will inform the chief executive, who will inform the complainant and respondent. The investigator will then prepare a report for the council on the seriousness of the breach.

In preparing that report the investigator may:

- consult with the complainant, respondent and any affected parties;
- undertake a hearing with relevant parties; and/or
- refer to any relevant documents or information.

On receipt of the investigator's report the chief executive will prepare a report for the council or committee with delegated authority, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The chief executive's report will include the full report prepared by the investigator.

Step 5: Process for considering the investigator's report

Depending upon the nature of the complaint and alleged breach the investigator's report may be considered by the full council, excluding the complainant, respondent and any other 'interested' members, or a committee established for that purpose.

In order to avoid any suggestion of bias, a Code of Conduct Committee may often be the best mechanism for considering and ruling on complaints.

The council or committee will consider the chief executive's report in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under s.48 of the LGOIMA, in which case it will be a closed meeting.

Before making any decision in respect of the investigator's report the council or committee will give the member against whom the complaint has been made an opportunity to appear and speak in their own defence. Members with an interest in the proceedings, including the complainant and the respondent, may not take part in these proceedings.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in section 13.1 of this Code.

In accordance with this Code councils will agree to implement the recommendations of a Code of Conduct Committee without debate.

DRAFT

Carterton District Council

Code of Conduct

Revised November 2010
Confirmed November 2013

CODE OF CONDUCT

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CARTERTON DISTRICT COUNCIL

CODE OF CONDUCT

1.0 INTRODUCTION

- 1.1 This Code of Conduct (the Code) has been prepared to provide guidance on the standards of behaviour expected of elected members of the Carterton District Council. It applies when members have dealings with any individuals, groups, agencies, entities or authorities in their role as members.
- 1.2 The Code forms part of the Local Governance Statement required by Section 40 (Local Governance Statements) and Section 15 of Schedule 7 of the Local Government Act 2002. As such it is a document that provides guidance to the public on the functioning of Council and therefore it contains more expansive information than if it were purely for the use of members.
- 1.3 Relevant extracts from the Local Government Act 2002 and a brief list of relevant legislation are included as Appendices 1 and 2 herein.
- 1.4 Aspects of the Code also provide guidance on the standards of behaviour required of Council management. The Code is agreed to by the members and management to enhance:
- (i) the effectiveness of Council as the autonomous local authority with statutory responsibilities for the good government of the Carterton District
 - (ii) the credibility and accountability of Council
 - (iii) mutual trust, respect and tolerance between the members as a group and between the members and management.
- 1.5 The Code seeks to achieve its objectives by recording:
- (i) an agreed statement in respect of roles and responsibilities
 - (ii) agreed general principles of conduct or etiquette (Appendix 3)
 - (iii) specific behaviours or conduct applying to particular circumstances or matters.
- 1.6 With teamwork, any democratically elected organisation will be more successful. Teams will be more effective when mutual respect exists between leaders and members. This Code seeks to facilitate effective teamwork. Members will contribute and listen openly and honestly, be open to change and others perspectives and respect and consider other points of view.

2.0 CO-OPTED MEMBERS

- 2.1 Appointed members to Council Committees and Sub-Committees are included as members to whom the Code applies.

3.0 ROLES AND RESPONSIBILITIES OF MEMBERS

- 3.1 Elected members are primarily accountable to the electors of the district through the democratic process. However members must note that the Auditor-General may hold

them to account for unlawful actions or expenditure or for breaches of the Local Authorities (Members' Interests) Act 1968.

3.2 Members should conduct themselves in a way that reflects community trust and confidence in them as individuals and enhances the role and image of Local Government.

3.3 Elected members have declared that:

They will faithfully and impartially, and according to the best of their skill and judgement, execute and perform, in the best interests of the Carterton District Council, the powers, authorities and duties vested in or imposed upon them as elected members of the Carterton District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

3.4 The elected members, acting as Council, are responsible for:

- (i) the development and approval of Council policy
- (ii) determining the expenditure and funding requirements of Council through the processes for developing the Annual Plan, the Long Term Council Community Plan and the Funding Policy
- (iii) monitoring the performance of Council against its stated objectives and policies
- (iv) representing the interests of the residents and ratepayers of the Carterton District.
- (v) for employing, overseeing and monitoring the Chief Executive.

3.5 Members, in fulfilling their role, will focus on:

- (i) acting in a proper manner in accordance within the legislative framework and statutory requirements for Local Government
- (ii) providing community leadership
- (iii) consulting with, facilitating discussions with and representing the community
- (iv) contributing to the collective decision making of Council
- (v) ensuring accountability and sound financial management
- (vi) representing Council to the community.

4.0 RESPECTIVE RESPONSIBILITIES

4.1 The Mayor is one of the elected members, and shares the same collective responsibilities. The Mayor is elected by the District at large, is the ceremonial head of Council and is the presiding member at meetings of Council, and as such is responsible under Standing Orders for the orderly conduct of Council business at meetings.

4.2 The Mayor has no power to commit Council to any particular course of action except where specifically authorised to act under duly delegated authority.

4.3 The Office of Mayor carries with it an element of community leadership in addition to the statutory role as presiding member of Council. The leadership role frequently requires the Mayor to act as community advocate, promoting the attributes of the

community and representing its interests. Community leadership and advocacy will be more effective where it is carried out with the knowledge and support of Council.

- 4.4 The Mayor has the role to provide leadership and feedback to other members.
- 4.5 The Mayor is required to be a Justice of the Peace while holding office as Mayor.
- 4.6 The Deputy Mayor is elected by members of Council. In addition to the responsibilities of Councillor, the Deputy Mayor is authorised to chair meetings of Council, and generally to perform the functions and duties of the Mayor in the Mayor's absence:
- (i) with the Mayor's consent at any time during the Mayor's temporary absence; or
 - (ii) without the Mayor's consent at any time while the Mayor is prevented by illness or other cause from performing the functions and duties or exercising the powers of office or while there is any vacancy in the office of Mayor.
- 4.7 Committee Chairs are charged by Council with overseeing the business of that Committee consistent with the powers delegated to it.
- 4.8 Committee Chairs are responsible for ensuring the orderly conduct of their Committees in carrying out their business.
- 4.9 The Chief Executive's responsibilities are set out in the Section 42 of the Local Government Act 2002 and are included in Appendix 1 herein.

5.0 EXPECTATIONS OF MEMBERS

- 5.1 All members should expect and may insist on the respect and dignity of their office in their dealings with each other, management and the public.
- 5.2 Members should act in good faith (*i.e.* honestly, for the proper purpose, and without exceeding their powers) in the interests of Council and the community.
- 5.3 Members will:
- (i) Act in accordance with the Code of Conduct General Principles in Appendix 3.
 - (ii) Ensure they are informed about the roles, functions and processes of Carterton District Council.
 - (iii) Ensure that they become aware of the statutory obligations imposed on members and on Councils.
 - (iv) Be adequately prepared for meetings, including reading agendas and other relevant material prior to attendance, and, if appropriate and where possible, putting forward questions to the relevant officer in advance.
 - (v) Approach decision-making with an open mind, taking into account only relevant considerations and arriving at decisions based upon the individual merits of a matter, free from actual or perceived bias.
 - (vi) Undertake appropriate professional development.
 - (vii) On entering into a term of office, declare whether the member is an undischarged bankrupt.
 - (viii) Recognise that they have no personal power to commit Council to any particular policy or course of action unless they have delegated authority from Council or the appropriate Committee to do so.

- (ix) Ensure that the anonymity of individual officers is preserved and not comment publicly on the management or staff of the Carterton District Council by identification or by general reference.
- (x) Ensure that any public statement giving a point of view contrary to a Council decision is identified as a personal minority view.

5.4 When dealing with other members, each member will:

- (i) Be open and honest.
- (ii) Focus on the issue not the person.
- (iii) Be civil with each other and not engage in personal attacks on other members.
- (iv) Encourage and support each other in a manner that recognises and respects individual strengths and weaknesses.

6.0 DEALING WITH THE CARTERTON DISTRICT COMMUNITY

6.1 Local Government is the sphere of government closest to the people. The actions and behaviour of members are likely to be closely monitored by the local community.

6.2 Members have a responsibility to the whole community of Carterton District and should act in a manner that encourages and values community involvement in local democracy.

6.3 Members who are elected on a ward basis have a special duty to that ward and will be expected to undertake local functions, and represent local issues and the constituents, but not to the detriment of their district wide responsibilities.

6.4 Members should ensure that individual citizens are accorded respect in their dealings with Council, have their concerns listened to and deliberated on in accordance with the requirements of the Act.

6.5 Members will:

- (i) Deal with members of the community in a fair, equitable and honest manner.
- (ii) Be available to listen and respond to community concerns, but will avoid promising things the member cannot deliver.
- (iii) Strive to understand different points of view within the community.
- (iv) Make decisions that affect the community after considering all relevant interests, arriving at balanced and sustainable decisions.
- (v) Encourage partnerships with the community so that mutual strengths can be utilised to achieve common goals.

6.6 CONDUCT AND CONTACT WITH COUNCIL EMPLOYEES

6.7 Members and Council employees work together as part of the Council team. The teamwork of members and staff is based on mutual respect and cooperation to achieve Council's strategic goals and implement its policies.

6.8 To operate effectively as a team, members will:

- (i) Be aware of the legislative requirements in respect of employees.
- (ii) Develop mature and constructive working relationships with employees based on mutual trust and respect for each other's positions

- (iii) Deal with employees courteously and respectfully and in a manner that does nothing to undermine or threaten their integrity or position.
- (iv) Be clear about the distinction in the roles of members and staff and how they work together for the benefit of the community.
- (v) Recognise that the Chief Executive is the employer (on behalf of Council) of all Council employees and as such only the Chief Executive (not the member) may instruct, make requests of, or censure an employee.
- (vi) Observe any guidelines that the Chief Executive may put in place regarding contact with staff.
- (vii) Avoid public criticism of any employee that could cast doubt on their character, competence and integrity.
- (viii) Avoid compromising the impartiality of an employee.
- (ix) Not use their position to improperly influence employees in a way that may result in an advantage to the member or others.
- (x) Raise any relevant concerns, which the member has in relation to any employee's behaviour, conduct or work performance with the Chief Executive.
- (xi) Raise any concerns that the member has in relation to the Chief Executive's behaviour, conduct or work performance with the Mayor.

6.9 Members should be aware that failure to observe this portion of the Code may compromise Council's obligations to act as a good employer and may expose Council to civil litigation and audit sanctions.

6.10 Information Requests

- (i) In the absence of any guidelines from the Chief Executive, members will direct any requests for information for use by themselves in their role as members to the Chief Executive, preferably in writing and specifying the detail of the request.
- (ii) Members will redirect any requests for information that they receive from a member of the public to the Chief Executive or the appropriate department manager, for referral to the appropriate officer, preferably in writing, identifying the name and contact details of the original enquirer and specifying the detail of the request.
- (iii) Member access to Council records will be treated as a request for information from the public.

7.0 EXTERNAL COMMUNICATIONS

7.1 Within the limits imposed by Standing Orders, at any meeting of Council (or of any Committee), every elected member (who has the right to speak at the meeting) has the right to express their opinion on any matter lawfully before the meeting. Once a matter has been lawfully determined at a meeting of Council, it determines Council's position on that matter until it is lawfully changed by a subsequent decision of Council. All members and management will respect this position.

7.2 Public statements representing Council policy or reporting decisions of Council will be made only with specific or general authority of Council, and will clearly state the person's authority for making the statement on behalf of Council.

- (i) The Mayor is authorised to make statements that accurately report decisions of Council meetings.

- (ii) Committee Chairpersons are authorised to make statements that accurately report decisions of their committees, and factual statements relating to decisions of Council or its Committees.
 - (iii) The Chief Executive is authorised to make statements relating to any of the areas for which the Chief Executive has statutory responsibility.
 - (iv) Department managers may make factual statements relating to the functions of their departments.
- 7.3 Any member or officer may make specific statements on behalf of Council with the specific authority from the Mayor, Chief Executive, or relevant Council, Committee or Sub-Committee.
- 7.4 The Chief Executive, management and staff should not comment publicly on the decisions or performance of Council or members.
- 7.5 When dealing with the media, members must ensure that information concerning adopted policies, procedures and decisions of Council are conveyed accurately, and that confidential information is not released or commented on.
- 7.6 Members have every right to voice their own opinion to the news media but they must clearly define when they are representing a majority, collective Council view and when they are expressing a personal, minority opinion.

8.0 CONFIDENTIAL INFORMATION

- 8.1 Members have the responsibility to see that whenever possible business is conducted in 'open' meeting. Powers to exclude the public should be used only where prudent and necessary and for the reasons permitted by law.
- 8.2 Business conducted where the public is excluded remains confidential and should not be disclosed to the public until either Council decides by resolution to make it public or the Chief Executive determines in response to a request under the Local Government Official Information and Meetings Act 1987, or the Privacy Act 1993 that there is no longer good reason to withhold it under the Act.
- 8.3 Subject to these Acts, any information of a confidential nature will not be communicated. It is a grave betrayal of trust to disclose information while it is confidential or use such confidential information for private gain, or improper purpose.

9.0 REPRESENTING COUNCIL

- 9.1 Members who are invited or wish to represent Council at an event such as a seminar or conference, must meet the following conditions:
- (i) A meeting of Council shall normally approve members' attendances at conferences and professional development courses.
 - (ii) The cost of representation must be within the annual budgeted figure for such activities unless Council makes specific authorisation for additional expenditure.
 - (iii) Following his or her attendance, the member must present a report to Council, or appropriate Committee, which summarises the event including its potential significance to the business of the Carterton District Council. Where Council is

represented by a delegation, one member of the party will report back on their behalf.

10.0 DISCLOSURE OF PECUNIARY AND OTHER INTERESTS

- 10.1 Members will ensure that they are aware of the legislative requirements of the Local Authority (Members Interest) Act 1968.
- 10.2 Members shall annually make a written declaration of interest, for inclusion in the "Members' Interests Register". The declaration shall notify of any interest, which the member or their spouse may have in any business or company or other relevant undertaking whereby there could be potential pecuniary interest, direct or indirect.
- 10.3 These requirements apply to situations where members will be participating as representatives of the Carterton District Council. They do not apply to situations where members attend in a private capacity. In such cases the member may wish to report to Council on items of interest or general value.

11.0 BENEFITS, EXPENSES AND RESOURCES

- 11.1 Acceptance of substantial gifts, favours or hospitality may be construed as a bribe or perceived as undue influence. The offer and receipt of substantial gifts, including special occasion goodwill gifts must be reported to the Chief Executive. Working meals and social occasions should be undertaken in an appropriate manner.
- 11.2 Transport, stationery, or secretarial services, if provided by Council for use of a member, must be used for no other purpose and by no other individual or enterprise.
- 11.3 Members shall:
- (i) Only claim for legitimate expenses incurred while acting on Council business as prescribed by the Fees and Travelling Allowances Act 1951
 - (ii) In claiming expenses, have regard to the level or amounts specified in any Council policy
 - (iii) Only use Council resources (including facilities, staff, equipment and supplies) effectively and economically in the course of their duties, and within other guidelines, and not in connection with any election campaign or other personal business

12.0 COMPLIANCE WITH THE CODE

- 12.1 Compliance with the Code is mandatory for all elected members (Schedule 7, section 15(4)) and is made mandatory for other members as set out in 2.0 above by Council Resolution.
- 12.2 The members themselves shall monitor compliance with this code.
- 12.3 Natural justice shall prevail in any instance of alleged breach.

- 12.4 Alleged breaches or failure to comply with the Code that are not subject to any statutory provisions will be dealt with internally by Council, confidentially or otherwise as Council determines at the time.
- 12.5 Alleged breaches of the Code shall be reported to the Chief Executive or Mayor as appropriate, and where it is considered that the matter is of substance, a report shall be submitted for the consideration of Council after appropriate investigative enquiries, including interviews with the alleged transgressor and other appropriate members, employees or members of the public.
- 12.6 If there are no statutory provisions for non-compliance, only Council can censure the member if Council determines that a breach has occurred. Such censure shall not include monetary penalty or suspension (temporary) from Council, but may include (and is not limited to) a vote of no confidence in the member, or the removal of the member from appointed positions. For co-opted members, censure may include removal from the relevant committee/subcommittee.

13.0 LEGISLATION BEARING ON THE ROLE AND CONDUCT OF MEMBERS

- 13.1 Members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members. Short explanations of the obligations that each of these has with respect to conduct of elected members is attached in the Appendix 2 to this code.

14.0 ADOPTION AND IMPLEMENTATION OF THE CODE

- 14.1 This Code is intended to provide guidance to members and management in their relationships and the exercising of their functions and duties. It should be read in conjunction with, and does not replace, the obligations set out in the Local Government Act, the Local Government Official Information and Meetings Act 1987, any other relevant Acts and Council Standing Orders.
- 14.2 Council formally adopted this Code at its meeting on 16 February 2005.

15.0 REVIEW

- 15.1 Council will review this Code within six months after each triennial election.

LOCAL GOVERNMENT ACT 2002

Below are relevant extracts from the Local Government Act 2002.

10 PURPOSE OF LOCAL GOVERNMENT

The purpose of local government is –

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.

11 ROLE OF LOCAL AUTHORITY

The role of a local authority is to –

- (a) give effect, in relation to its district or region, to the purpose of local government stated in section 10; and
- (b) perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.

12 STATUS AND POWERS

- (1) A local authority is a body corporate with perpetual succession.
- (2) For the purposes of performing its role, a local authority has -
 - (a) full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and
 - (b) for the purposes of paragraph (a), full rights, powers, and privileges.
- (3) Subsection (2) is subject to this Act, any other enactment, and the general law.
- (4) A territorial authority must exercise its powers under this section wholly or principally for the benefit of its district.
- (5) A regional council must exercise its powers under this section wholly or principally for the benefit of all or a significant part of its region, and not for the benefit of a single district.
- (6) Subsections (4) and (5) do not -
 - (a) prevent 2 or more local authorities engaging in a joint undertaking, a joint activity, or a co-operative activity; or
 - (b) prevent a transfer of responsibility from one local authority to another in accordance with this Act; or
 - (c) restrict the activities of a council-controlled organisation.

14 PRINCIPLES RELATING TO LOCAL AUTHORITIES

- (1) In performing its role, a local authority must act in accordance with the following principles:
 - (a) a local authority should -
 - (i) conduct its business in an open, transparent, and democratically accountable manner; and
 - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner:
 - (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
 - (c) when making a decision, a local authority should take account of—

- (i) the diversity of the community, and the community's interests, within its district or region; and
- (ii) the interests of future as well as current communities; and
- (iii) the likely impact of any decision on each aspect of well-being referred to in section 10:
- (d) a local authority should provide opportunities for Maori to contribute to its decision-making processes;
- (e) a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and
- (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and
- (h) in taking a sustainable development approach, a local authority should take into account -
 - (i) the social, economic, and cultural well-being of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations.
- (2) If any of these principles, or any aspects of well-being referred to in section 10, are in conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i).

39 GOVERNANCE PRINCIPLES

A local authority must act in accordance with the following principles in relation to its governance:

- (a) a local authority should ensure that the role of democratic governance of the community, and the expected conduct of members, is clear and understood by members and the community; and
- (b) a local authority should ensure that the governance structures and processes are effective, open, and transparent; and
- (c) a local authority should ensure that, so far as is practicable, responsibility and processes for decision-making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities; and
- (d) a local authority should be a good employer; and
- (e) a local authority should ensure that the relationship between members and management of the local authority is effective and understood.

40 LOCAL GOVERNANCE STATEMENTS

- (1) A local authority must prepare and make publicly available, following the triennial general election of members, a local governance statement that includes information on -
 - (a) the functions, responsibilities, and activities of the local authority; and
 - (b) any local legislation that confers powers on the local authority; and
 - (c) the electoral system and the opportunity to change it; and
 - (d) representation arrangements, including the option of establishing Maori wards or constituencies, and the opportunity to change them; and
 - (e) members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and

- (f) governance structures and processes, membership, and delegations; and
 - (g) meeting processes (with specific reference to the applicable provisions of the Local Government Official Information and Meetings Act 1987 and standing orders); and
 - (h) consultation policies; and
 - (i) policies for liaising with, and memoranda or agreements with, Maori; and
 - (j) the management structure and the relationship between management and elected members; and
 - (k) equal employment opportunities policy; and
 - (l) key approved planning and policy documents and the process for their development and review; and
 - (m) systems for public access to it and its elected members; and
 - (n) processes for requests for official information.
- (2) A local authority must comply with subsection (1) within 6 months after each triennial election of members of the local authority.
 - (3) A local authority must update its governance statement as it considers appropriate.

41 GOVERNING BODIES

- (1) A regional council must have a governing body consisting of -
 - (a) members elected in accordance with the Local Electoral Act 2001; and
 - (b) a chairperson elected by members of the regional council in accordance with clause 25 of Schedule 7.
- (2) A territorial authority must have a governing body consisting of members and a mayor elected in accordance with the Local Electoral Act 2001.
- (2A) A governing body of a local authority is responsible and democratically accountable for the decision-making of the local authority.
- (3) A chairperson of a regional council, or a mayor of a territorial authority, is a Justice of the Peace during the time that he or she holds the office of chairperson or mayor.
- (4) An employee of a local authority who is elected to be a member of the local authority's governing body must resign from his or her position as an employee of the local authority before taking up his or her position as a member of the local authority.

42 CHIEF EXECUTIVE

- (1) A local authority must, in accordance with clauses 33 and 34 of Schedule 7, appoint a chief executive.
- (2) A chief executive appointed under subsection (1) is responsible to his or her local authority for -
 - (a) implementing the decisions of the local authority; and
 - (b) providing advice to members of the local authority and to its community boards, if any; and
 - (c) ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and
 - (d) ensuring the effective and efficient management of the activities of the local authority; and
 - (e) maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and

- (f) providing leadership for the staff of the local authority; and
 - (g) employing, on behalf of the local authority, the staff of the local authority; and
 - (h) negotiating the terms of employment of the staff of the local authority.
- (3) A chief executive is responsible to his or her local authority for ensuring, so far as is practicable, that the management structure of the local authority –
- (a) reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes; and
 - (b) is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.
- (4) For the purposes of any other Act, a chief executive appointed under this section is the principal administrative officer of the local authority.

SCHEDULE 7

15 CODE OF CONDUCT

- (1) A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.
- (2) The code of conduct must set out -
- (a) understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including -
 - (i) behaviour toward one another, staff, and the public; and
 - (ii) disclosure of information, including (but not limited to) the provision of any document, to elected members that -
 - (A) is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and
 - (B) relates to the ability of the local authority to give effect to any provision of this Act; and
 - (b) a general explanation of -
 - (i) the Local Government Official Information and Meetings Act 1987; and
 - (ii) any other enactment or rule of law applicable to members.
- (3) A local authority may amend or replace its code of conduct, but may not revoke it without replacement.
- (4) A member of a local authority must comply with the code of conduct of that local authority.
- (5) A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.
- (6) After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.
- (7) To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

LEGISLATION BEARING ON THE ROLE AND CONDUCT OF ELECTED MEMBERS

This is a summary of the legislation requirements that has some bearing on the duties and conduct of elected members.

Local Authority (Members' Interests) Act 1968

This Act regulates situations where a member's personal interests impinge, or could be seen as impinging on their duties as an elected member.

The Act provides that an elected member is disqualified from office if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest.

Members may also contact the Audit Office for guidance as to whether that member has a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authority (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements. Of particular importance for the roles and conduct of elected members is the fact that the chair has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- create a disturbance or a distraction while another councillor is speaking
- be disrespectful when they refer to each other or other people
- use offensive language about Council, other councillors, any employee of Council or any member of the public.

Secret Commissions Act 1910

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to council.

If convicted of any offence under this Act a person can be imprisoned for up to 2 years, or fines up to \$1000, or both. A conviction therefore would trigger the ouster provisions of the Local Government Act 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of council
- use information gained in the course of their duties for their, or another persons, monetary gain or advantage.

These offences are punishable by a term of imprisonment of 7 years or more. Elected members convicted of these offences will also be automatically ousted from office.

Securities Act 1978

The Securities Act 1978 essentially places elected members in the same position as company directors whenever council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

CODE OF CONDUCT GENERAL PRINCIPLES

1. *Public Interest*
Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
2. *Honesty and Integrity*
Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
3. *Objectivity*
Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
4. *Accountability*
Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
5. *Openness*
Members should be as open as possible about their actions and those of their Council, and should be prepared to give reasons for those actions.
6. *Personal Judgement*
Members may take account of the views of others, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
7. *Respect for Others*
Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of Council staff.
8. *Duty to Uphold the Law*
Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
9. *Stewardship*
Members should do whatever they are able to do, to ensure that their Council's use of resources is prudent and in accordance with the law.
10. *Leadership*
Members should promote and support these principles by leadership, and by example, and should always endeavour to act in the best interests of the community.



15 November 2016

Standing Orders

1. PURPOSE OF THE REPORT

For the Council to adopt Standing Orders for the 2016-19 Triennium.

2. SIGNIFICANCE

The matters for decision in this report are not considered to be of significance under the Council's Significance and Engagement Policy.

3. BACKGROUND

The Local Government Act 2002 requires a council to have a set of standing orders for the conduct of meetings. The Carterton District Council has previously adopted the NZ Standard Model Standing Orders for Meetings of Local Authorities NZS 9202:2003. Most councils use this model for their standing orders. A copy of the existing Standing Orders has been sent to Councillors separately to the meeting agenda.

Local Government New Zealand (LGNZ) has recently completed a review and refresh of the model standing orders and a new version of the standing orders has been released.

The new model standing orders includes significant changes from previous versions of standing orders. These include:

- A new structure that integrates statutory and non-statutory standing orders in an intuitive structure
- Plain English wording where practicable
- The addition of options for moving and seconding amendments
- Clarification of complex and controversial issues
- Inclusion of recent legislative changes affecting standing orders
- Clarification on the right of a chairperson to make rulings.

4. RECOMMENDED STANDING ORDERS

The recommended Standing Orders, based on the new template, are in **Attachment 1**. They have been adapted for Carterton District Council, with the changes from the LGNZ template shown as “tracked changes”. Most of the changes are inconsequential. However, some are of significance, as discussed below.

11.4 Public may record meetings (page 35)

The model template provides for any member of the public who may want to record a meeting to notify the Chairperson at the beginning of the meeting of their wish to do so. The Council has previously resolved to require such notification at least 24 hours in advance of the meeting. This is to enable the Chairperson time to consult others and consider the impact of the recording. It is recommended that the 24 hour notice period be retained.

The previous Council also included a clause in the Standing Orders to enable the Chairperson to require any recording to be provided to the Council. Again, it is recommended that this provision be retained.

12.7 – 12.16 Right to attend meetings by audio or audio visual link (page 36)

The new Standing Orders provide for members to attend meetings remotely. The Council is not currently set up to support attendance by audio or audio visual link. There does not appear to be the likelihood of the need to provide for remote attendances during the term.

It is therefore recommended these provisions be removed.

18.3 Chairperson has casting vote (page 45)

The Local Government Act, and hence the template Standing Orders, has a default position of there being no casting vote at meetings on the basis that no elected member should get two votes on an issue and that if an issue has equal voting then the Council should endeavour to find an outcome that is supported by the majority.

Previous councils have decided to have a casting vote for the Chairperson of any meeting. It is recommended that this arrangement be continued. Section 18.3 of the recommended Standing Orders provides for a casting vote.

Section 27.7 Repeat notices of motion (page 58)

Under the existing Standing Orders the length of time before a previously considered motion may be accepted was six months. The Council may wish to consider retaining this time period, although it is recommended that the twelve months period be adopted.

5. VOTING

Any amendment to the Standing Orders or the adoption of new Standing Orders requires a 75% vote in support from those present at the meeting. If 75% support cannot be reached the current Standing Orders will continue to apply.

6. RECOMMENDATION

That the Council:

1. **Receives** the report.
2. **Adopts** the Code of Conduct in **Attachment 1**.

Jane Davis
Chief Executive

Attachment 1: Draft Standing Orders 2016



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CARTERTON DISTRICT COUNCIL

Standing Orders

Adopted 23 November 2016

DRAFT

Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies, and local and community boards. They fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

Please note standing orders do not apply to advisory bodies or workshops unless incorporated in their specific terms of reference.

It is mandatory that councils adopt standing order for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see cl. 27 Schedule 7 of the Local Government Act 2002).

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

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1. Introduction

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters
- Part 2 deals with pre-meeting procedures
- Part 3 deals with meeting procedures.

Following Part 3 the Appendices provide templates and additional guidance for implementing provisions within the standing orders. Please note; the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present). In addition the 'Guide to Standing Orders' provides additional advice for Chairpersons and staff on implementation of the standing orders and are not part of the standing orders.

1.1 Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- conduct its business in an open, transparent and democratically accountable manner;
- give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- make itself aware of, and have regard to, the views of all of its communities;
- take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA; and
- ensure that decision-making procedures and practices meet the standards of natural justice.

These are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open and transparent" (s. 39 LGA 2002).

1.2 Statutory references

The Standing Orders combine statutory provisions with guidance on their application. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference.

In some cases the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that during a meeting any statutory references in the standing orders apply throughout the period of the meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 Acronyms

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information Act 1987
LAMIA	Local Authority Members' Interests Act 1968

1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups.

2. Definitions

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment means any change of proposed change to the original or substantive motion.

Audio link means facilities that enable audio communication between participants at a meeting when one or more of the participants are not physically present at the place of the meeting.

Audio visual link means facilities that enable audio visual communication between participants at a meeting when one or more of them are not physically present at the place of the meeting.

Chairperson means the person presiding at a meeting – the presiding member.

Chief Executive means the Chief Executive of a territorial authority or regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the local authority.

Clear working days means the number of working days (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under clause 30A of Schedule 7 of the LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

Community board means a community board established under s.49 of the LGA 2002.

Contempt means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these standing orders, the governing body of a local authority.

Deputation means a request from any person or group to make a presentation to the local authority which ~~that~~ is approved by the Chairperson and which may be made in English, te reo Māori, or New Zealand Sign Language.

Electronic link means both an audio and audio visual link.

Extraordinary meeting has the same meaning as defined in cl. 22 of Schedule 7 of the LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with clause 30A of Schedule 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a local authority who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

Local authority means in the context of these standing orders a regional council or territorial authority, as defined in s. 5 of the LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the local authority.

Mayor means the Mayor of a territorial authority elected under the Local Electoral Act 2001.

Meeting means any first, inaugural, ordinary, or extraordinary meeting of a local authority, subordinate decision-making bodies and any community or local board of the local authority convened under the provisions of LGOIMA.

Member means any person elected or appointed to the local authority.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the local authority.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these standing orders.

Open voting means voting that is conducted openly and in a transparent manner and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Petition means a request to a local authority which that contains at least 20 signatures.

Powhiri-Powhiri means a formal welcome involving a ~~karanga-karanga~~ from the Tangata Whenua (the home people) followed by formal speech making. A ~~Powhiri-Powhiri~~ is generally used for formal occasions of the highest significance.

Presiding member means the person chairing a meeting.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 – 24.7.

Public excluded information refers to information which that is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- any minutes (or portions of minutes) of public excluded sessions ~~which~~that have not been subsequently released by the local authority;
- any other information ~~which~~that has not been released by the local authority as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input.

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by s. 52 and s. 53 of LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

Regional Council Chairperson means the member of the governing body of a regional council elected as Chairperson of that regional council under cl.25 Schedule 7 LGA 2002.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to sum up the debate and reply to those who have spoken against the motion. (The right can also apply to an amendment.)

Seconder means the member who seconds a motion.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority, but not local or community boards or joint committees.

Substantive motion means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

Substantive resolution means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

Subcommittee means a subordinate decision-making body established by a council, or a committee of a council, local board or community board. See definition of "Committee".

Working day means any day of the week other than:

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, and Labour Day and, if Waitangi Day or Anzac Day falls on a weekend, the following Monday.
- (b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

Should a local authority wish to meet between the 25th of December and the 15th day of January in the following year any meeting must be notified as an extraordinary meeting unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

Workshop, means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. See definition of "advisory group". Workshops are also described as briefings.

General matters

3. Standing orders

3.1 Obligation to adopt standing orders

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Local boards and community boards must also adopt standing orders. Standing orders must not contravene any Act.

cl. 27(1) & (2), Schedule 7, LGA 2002.

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75 % of the members present. Similarly, in the case of a local and community board the adoption of standing orders and any amendments also requires a vote of not less than 75% of the members of the specific board.

cl. 27(3) Schedule 7, LGA 2002.

3.3 Members must obey standing orders

All members of the local authority, including members of committees and subcommittees, must obey these standing orders. Local boards and community boards which ~~that~~ have adopted these standing orders must also comply with them.

cl. 16(1) Schedule 7, LGA 2002.

3.4 Application of standing orders

These standing orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies. They will also apply to any local boards and community boards unless stated otherwise. This includes meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate body, and local and community board may move a motion to suspend standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

cl. 27(4), Schedule 7, LGA 2002.

A motion to suspend standing orders may also identify the specific standing orders to be suspended. In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings

For quasi-judicial proceedings the local authority or a local or community board may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Every member of a local authority, local board and community board must give to the Chief Executive a physical residential or business address within the district or region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results.

4. Meetings

4.1 Legal requirement to hold meetings

The local authority must hold meetings for the good government of its city, district or region. The same requirement applies to local boards and community boards in respect of their communities. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These standing orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

4.2 Meeting duration

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than three hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

4.3 Language

A member may address a meeting in English, te reo Māori, or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than 2 working days before the meeting. Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

4.5 First meeting (inaugural)

The first meeting of a local authority following a local authority triennial general election must be called by the Chief Executive as soon as practicable after the results of the election are known. The Chief Executive must give elected members not less than 7 days' notice of the meeting. However in the event of an emergency the Chief Executive may give notice of the meeting as soon as practicable.

cl. 21(1) - (4), Schedule 7, LGA 2002.

4.6 Requirements for the first meeting

The Chief Executive (or, in the absence of the Chief Executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see cl. 21(4), Schedule 7 (LGA 2002)).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of the ~~mayer~~ Mayor (if any) and members under cl.14, Schedule7, (LGA 2002), and
- (b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002), and
- (c) A general explanation, given or arranged by the Chief Executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013;
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the ~~deputy~~ Deputy Mayor or ~~deputy~~ Deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002).

cl. 21(5), Schedule 7, LGA 2002.

It is common for councils to adopt standing orders at the first meeting; however this is not always necessary as, if not amended, standing orders will remain in force after each triennial election.

Please note that the election of a ~~deputy~~ Deputy ~~mayor~~ Mayor is not required if the Mayor has already made the appointment under s. 41A (3)(a) of the LGA 2002 prior to the meeting. Nothing limits a territorial authority from removing a ~~deputy~~ Deputy Mayor from office in accordance with cl.18 of Schedule 7 LGA 2002.

5. Appointments and elections

5.1 Mayoral appointment of ~~deputy~~ Deputy Mayor, committee chairs and members

A Mayor may appoint the ~~deputy~~ Deputy Mayor, the Chairperson and the members of each committee of the territorial authority. The names of any appointments made by the Mayor must be tabled at the first meeting of the council after the appointments are made. The Mayor may also appoint him or her-self.

s. 41A (3) LGA 2002.

5.2 Council Discharge of a Mayoral Appointment

Nothing, however, limits or prevents a territorial authority from discharging ~~deputy~~ Deputy Mayor, a Chairperson or a member of a committee appointed by the Mayor. Any decision by the territorial authority to discharge a ~~deputy~~ Deputy Mayor shall follow the procedure in Standing Order 5.5.

If the Mayor declines to appoint a ~~deputy~~ Deputy Mayor or committee Chairpersons in accordance with s.41A LGA 2002, the council (or a committee, if so directed by the council) must elect those positions in accordance with standing order 5.4.

cl. 31, Schedule 7 LGA 2002

5.3 Establishment of committees by the Mayor

The Mayor may establish committees of the territorial authority. Where a Mayor exercises this right a list of the committees and their terms of reference must be tabled at the next following meeting of the Council. Should the Mayor decline to establish committees under s. 41A then any decision to establish committees must follow the processes set out in these standing orders.

Nothing, however, limits or prevents a territorial authority from discharging or reconstituting, in accordance with cl. 30 of Schedule 7, LGA 2002, a committee established by the Mayor or appointing, more committees in addition to any established by the Mayor.

s. 41A (3) and (4) LGA 2002.

5.4 Elections of regional Chairpersons, ~~deputy~~ Deputy Mayors and ~~deputy~~ Deputy Chairpersons

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.5) when electing people to the following positions:

- the Chairperson and ~~deputy~~ Deputy Chairperson of a regional council;
- the ~~deputy~~ Deputy Mayor;
- the Chairperson and ~~deputy~~ Deputy Chairperson of a committee; and
- a representative of a local authority.

Please note this provision does not apply in situations where a ~~mayor~~ Mayor has used their appointment powers under s.41A to appoint a ~~deputy~~ Deputy Mayor or committee chairs. See Appendix 7.

cl. 25 Schedule 7, LGA 2002.

5.5 Removal of a ~~deputy~~ Deputy Mayor

A ~~deputy~~ Deputy Mayor, whether appointed by the Mayor under standing order 5.1 or elected by the council, can only be removed in accordance with cl. 18, Schedule 7, of the LGA 2002. See Appendix 8.

cl. 18, Schedule 7, LGA 2002.

5.6 Voting system for chairs, ~~deputy~~ Deputy Mayors and committee chairs

When electing a regional council chair, a ~~deputy~~ Deputy Mayor or a committee chair the local authority must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) there is a first round of voting for all candidates;
- (b) if no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) if no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) there is only one round of voting; and
- (b) if two or more candidates tie for the most votes, the tie is resolved by lot.

cl. 25 Schedule 7, LGA 2002.

6. Delegations

6.1 Limits on delegations

Unless clearly stated in the LGA or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, community board, local board, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) the power to make a rate;
- (b) the power to make a bylaw;
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) the power to adopt a long-term plan, annual plan, or annual report;
- (e) the power to appoint a Chief Executive;
- (f) the power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- (g) *Repealed;*
- (h) the power to adopt a remuneration and employment policy.

cl. 32 (1) Schedule 7, LGA 2002.

6.2 Committees may delegate

A committee, subcommittee, subordinate decision-making body, local board, community board, member, or officer of the local authority, may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

cl. (2) & (3), Schedule 7, LGA 2002.

6.3 Use of delegated powers

The committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

cl. 32(2) & (3)(4) Schedule 7, LGA 2002.

6.4 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision. The same requirement applies to a local board and community board in relation to any committees or subcommittees with delegated authority.

cl. 30 (6), Schedule 7, LGA 2002.

6.5 Committees and sub committees subject to the direction of the local authority

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given to them.

cl. 30 (3) & (4), Schedule 7, LGA 2002.

6.6 Duty to consider delegations to community boards

The council of a territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.

cl. 32(6) Schedule 7, LGA 2002.

7. Committees

7.1 Appointment of committees and subcommittees

A council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the council.

cl. 30(1) & (2), Schedule 7, LGA 2002.

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (a) a local authority may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- (b) a committee may discharge or reconstitute a subcommittee.

A committee, subcommittee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

cl. 30 (5) & (7), Schedule 7, LGA 2002.

Please note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election.

7.3 Appointment or discharge of committee members and subcommittee members

A council may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the council.

cl. 31 (1) & (2), Schedule 7, LGA 2002

7.4 Elected members on committees and subcommittees

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the council. In the case of a committee established by a local board or community board at least one member must be a member of that board. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

cl. 31(4) Schedule 7, LGA 2002.

7.5 Local authority may replace members if committee not discharged

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

cl. 31(5) Schedule 7, LGA 2002.

7.6 Membership of Mayor

The Mayor is a member of every committee of the local authority.

s. 41A (5), LGA 2002.

7.7 Decision not invalid despite irregularity in membership

For the purpose of these standing orders a decision of a local authority, committee, local board and community board is not invalidated if:

1. there is a vacancy in the membership of the local authority, committee, local or community board at the time of the decision; or
2. following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

cl. 29, Schedule 7, LGA 2002.

7.8 Appointment of joint committees

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- (a) the number of members each party may appoint; and
- (b) how the Chairperson and ~~deputy~~ Deputy Chairperson are to be appointed; and
- (c) the terms of reference of the committee; and
- (d) what responsibilities, if any, are to be delegated to the committee by each party; and
- (e) how the agreement may be varied.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

cl. 30A (1) & (2), Schedule 7, LGA 2002.

7.9 Status of joint committees

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

cl. 30A (5), Schedule 7, LGA 2002.

7.10 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

cl. 30A (6)(a), Schedule 7, LGA 2002.

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Pre-meeting

8. Giving notice

Please note the processes described in this section (standing orders 8.1 – 8.13) apply as appropriate to local boards and community boards.

8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification must be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held.

s. 46, LGOIMA.

8.2 Notice to members - ordinary meetings

The Chief Executive must give notice in writing to each member of the local authority of the time and place of any meeting. Notice must be given at least 14 days before the meeting unless the council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

cl. 19 (5), Schedule 7, LGA 2002.

8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- (a) resolution of the council, or
- (b) a requisition in writing delivered to the Chief Executive which is signed by:
 - i. the Mayor or Chairperson, or
 - ii. no less than one third of the total membership of the council (including vacancies).

cl. 22 (1) Schedule 7, LGA 2002.

8.4 Notice to members - extraordinary meetings

Notice in writing of the time and place of an extraordinary meeting called under standing order 8.3 and of the general nature of business to be considered must be given by the Chief Executive to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

cl. 22 (3), Schedule 7, LGA 2002.

8.5 Public notice—~~—~~extraordinary meetings

Where an extraordinary meeting of a local authority was called and notice of that meeting was inconsistent with these standing orders the local authority must, as soon as practicable following the meeting, give public notice stating that:

- (a) the meeting has occurred;
- (b) the general nature of business transacted; and
- (c) the reasons why it was not correctly notified.

s. 46 (3) & (4), LGOIMA.

8.6 Process for calling an extraordinary meeting at an earlier time

If the nature of business requires a meeting to be held at an earlier time than is allowed by the notice requirements specified in standing order 8.4, a meeting may be called by the Mayor or Chairperson, or if the Mayor and Chairperson are not available, the Chief Executive.

cl. 22 (2) Schedule 7, LGA 2002.

8.7 Notification of extraordinary meetings held at an earlier time

Notice of the time, place and matters to be considered of a meeting called under Standing Order 8.6, must be given by the person calling the meeting or by another person on that person's behalf. Notice must be given to each member of the council and the Chief Executive by whatever means is reasonable in the circumstances and at least 24 hours before the time appointed for the meeting.

cl. 22 (4), Schedule 7 LGA 2002.

8.8 Chief Executive may make other arrangements

The Chief Executive is to make any other arrangement for the notification of meetings, including extraordinary meetings, as the local authority may, from time to time, determine.

s. 46(5) LGOIMA.

8.9 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- that the meeting occurred without proper notification;
- the general nature of the business transacted; and
- the reasons why the meeting was not properly notified.

s. 46 (6), LGOIMA.

8.10 Resolutions passed at an extraordinary meeting

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless -

- (a) the resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- (b) the extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

s. 51A, LGOIMA.

8.11 Meeting schedules

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

cl. 19 (6) Schedule 7, LGA 2002.

8.12 Non-receipt of notice to members

A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority or board unless:

- (a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) the member concerned did not attend the meeting.

A member of a local authority may waive the need to be given notice of a meeting.

cl. 20 (1) & (2) Schedule 7, LGA 2002.

8.13 Meeting cancellations

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the Chief Executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The Chief Executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9. Meeting agenda

9.1 Preparation of the agenda

It is the Chief Executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the Chief Executive should consult the Chairperson.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the council, committee, subcommittee, subordinate decision-making body, local boards or community board and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 11.

9.3 Chief Executive may delay or refuse request

The Chief Executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the Chief Executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a Chief Executive asking that a report is prepared the Chief Executive may refuse. In such cases an explanation should be provided to the member.

9.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a ~~an~~ The default order of business is set out in Appendix 10.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

9.6 Chairperson's report

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter ~~which~~ that is on the agenda or which falls within the responsibilities of that meeting.

9.7 Public availability of the agenda

All information provided to members at a local authority, or local or community board, meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

s. 5 & 46A, LGOIMA.

9.8 Public inspection of agenda

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the local authority and local and community boards relating to that meeting. The agenda:

- (a) must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website, and:
- (b) must be accompanied by either:
 - i. the associated reports; or
 - ii. a notice specifying the places at which the associated reports may be inspected.

s. 46A (1), LGOIMA.

9.9 Withdrawal of agenda items

If justified by circumstances an agenda item may be withdrawn by the Chief Executive. In the event of an item being withdrawn the Chief Executive should inform the Chairperson.

9.10 Distribution of the agenda

The Chief Executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting (see Standing Order 8.4).

The Chief Executive may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

9.11 Status of agenda

No matter on a meeting agenda, including recommendations, may be considered final until determined by formal resolution of that meeting.

9.12 Items of business not on the agenda ~~which~~ that cannot be delayed

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

- (a) the reason the item is not on the agenda; and
- (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA

Items not on the agenda may be brought before the meeting through a report from either the Chief Executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

s. 46A (7A), LGOIMA

9.14 Public excluded business on the agenda

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The Chief Executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

s. 46A (9), LGOIMA

9.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

s. 52, LGOIMA

Meeting Procedures

Opening and closing

Local authorities, local boards and community boards may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau. Options for opening a meeting could include a karakia timitanga~~timatanga~~, mihi whakatau, or pōwhiri~~pōwhiri~~ as well as a karakia whakamutunga to close a meeting where appropriate.

10. Quorum

10.1 Councils

The quorum for a meeting of the council is:

- (a) half of the members physically present, where the number of members (including vacancies) is even; and
- (b) a majority of the members physically present, where the number of members (including vacancies) is odd.

cl. 23 (3)(a) Schedule 7, LGA 2002.

10.2 Committees and subcommittees

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members.

In the case of subcommittees the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council, or if established by a local board or community board, the relevant board.

cl. 23 (3)(b) Schedule 7, LGA 2002.

10.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 10.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

cl. 30A (6)(c) Schedule 7, LGA 2002.

10.4 Requirement for a quorum

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

cl. 23(1) & (2) Schedule 7, LGA 2002.

10.5 Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

10.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting and this is notified by the Chief Executive.

11. Public access and recording

11.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees, subcommittees, local boards and community boards, must be open to the public.

s.47 & 49(a), LGOIMA.

11.2 Grounds for removing the public

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

11.3 Local authority may record meetings

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the Chairperson.

11.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings ~~which~~ that are open to the public. Any recording of meetings must be notified to the Chairperson at least 24 hours in advance of the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

The Chairperson may require members of the public to provide a copy of any recording made under this standing order.

12. Attendance

12.1 Members right to attend meetings

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

cl. 19(2), Schedule 7, LGA 2002.

If the member of the local authority is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public any members of the local authority who are present may remain unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

12.2 Attendance when a committee is performing judicial or quasi-judicial functions

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

12.3 Leave of absence

A council, local board or community board may grant a member leave of absence following an application from that member.

In addition a council, local board or community board may delegate the power to grant a leave of absence to the Chairperson in order to protect a member's privacy. The Chairperson will advise all members of the council, local board or community board whenever a member has been granted

leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

12.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that meeting.

12.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

12.6 Absent without leave

Where a member is absent from the council, local board or community board for four consecutive meetings without leave of absence (not including extraordinary meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

cl. 5 (d) Schedule 7, LGA 2002.

~~12.7 Right to attend by audio or audio-visual link~~

~~Provided the conditions in these standing orders are met, members of the local authority or its committees have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.~~

~~12.8 Member's status: quorum~~

~~Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.~~

~~12.9 Member's status: voting~~

~~Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.~~

~~12.10 Chairperson's duties~~

~~Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:~~

- ~~(a) the technology for the link is available and of suitable quality;~~
- ~~(b) procedures for using the technology in the meeting will ensure that:~~

- i. ~~everyone participating in the meeting can hear each other;~~
- ii. ~~the member's attendance by audio or audio-visual link does not reduce their accountability or accessibility of that person in relation to the meeting;~~
- iii. ~~the requirements of Part 7 of LGOIMA are met; and~~
- iv. ~~the requirements in these standing orders are met.~~

If the Chairperson is attending by audio or audio-visual link then chairing duties will be undertaken by the deputy ~~Deputy chair~~Chair or a member who is physically present.

~~cf. 25A (3) schedule 7, LGA 2002.~~

12.11 ~~Conditions for attending by audio or audio-visual link~~

The Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) ~~where the member is at a place that makes their physical presence at the meeting impracticable or impossible;~~
- (b) ~~where a member is unwell; and~~
- (c) ~~where a member is unable to attend due to an emergency.~~

12.12 ~~Request to attend by audio or audio-visual link~~

Where possible, a member will give the Chairperson and the Chief Executive at least 2 working days' notice when they want to attend a meeting by audio or audio-visual link. Should, due to illness or emergency, this is not possible the member may give less notice.

Where such a request is made and the technology is available, the Chief Executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

12.13 ~~Chairperson may terminate link~~

The Chairperson may direct that an electronic link should be terminated where:

- (a) ~~use of the link is increasing, or may unreasonably increase, the length of the meeting;~~
- (b) ~~the behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;~~
- (c) ~~it is distracting to the members who are physically present at the meeting; and~~
- (d) ~~the quality of the link is no longer suitable.~~

12.14 ~~Giving or showing a document~~

A person attending a meeting by audio or audio-visual link may give or show a document by:

- (a) ~~transmitting it electronically;~~
- (b) ~~using the audio visual link; or~~
- (c) ~~any other manner that the Chairperson thinks fit.~~

~~cl-25(A)(6) schedule 7, LGA-2002.~~

12.15 Link failure

Where an audio or audio-visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

12.16 Confidentiality

A member who is attending a meeting by audio or audio-visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

13. Chairperson's role in meetings

13.1 Council meetings

The Mayor or Chairperson of the council or local or community board must preside at meetings of the council or board unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the ~~deputy~~ Deputy Mayor/~~chair~~ Chair must act as Chairperson. If the ~~deputy~~ Deputy Mayor/~~chair~~ Chair is also absent the local authority members who are present must elect a member to be Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Mayor/Chairperson for that meeting. This provision also applies to committees and subcommittees.

cl. 26(1), (5) & (6) Schedule 7, LGA 2002.

13.2 Committee meetings

The appointed Chairperson of a committee must preside at all committee meetings, unless they vacate the chair for a particular meeting or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the ~~deputy~~ Deputy Chairperson (if any) will act as Chairperson. If the ~~deputy~~ Deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson at that meeting who may exercise the meeting responsibilities, duties and powers of the Chairperson.

This standing order also applies to subcommittees and subordinate decision-making bodies.

cl. 26(2), (5) & (6), schedule 7 LGA 2002.

13.3 Addressing the Chairperson

Members will address the Chairperson in a manner that the Chairperson has determined.

13.4 Chairperson's rulings

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

13.5 Chairperson standing

Whenever the Chairperson stands during a debate members are required to sit down and be silent so that they can hear the Chairperson without interruption.

13.6 Member's right to speak

Members are entitled to speak in accordance with these standing orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

13.7 Chairperson may prioritise speakers

When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) move a motion to terminate or adjourn the debate; and/or
- (c) make a point of explanation; and/or
- (d) request the chair to permit the member a special request.

14. Public Forums

Public forums are a defined period of time, usually at the start of a meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters to the attention of the local authority.

In the case of a committee, subcommittee, local or community board, any issue, idea or matter raised in a public forum must also fall within the terms of reference of that meeting.

14.14 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the meeting secretary at least one clear day before the meeting; however this requirement may be waived by the Chairperson.

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

14.15 Restrictions

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- a speaker is repeating views presented by an earlier speaker at the same public forum;
- the speaker is criticising elected members and/or staff;
- the speaker is being repetitious, disrespectful or offensive;
- the speaker has previously spoken on the same issue;
- the matter is subject to legal proceedings;
- the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

14.16 Questions at public forums

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

14.17 No resolutions

Following the public forum no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

15. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations are approved by the Chairperson or an official with delegated authority.

15.1 Time limits

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation's deputation.

15.2 Restrictions

The Chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- a speaker is repeating views presented by an earlier speaker at the meeting;

- the speaker is criticising elected members and/or staff;
- the speaker is being repetitious, disrespectful or offensive;
- the speaker has previously spoken on the same issue;
- the matter is subject to legal proceedings;
- the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

15.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

15.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda, and once a motion has been moved and seconded.

16. Petitions

16.1 Form of petitions

Petitions may be presented to the local authority or any of its committees, local boards or community boards. Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the Chief Executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English, or te reo Māori, or New Zealand Sign Language. Petitioners planning to make a petition in te reo Māori or sign language should advise the relevant Chairperson at least two working days before the meeting to enable the petition be translated and reprinted, if necessary.

16.2 Petition presented by petitioner

A petitioner who presents a petition to the local authority or any of its committees and subcommittees, local boards or community boards, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the Chief Executive at least 5 working days before the date of the meeting concerned.

16.3 Petition presented by member

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) the petition;
- (b) the petitioners' statement; and
- (c) the number of signatures.

17. Exclusion of public

17.1 Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) the general subject of each matter to be excluded;
- (b) the reason for passing the resolution in relation to that matter; and
- (c) the grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

s. 48 LGOIMA.

17.2 Specified people may remain

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

s.48 (6) LGOIMA.

17.3 Public excluded items

The Chief Executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

17.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the Chief Executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the Chief Executive has advised, in writing, that one or both of the following apply:

- (a) there are no grounds under LGOIMA for withholding the information;
- (b) the information is no longer confidential.

17.5 Release of information from public excluded session

A local authority may provide for the release to the public of information ~~which~~ that has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition the Chief Executive may release information ~~which~~ that has been considered at a meeting from which the public has been excluded where it is determined the grounds to ~~withhold~~ the information no longer exist. The Chief Executive will inform the subsequent meeting of the nature of the information released.

18. Voting

18.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority (or local and community boards) must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

cl. 24 (1), Schedule 7, LGA 2002.

18.2 Open voting

An act or question coming before the local authority must be done or decided by open voting.

cl. 24 (3) Schedule 7, LGA 2002.

18.3 Chairperson has a casting vote

The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.

cl. 24 (2) Schedule 7, LGA 2002.

18.4 Method of voting

The method of voting must be as follows:

- (a) the Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division;
- (b) the Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices or division, and the result displayed notified to the Chairperson who must declare the result.

18.5 Calling for a division

When a division is called, the Chief Executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

18.6 Request to have votes recorded

If requested by a member immediately after a vote the minutes must record the member's vote or abstention.

18.7 Members may abstain

Any member may abstain from voting.

19. Conduct

19.1 Calling to order

When the Chairperson calls members to order, they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

19.2 Disrespect

No member may speak or act in a manner which is disrespectful of other members or inconsistent with the local authority's Code of Conduct at any meeting.

19.3 Retractions and apologies

In the event of a member or speaker who has been disrespectful of another member or contravened the council's Code of Conduct, the Chairperson may call upon that member or speaker to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

19.4 Disorderly conduct

Where the conduct of a member is disorderly or is creating a disturbance the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

19.5 Contempt

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

19.6 Removal from meeting

A member of the police or authorised security personnel may, at the Chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the Chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the Chairperson's permission.

19.7 Financial conflicts of interests

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded, in which case they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

s. 6 & 7 LAMIA.

19.8 Non-financial conflicts of interests

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority (or local or community board) could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered, but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

19.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

s. 53, LGOIMA.

19.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

s. 53, LGOIMA.

19.11 Electronic devices at meetings

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting ~~which that~~ may affect the integrity of the proceedings.

20. General rules of debate

20.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak, is subject to the discretion of the Chairperson.

20.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) movers of motions when speaking to the motion – not more than 10 minutes;
- (b) movers of motions when exercising their right of reply – not more than 5 minutes;
- (c) other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

20.3 Questions to staff

During a debate members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

20.4 Questions of clarification

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion ~~which that~~ is the subject of the debate and the particular stage the debate has reached.

20.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of a local authority or any local or community board except with permission of the Chairperson.

20.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of or opposition to a motion.

20.7 Secunder may reserve speech

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

20.8 Speaking only to relevant matters

Members may speak to any matter before the meeting; a motion or amendment ~~which~~ ~~that~~ they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

20.9 Restating motions

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

20.10 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

20.11 Objecting to words

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

20.12 Right of reply

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

20.13 No other member may speak

In exercising a right of reply, no other member may speak:

- (a) after the mover has started their reply;
- (b) after the mover has indicated that they want to forego this right;
- (c) where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

20.14 Adjournment motions

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee or local or community board, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

20.15 Chairperson's acceptance of closure motions

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the Chairperson puts the motion or amendment to the vote.

21. General procedures for speaking and moving motions

21.1 Options for speaking and moving

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

Option A applies unless, on the recommendation of the Chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

21.2 Option A

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.3 Option B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment ~~which~~that is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment ~~and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.~~
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.4 Option C

- The mover and seconder of a motion can move or second an amendment
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.5 Procedure if no resolution reached

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

22. Motions and amendments

22.1 Proposing and seconding motions

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not in order and are not entered in the minutes.

22.2 Motions in writing

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

22.3 Motions expressed in parts

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

22.4 Substituted motion

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

22.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. Any amendment which that, if carried, would have the effect of defeating a previous motion that was carried is a direct negative and is therefore not allowed.

22.6 Foreshadowed amendments

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments and the nature of their content.

22.7 Lost amendments

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment.

22.8 Carried amendments

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

22.9 Where a motion is lost

In a situation where a motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

22.10 Withdrawal of motions and amendments

Once a motion or amendment which ~~that~~ has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

22.11 No speakers after reply or motion has been put

A member may not speak to any motion once:

- (a) the mover has started their right of reply in relation to the motion; and
- (b) the Chairperson has started putting the motion.

23. Revocation or alteration of resolutions

23.1 Member may move revocation of a decision

A member may give the Chief Executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council, subordinate body, local or community board. The notice must set out:

- (a) The resolution or part of the resolution which ~~that~~ the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;

- (c) The motion, if any, ~~which that~~ the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the Chief Executive for consideration and report.

23.2 Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, or a local or community board, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body or local board or community board.

cl. 32 (2)4 Schedule 7, LGA 2002.

23.3 Requirement to give notice

A member must give notice to the Chief Executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion ~~which that~~ is substantially the same in purpose and effect may be accepted within the next twelve months.

23.4 Restrictions on actions under the affected resolution

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with. Exceptions apply where, in the opinion of the Chairperson:

- (a) the practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked;
- (b) by reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the Chief Executive.

23.5 Revocation or alteration by resolution at same meeting

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

23.6 Revocation or alteration by recommendation in report

The local authority, on a recommendation in a report by the Chairperson, Chief Executive, or any committee or subcommittee, local or community board, may revoke or alter all or part of a resolution passed by a previous meeting. The Chief Executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

cl. 30 (6) Schedule 7, LGA 2002.

24. Procedural motions

24.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate.

24.2 Procedural motions to close or adjourn a debate

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) that the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) that the motion under debate should now be put (a closure motion);
- (c) that the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) that the item of business being discussed should lie on the table and not be further discussed at this meeting;
- (e) that the item being discussed should be referred (or referred back) to the relevant committee or local or community board.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

24.3 Voting on procedural motions

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

24.4 Debate on adjourned items

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

24.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

24.6 Business referred to the council, committee or local or community board

Where an item of business is referred (or referred back) to a committee or a local or community board, the committee or board will consider the item at its next meeting unless the meeting resolves otherwise.

24.7 Other types of procedural motions

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

25. Points of order

25.1 Members may raise points of order

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

25.2 Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) disorder – bringing disorder to the attention of the Chairperson;
- (b) language – use of disrespectful, offensive or malicious language;
- (c) irrelevance – the topic being discussed is not the matter currently before the meeting;
- (d) misrepresentation – misrepresentation of any statement made by a member or by an officer or council employee;
- (e) breach of standing order – the breach of any standing order while also specifying which standing order is subject to the breach;
- (f) request the recording of words, such as a request that the minutes record words that have been the subject of an objection.

25.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

25.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

25.5 Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

26. Notices of motion

26.1 Notice of intended motion to be in writing

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the Chief Executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover.]

Once the motion is received the Chief Executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

26.2 Refusal of notice of motion

The Chairperson may direct the Chief Executive to refuse to accept any notice of motion ~~which~~that:

- (a) is disrespectful or which contains offensive language or statements made with malice; or
- (b) is not related to the role or functions of the local authority or meeting concerned; or
- (c) contains an ambiguity or a statement of fact or opinion ~~which~~that cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the Chief Executive officer may make; or
- (d) is concerned with matters ~~which~~that are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; or
- (f) concerns a matter where decision-making authority has been delegated to a subordinate body or a local or community board.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee or board.

26.3 Mover of notice of motion

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

26.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

26.5 When notices of motion lapse

Notices of motion that are not put when called by the Chairperson must lapse.

26.6 Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority or a local or community board must be referred to that committee or board by the Chief Executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

26.7 Repeat notices of motion

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion ~~which that~~, in the opinion of the Chairperson, is substantially the same in purport and effect, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion ~~which that~~, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

27. Minutes

27.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be kept in hard copy, signed and included in the council's minute book and, when confirmed by resolution at a subsequent meeting and signed by the Chairperson, will be prima facie evidence of the proceedings they relate to.

cl. 28 Schedule 7, LGA 2002.

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27.2 Matters recorded in minutes

The Chief Executive must keep the minutes of meetings. The minutes must record:

- (a) the date, time and venue of the meeting;
- (b) the names of the members present;
- (c) the Chairperson;
- (d) any apologies or leaves of absences;
- (e) the arrival and departure times of members;
- (f) any failure of a quorum;
- (g) a list of any external speakers and the topics they addressed;
- (h) a list of the items considered;
- (i) the resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) the names of all movers, and seconders;
- (k) any objections made to words used;
- (l) all divisions taken and, if taken, a record of each members' vote;
- (m) the names of any members requesting that votes or abstentions be recorded;
- (n) any declarations of financial or non-financial conflicts of interest;
- (o) the contempt, censure and removal of any members;
- (p) any resolutions to exclude members of the public;
- (q) the time at which the meeting concludes or adjourns;
- (r) the names of people permitted to stay in public excluded.

Please Note: hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

27.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

27.4 Minutes of last meeting before election

The Chief Executive and the relevant Chairpersons must sign the minutes of the last meeting of the local authority and its local and community boards before the next election of members.

28. Minute books

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28.1 Inspection

A hard copy of the local authority's minute books must be kept by the Chief Executive and be open for inspection by the public. This does not preclude the complementary use of electronic minutes in accordance with the Electronics Transactions Act.

s. 51 LGOIMA.

28.2 Inspection of public excluded matters

The Chief Executive must consider any request for the minutes of a meeting or part of a meeting from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

Referenced documents

- Commissions of Inquiry Act 1908
- Sale of Alcohol Act 2012
- Crimes Act 1961
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Resource Management Act 1991 (RMA)
- Secret Commissions Act 1910
- Securities Act 1978

Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) to endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. disclose a trade secret; or
 - ii. be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or,
 - (c) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi wāhi tapu; or
 - (d) Protect information which that is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. be likely otherwise to damage the public interest; or
 - (e) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (g) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (h) Maintain legal professional privilege; or
 - (i) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - (j) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

Provided that where A2 of this Appendix applies the public may be excluded unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which ~~that~~ render it desirable, in the public interest, that the public not be excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
- (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
- (a) Any proceedings before a Council where
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings; or
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - (b) Any proceedings of a Council in relation to any application or objection under the Marine Farming Act 1971.

Appendix 2: Sample resolution to exclude the public

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

- *Name of report(s)*

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1 <i>Put in name of report</i>	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
2	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
3	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

<p>4 <i>Hearings Committee</i></p>	<p>To enable the Committee to consider the application and submissions. OR To enable the Committee to consider the objection to fees and charges. OR To enable the Committee to.</p>	<p>That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council/Committee to deliberate in private on its decision or recommendation in any proceedings where :</p> <ul style="list-style-type: none"> i) a right of appeal lies to any Court or tribunal against the final decision of the Council/Committee in those proceedings; or ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings. <p>Use (i) for the RMA hearings and (ii) for hearings under LGA such as objections to Development Contributions or hearings under the Dog Control Act s. 48(1)(d).</p>
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This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No	Interest
	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
	Protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a))
	Maintain legal professional privilege (Schedule 7(2)(g))
	Prevent the disclosure or use of official information for improper gain or improper advantage (Schedule 7(2)(j))

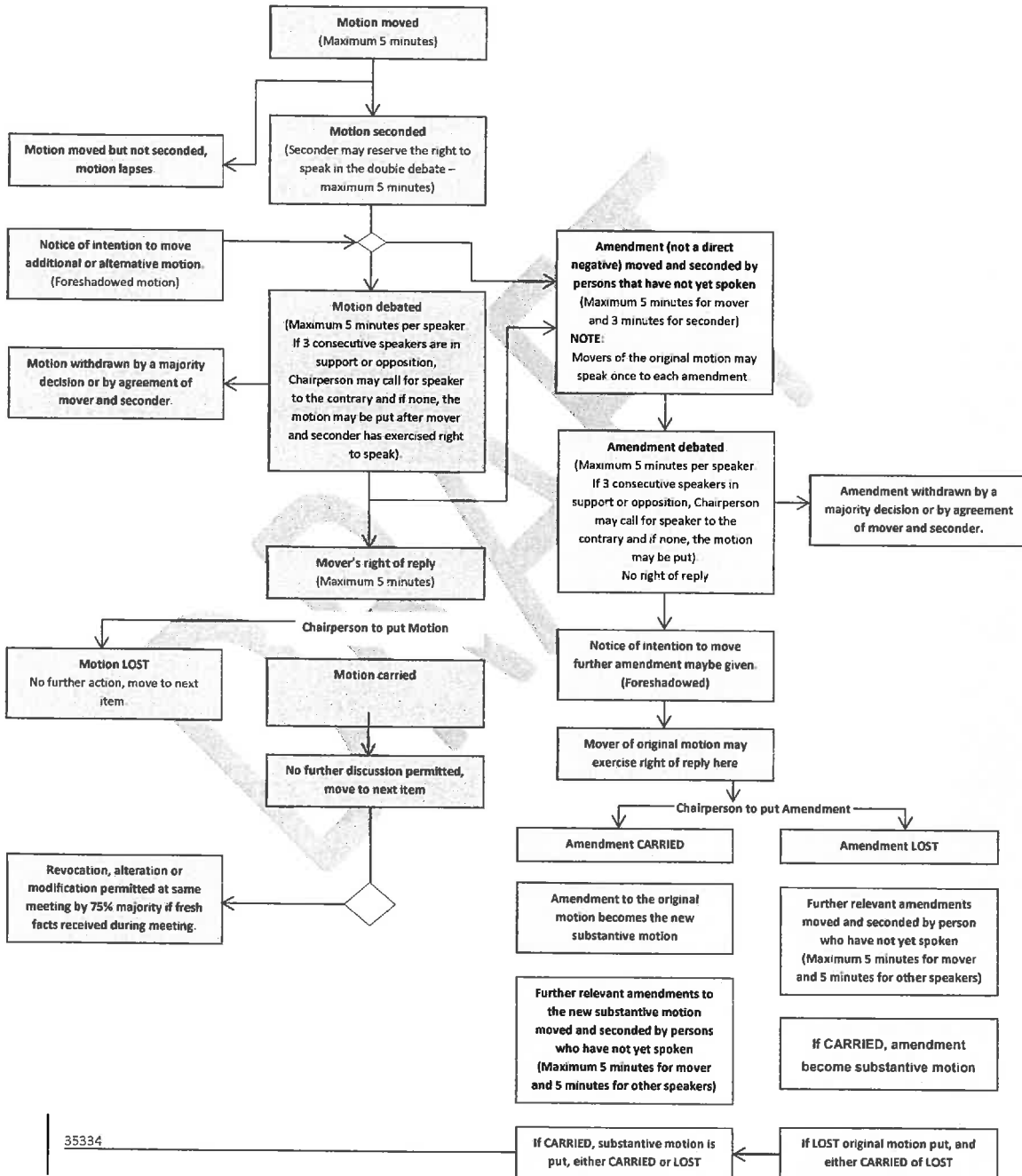
Item No	Interest
	Protect information where the making available of the information (i) would disclose a trade secret; or (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b))
	In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to Tikanga Māori, or to avoid the disclosure of the location of wāhiwāhi tapu (Schedule 7(2)(ba))
	Protect information which that is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information - (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or (ii) would be likely otherwise to damage the public interest (Schedule 7(2)(c))
	Avoid prejudice to measures protecting the health or safety of members of the public (Schedule 7(2)(d))
	Avoid prejudice to measures that prevent or mitigate material loss to members of the public (Schedule 7(2)(e))
	Maintain the effective conduct of public affairs through the protection of members or officers or employees of the Council, and persons to whom Section 2(5) of the Local Government Official Information and Meetings Act 1987 applies in the course of their duty, from improper pressure or harassment (Schedule 7(2)(f)(ii)).
	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h))

THAT XXXX be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of XXXX. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX.

Appendix 3: Motions and amendments (option A)

Motions without amendments

Motions with amendments



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Appendix 4: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is a second required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

Appendix 5: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

Appendix 6: Powers of a Chairperson

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

Chairperson to decide points of order

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

Items not on the agenda

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

Motion in writing

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

Motion in parts

The Chairperson may require any motion expressed in parts to be decided part by part.

Notice of motion

The Chairperson may direct the Chief Executive to refuse to accept any notice of motion ~~which~~that:

- (a) ~~is~~ disrespectful or which contains offensive language or statements made with malice; or
- (b) ~~is~~ not within the scope of the role or functions of the local authority; or
- (c) ~~contains~~ an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the Chief Executive may have made; or
- (d) ~~is~~ concerned with matters ~~which~~that are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion ~~which~~that is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution ~~which~~that is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion ~~which~~that has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting

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The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting;
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition

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The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words

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The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

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The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising

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Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

Members may leave places

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The Chairperson may permit members to leave their place while speaking.

Priority of speakers

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The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes

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The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and Chief Executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

DRAFT

Questions of speakers

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The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions

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The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

Chairperson's rulings

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Any member who refuses to accept a ruling of the Chairperson may be required by the Chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour

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The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting

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If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.

Audio or audio visual attendance

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Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

- (a) the technology for the link is available and of suitable quality
- (b) procedures for using the technology in the meeting will ensure that:
 - i. everyone participating in the meeting can hear each other
 - ii. the member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting
 - iii. the requirements of Part 7 of LGOIMA are met
 - iv. the requirements in these standing orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will be undertaken by the ~~deputy~~ Deputy chair/Chair or a member who is physically present.

Appendix 7: Mayors' powers to appoint under s.41A

The role of a Mayor is:

- (a) to provide leadership to councillors and the people of the city or district.
- (b) to lead development of the council's plans (including the long-term and annual plans), policies and budgets for consideration by councillors.

The Mayor has authority to:

- (a) Appoint the ~~deputy~~ Deputy Mayor.
- (b) Establish Council committees, their terms of reference, appoint the Chairperson of each of those committees and the members.
- (c) Appoint themselves as the Chairperson of a committee.
- (d) Decline to exercise the powers under clause a) and b) above but may not delegate those powers to another person.

The Council retains the ability to:

- (a) Remove a ~~deputy~~ Deputy Mayor appointed by the Mayor.
- (b) Discharge or reconstitute a committee established by the Mayor.
- (c) Discharge a committee Chairperson who has been appointed by the Mayor.

The Mayor is a member of each committee of the Council.

Appendix 8: Process for removing a Chairperson and ~~or deputy~~ Deputy Mayor from office

1. At a meeting that is in accordance with this clause, a territorial authority or regional council may remove its Chairperson, ~~deputy~~ Deputy Chairperson, or ~~deputy~~ Deputy Mayor from office.
2. If a Chairperson, ~~deputy~~ Deputy Chairperson, or ~~deputy~~ Deputy Mayor is removed from office at that meeting, the territorial authority or regional council may elect a new Chairperson, ~~deputy~~ Deputy Chairperson, or ~~deputy~~ Deputy Mayor at that meeting.
3. A meeting to remove a Chairperson, ~~deputy~~ Deputy Chairperson, or ~~deputy~~ Deputy Mayor may be called by:
 - (a) a resolution of the territorial authority or regional council; or
 - (b) a requisition in writing signed by the majority of the total membership of the territorial authority or regional council (excluding vacancies).
4. A resolution or requisition must:
 - (a) specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
 - (b) indicate whether or not, if the Chairperson, ~~deputy~~ Deputy Chairperson, or ~~deputy~~ Deputy Mayor is removed from office, a new Chairperson, ~~deputy~~ Deputy Chairperson, or ~~deputy~~ Deputy Mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or regional council (excluding vacancies) so resolves.
5. A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The Chief Executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a Chairperson, ~~deputy~~ Deputy Chairperson, or ~~deputy~~ Deputy Mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution.

cl. 18 Schedule 7, LGA 2002.

Appendix 9: Workshops

Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings, and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

Calling a workshop

Workshops, briefings and working parties may be called by:

- (a) a resolution of the local authority or its committees
- (b) the Mayor,
- (c) a committee Chairperson or
- (d) the Chief Executive.

Process for calling workshops

The Chief Executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) state that the meeting is a workshop
- (b) advise the date, time and place
- (c) confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required and workshops can be either open to the public or public excluded.

Appendix 10: Sample order of business**Open section**

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Local and/or community board input
- (i) Extraordinary business
- (j) Notices of motion
- (k) Reports of committees
- (l) Reports of local and/or community boards
- (m) Reports of the Chief Executive and staff
- (n) Mayor, ~~deputy~~ Deputy Mayor and elected members' reports (information)

Public excluded section

- (o) Reports of committees
- (p) Reports of the Chief Executive and staff
- (q) Mayor, ~~deputy~~ Deputy Mayor and elected members' reports (Information)

Appendix 11: Process for raising matters for a decision

Matters requiring a decision may be placed on an agenda of a meeting by a:

- report of Chief Executive
- report of a Chairperson
- report of a committee
- report of a community and/or local board
- notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- report of Chief Executive
- report of Chairperson

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.



11 November 2016

Council Committees and Advisory Groups for the 2016-19 Triennium

1. PURPOSE OF THE REPORT

For the Council to consider and adopt a Committee structure for the 2016-19 Triennium.

2. SIGNIFICANCE

The matters for decision in this report are not considered to be of significance under the Council's Significance and Engagement Policy.

3. BACKGROUND

Committees are commonly used to do the work of Council where less formal meeting protocols are helpful for making decisions. Also, committees tend to be focussed on specific areas of a Council's business which allows those Councillors with a particular interest in those areas to sit on the committee. They will be more focussed on the detail of the matters in their agendas than a Council tends to be. They are also very good forums for policy development, because of the informality compared to a formal council meeting.

In mid-2016 the previous Council established a committee structure that included the following committees.

- Audit and Risk
- Infrastructure and Services
- Policy and Strategy
- Hearing Appointments
- Water Race
- Rural Travel Fund.

The previous Council also had two advisory groups: Economic Development and Placemaking. These groups included elected members and community representatives.

The committee structure discussed below is based on the regime previously adopted.

3.2 Why establish Committees?

Committees are commonly used to do the work of Council where less formal meeting protocols are helpful for making decisions. Also, committees tend to be focussed on specific areas of a Council's business which allows those Councillors with a particular interest in those areas to sit on the committee. They will be more focussed on the detail of the matters in their

agendas than a Council tends to be. They are also very good forums for policy development, because of the informality compared to a formal council meeting.

4. PROPOSED COMMITTEES AND ADVISORY GROUPS

4.1 Committees

The following sets out committees that are recommended to be established for this triennium. They are the same as existed at the end of the last triennium. Draft Terms of Reference for the committees are in **Attachment 1**. They are also the same as those the previous Council adopted.

Audit and Risk Committee

Having an Audit and Risk Committee is standard practice in local government. These committees typically oversee the Council's financial, assurance and risk management policies, systems and processes. This includes health and safety. Often they also oversee the Chief Executive's performance.

It is recommended that the previous membership of the Mayor and three other elected representatives be retained. It is also recommended that an independent member be sought to sit on the committee. Consideration should be given to appointing the person as the Chair.

The Office of the Auditor General has promoted Councils to make specialist external appointments to their Audit and Risk Committees. A large number of Councils are now doing this, many of which have appointed these members to the chair. Provision is included in the Terms of Reference for such an appointment to the Committee. The previous Council made provision for such an appointment when it amended the Committee's Terms of Reference in July this year, although given the timing of the changes no person was appointed.

Infrastructure and Services Committee

It is recommended that a committee be re-established to oversee and make decisions on all the Council's operational activities, including wastewater, water supply, roads, stormwater and parks. The Committee would also oversee the implementation of the Council's strategy for the Events Centre.

Retaining the previous membership of the Mayor and four other elected representatives is recommended.

Policy and Strategy Committee

It is recommended that a committee be re-established to develop and review the Council's policies, strategies and bylaws. This would include carrying out engagement processes with the community. Final approval of policies and strategies would be made by the full Council, on recommendation from the committee.

It is recommended that the previous membership of the Mayor and four other elected representatives be retained.

Hearing Appointments Committee

The Hearing Appointments Committee, as it has been previously established, appoints hearing panels and hearing committees to consider applications under the Resource Management Act, Animal Control Act and other legislation. It meets as and when required.

It is recommended two elected representatives be appointed to the Committee. Ideally these members will have some knowledge of regulatory processes, especially the Resource Management Act.

Water Race Committee

The role of the Committee is to oversee the operation of the water races and to make recommendations to the Council on water race rates and charges. The Committee meets three-monthly.

Membership includes three members appointed by the Council and four members elected by users of the water races. There is also an ability to co-opt additional members if needed.

Rural Travel Fund

Membership: Four elected members.

This Committee meets annually to determine allocations from the Rural Travel Fund. The fund is externally funded.

4.2 Advisory Groups

Two advisory groups were established late in the last Triennium. They replaced former working groups. Each is described below.

Economic Development Advisory Group

There were three councillors on the Working Group last triennium. Also on the Group were representatives from Go Carterton. The Group has prepared an Economic Development Strategy for Carterton that was adopted by the Council in 2015.

It would be useful for the Working Group to continue so it can implement the strategy. Members will report progress to Council on an annual basis.

Making Places Advisory Group

There were three Councillors and a number of community representatives on the Making Places Working Group last triennium, including representatives from Go Carterton.

The Group was set up to carry out place-making projects in the central town. It has also developed a Carterton Revitalisation Framework which is due to be adopted by the Council. The Group will make recommendations to the Council on town upgrade projects and will oversee the implementation of those projects.

Like the Economic Development Advisory Group, it would be useful for the Making Places Advisory Group to continue this Triennium.

5. APPOINTMENTS TO COMMITTEES AND ADVISORY GROUPS

Under the Local Government Act, the Mayor is a member of all the Council's committees. The Council must formally appoint all other members.

The current non-Councillor members on the Water Race Committee are Grant Smith, David Ellison, Neil Wadham and John McFadzean and these people stay on the Committee until their term finishes next year. Elections will be held in 2017.

The non-Councillor membership of the two Advisory Groups can continue to be invited to be part of the groups by the groups themselves.

6. RECOMMENDATION

That the Council:

1. **Receives** the report.
2. **Agrees** to establish the governance structure, as set out in Section 4 of this report.
3. **Adopts** the Terms of Reference for the following committees and advisory groups, in Attachment 1:
 - i. Audit and Risk Committee
 - ii. Infrastructure and Services Committee
 - iii. Policy and Strategy Committee
 - iv. Hearing Appointments Committee
 - v. Water Race Committee
 - vi. Rural Travel Fund Committee
 - vii. Economic Development Advisory Group
 - viii. Making Places Advisory Group.
4. **Appoints** the following members to the committees, and **appoints** the following chairs of those committees:

Committee	Members
Audit and Risk Committee	Mayor Booth (Chair) Councillor Ashby Councillor Keys Councillor O'Callaghan
Infrastructure and Services Committee	Councillor Ashby (Chair) Councillor Dellar Councillor Greathead Councillor Keys Mayor Booth
Policy and Strategy Committee	Councillor Carter (Chair) Councillor Keys Councillor Lang Councillor O'Callaghan Councillor Vergunst Mayor Booth

Hearing Appointments Committee	Councillor Keys (Chair) Councillor Greathead
Water Race Committee	Mayor Booth (Chair) Councillor Dellar
Rural Travel Fund Committee	Councillor Carter (Chair) Councillor Lang Councillor O'Callaghan Councillor Vergunst

5. **Appoints** the following members to the advisory groups, and appoints the following chairs of those advisory groups:

Advisory Group	Members
Economic Development Advisory Group	Councillor Lang (Chair) Councillor Keys Councillor O'Callaghan
Making Places Advisory Group	Councillor Lang (Chair) Councillor Dellar Councillor Greathead

6. **Agrees** to seek a suitably qualified person to be appointed to the Audit and Risk Committee.
7. **Agrees** the Advisory Groups invite the appropriate members of the Carterton community to be part of the Groups.

John Booth
Mayor

Jane Davis
Chief Executive

Attachment 1: Committee and Advisory Group Terms of Reference

Draft Terms of Reference

Audit and Risk Committee

Terms of Reference

Purpose

To monitor, evaluate and report to the Council on its financial, assurance and risk management policies, systems and processes and overview the performance of the Chief Executive.

Specific responsibilities

1. Monitor the identification and management of risks faced by the Council.
2. Monitor the Council's health and safety management system and identification of risks in accordance with the Health and Safety at Work Act 2015 and any substitute legislation.
3. Approve the annual external audit proposal.
4. Review the external auditor's management letter and management responses.
5. Monitor management of the Council's internal financial control environment, and report as appropriate to the Council on compliance with all external audit requirements and statutory responsibilities.
6. Monitor and review the Council's financial policies and financial performance.
7. Review the draft Annual Report prior to consideration by Council, including consideration of reports from external auditors.
8. Consider matters relating to the employment of the Chief Executive, including an annual performance review.

Membership

The Mayor and three elected members. The Committee may also have one appointed member who may also be the chair. A member appointed by Council will be on the basis of their skills and experience relevant to the purpose of the Committee. The appointed member will be eligible for payment.

Quorum

Three elected members.

Meeting frequency

Twice yearly, and as required.

Infrastructure and Services Committee

Terms of Reference

Purpose

To oversee the operations of the Council's roading, waters, solid waste, parks and Events Centre.

Specific responsibilities

1. Monitor the development of the Council's Asset Management Plans.
2. Oversee the formulation of proposals and priorities in respect of the development of community facilities.
3. Monitor the operations of the Council's roads, including, where necessary, considering applications for road closures where objections to the proposed closure are received.
4. Monitor the operation of the Events Centre.
5. Develop plans and oversee the operation of the treatment and disposal of wastewater at Dalefield farm, including the preparation of resource consent applications.
6. Develop plans and oversee the operation of the water supply to Carterton, including the preparation of resource consent applications.
7. Develop plans and oversee the operation of stormwater, including the preparation of resource consent applications.
8. Develop plans and oversee the operation of solid waste management, including monitoring collaborations with other councils in the Wellington Region.

Membership

The Mayor and four elected members.

Quorum

Three members.

Meeting frequency

Six-monthly, or as required.

Policy and Strategy Committee

Terms of Reference

Purpose

To oversee, co-ordinate and direct the development and review of policies, strategies and bylaws.

Specific responsibilities

1. Develop policies and strategies in relation to:
 - i. the economic development of the Carterton District
 - ii. community development within the Carterton District
 - iii. community services provided to the Carterton communityand monitor implementation.
2. Provide an oversight of the implementation of the Wairarapa Combined District Plan and any changes to the plan.
3. Develop an urban growth plan for Carterton, for adoption by the Council.
4. Develop, review and monitor policies under the Building Act 2004, including (but not limited to) the approval of the Council's Earthquake Prone Policy.
5. Develop new bylaws, for adoption by the Council.
6. Monitor and review existing bylaws and recommend to Council any changes.
7. Develop and approve responses to government legislation proposals and policy issues.
8. Oversee the development of plans and procedures for the Council's responsibilities under emergency management legislation.
9. Monitor the development of Memoranda of Understanding between the Council and other bodies, and provide an oversight of other relationships with Carterton groups.
10. Monitor the use of Council grants.
11. Receive advice from the Economic Development and Placemaking Advisory Groups.
12. Monitor and provide input into any Wairarapa-wide policies and strategies.

Membership

The Mayor and four elected members.

Quorum

Three members.

Meeting frequency

Six-weekly, or as required.

Hearings Appointment Committee

Terms of Reference

Purpose

To appoint suitably qualified people to hear and decide applications.

Specific Responsibilities

1. To determine whether an application should be heard by external commissioners, or accredited Councillors or a mix of the two, and the composition of the Hearings Committee.
2. To determine which and how many external commissioner/s or which and how many 'accredited' Councillors should be appointed to hear and determine specific applications, together with the appointment of the Chairperson.
3. To determine whether representative/s from either the Masterton or South Wairarapa District Councils' should also be appointed to the Hearings Committee where applications are non-complying.
4. To determine representatives for Environment Court mediation meetings for those occasions when decisions are appealed.
5. To appoint appropriate Councillors to hear matters in relation to the District Licensing Agency and Dog Control Act matters.

Note: The use of external Commissioners is recommended in the following circumstances:

- i. The Council or an individual Councillor may otherwise be perceived to have an actual or perceived conflict of interest.
- ii. Determination of objections made under Section 357B relating to local authority charges.
- iii. When matters are outside the technical knowledge or experience of elected representatives.
- iv. When one or more accredited Councillors may have, or may be perceived to have a closed mind on the proposal.
- v. To hear applications immediately after local authority elections when committees who may normally hear resource consent applications have yet to be appointed.

Membership of Committee

Two elected members.

Frequency of Meetings

As and when required.

Sport NZ Rural Travel Fund Committee

Terms of Reference

Purpose

To make allocations from the Sport NZ Rural Travel Fund to financially assist sports clubs and school teams with transport expenses to local sporting competitions.

Specific Responsibilities

To consider applications from Carterton District school club teams and sports club teams with young people aged between 5-19 years who require subsidies to assist with transport expenses to local sporting competitions.

The schools and clubs eligible for the grant they those based in the Carterton District that meet one of the following definitions:

- i. A school club team participating in local sport competition in weekends, that excludes inter school and intra school competitions played during school time; and/or
- ii. A sports club team participating in organised sport competition through club membership outside of school time.

Funding must not be provided for the purpose of travel to regional or national events. Also, funding must not be provided to cover costs associated with payment of coaches or officials, or reimbursement of their expenses (including travel costs).

Membership of Committee

Four elected members.

Quorum

Three members.

Frequency of Meetings

Annually.

Water Race Committee

Terms of Reference

Purpose

To oversee the management of the Carrington and Taratahi water races and make recommendations to Council as required.

Specific Responsibilities

To make recommendations to Council on:

1. The management of the Carrington and Taratahi Water Races.
2. The setting of rates and charges for the Rural Water Service activity.
3. Policy in respect of the Rural Water Service activity.
4. Changes to, or development of new bylaws in respect to the Carrington and Taratahi Water Races.
5. Any statutory requirements in respect to the Carrington and Taratahi Water Races.

Membership of Committee

- Three elected members.
- Four community members elected by water race users.
- Additional co-opt additional member/s if required.

The Chairperson will be appointed at the beginning of each triennium by the Committee.

Quorum

Two elected members and two community members.

Frequency of Meetings

Quarterly.

Economic Development Advisory Group

Terms of Reference

Purpose

To assist the Council and business community develop and grow the Carterton District economy.

Activities

The Advisory Group's activities include:

- Preparing and reviewing a Carterton Economic Development Plan and recommending to Council
- Monitoring implementation of the plan and reporting progress to the Council and to Go Carterton
- Coordinating economic development activities within Carterton District

Membership

- Up to 3 Councillors
- Up to 3 representatives of Go Carterton

A Councillor will chair the Advisory Group.

Administrative support and advice

Secretarial support will be provided by Go Carterton, under a funding agreement with the Council.

Council officers will provide advice to the Advisory Group, as required, subject to funding availability.

Meetings

Monthly, or as required

Carterton Place Making Advisory Group

Terms of Reference

Purpose

To assist the Council to promote the revitalisation of Carterton's town centre.

Activities

The Advisory Group's activities include:

- Preparing and reviewing Carterton Revitalisation Framework and recommending it to the Council
- Overseeing and monitoring the implementation of the Framework
- Providing advice to the Council on major projects in the town centre
- Coordinating/carrying out place-making activities in Carterton.

Council asserts protocols

Any place making activities involving Council assets must first be approved by the Policy and Strategy Committee of the Council.

Membership

- Up to 3 Councillors
- Individuals with particular expertise in place making
- Representatives of Go Carterton
- Representatives from other Carterton groups that have a direct interest in place making and/or place making projects in Carterton

A Councillor will chair the Advisory Group.

Administrative support and advice

Secretarial support will be provided by Go Carterton, under a funding agreement with the Council. Council officers will provide advice to the Advisory Group, as required, subject to funding availability.

Meetings

Monthly, or as required



7 November 2016

Elected Representative appointments to external bodies, joint committees and other groups

1. PURPOSE OF THE REPORT

For the Council to make Elected Representative appointments to various external bodies, joint committees and other groups for the 2016-19 Triennium.

2. SIGNIFICANCE

The matters for decision in this report are not considered to be of significance under the Council's Significance and Engagement Policy.

3. APPOINTMENTS

The Council appoints members to represent the Council on various bodies, including joint committees and working groups. The decisions on the appointments to the Greater Wellington Regional Council committees were made at the Council's inaugural meeting.

I propose the appointments as set out in the table to the other committees and groups.

Joint Wairarapa Committees	Members
Wairarapa Library Services Joint Committee	Councillor Carter Councillor O'Callaghan
Wairarapa Joint Planning Committee	Councillor Carter Councillor Greathead Councillor Keys
External Committees	Members
Wairarapa Rural Fire Authority	Councillor Ashby Councillor Keys (alternate)
Rimutaka Hill Road Committee	Mayor Booth
Wairarapa Road Safety Council	Councillor Vergunst Councillor Keys (alternate)
Wellington Regional Waste Minimisation and Management Joint Committee (WCC)	Councillor Greathead

Trusts, Societies & others	Members
Wairarapa Safer Communities Trust	Mayor Booth Councillor Keys
Carterton and District Community Trust	Councillor Carter Councillor Lang
Sparks Park Trust	Councillor Dellar
Wairarapa A & P Society	Mayor Booth
Carterton Creative Communities Committee	Councillor Vergunst
Other Informal Forums	Members
Joint Shared Services Working Party	Mayor Booth Councillor Greathead Councillor Keys
Joint Economic Development Task Group	Mayor Booth Councillor Lang Councillor O'Callaghan
Wairarapa Passenger Rail Services Working Party	Mayor Booth Councillor Greathead Councillor Lang
Safer Wairarapa HUB	Mayor Booth Councillor Keys (alternate)
Healthy Homes Oversight Group	Councillor Carter
Mangatarere Restoration Society	Councillor Greathead
Wellington Region Waste Forum	Councillor Greathead
Carterton Sports and Recreation Trust Liaison	Councillor Keys
Mayors' Taskforce for Jobs	Mayor Booth

4. RECOMMENDATION

That the Council:

1. **Receives** the report.
2. **Makes** the appointments set out in the table in Section 3 of this report the for the term of the Triennium.

John Booth
Mayor



4 November 2016

Meeting Schedule December 2016 – December 2017

1. PURPOSE OF THE REPORT

For the Council to approve the schedule of Council and Committee meetings the period December 2016 to December 2017.

2. SIGNIFICANCE

The matters for decision in this report are not considered to be of significance under the Council's Significance and Engagement Policy.

3. BACKGROUND

The Council decides its meeting schedule, which it does each year. Meeting dates are then published, which is a requirement of the Local Government Official Information and Meetings Act. Meeting dates are also displayed on the Council's website.

The recommendations below are subject to the Council's decisions on the committee structure (a previous item on this agenda).

4. PROPOSED DATES FOR THE COUNCIL AND COMMITTEE MEETINGS

Formal Council meetings have traditionally been held on the fourth Wednesday of each month. This has been in the absence of the two new committees that were established at the end of the last term. Assuming the Council re-adopts a committee structure that includes an Infrastructure and Services Committee and a Policy and Strategy Committee, then the Council will be able to conduct its business with less frequent full Council meetings. It is proposed that the Council and the two new committees meet on six-weekly cycles. Some variation will be needed to align with statutory decisions that Council needs to make – in particular the adoption of the Annual Plan and Annual Report.

The other two committees, namely the Water Race and Audit and Risk Committees, are proposed to be scheduled to meet quarterly. If additional meetings are required these can be added to the schedule through the year, but would need to be specifically advertised.

Previous Councils have opted to meet primarily on Wednesdays. Therefore it is proposed to continue this, with both the Council and Committee meetings being scheduled for Wednesdays.

The ordinary monthly Council meetings normally commence at 1.00pm. Following this tradition, it is proposed that the Council meetings continue to start at 1.00pm.

The two new committees could meet on the same day – one in the morning and the other in the afternoon. It is proposed for the Infrastructure and Services Committee to meet starting at 9.30am and the Strategy and Policy Committee at 1.00pm.

5. RECOMMENDATION

That the Council:

1. **Receives** the report.
2. **Adopts** the schedule of meetings for the remainder of 2016 and for 2017 in Attachment 1:

Jane Davis
Chief Executive

Attachment 1: Meeting schedule 2016-2107.

Attachment 1

Dates for Council and Committee Meetings December 2016 – December 2017

Council	2016: 14 December 2017: 22 February, 5 April, 17 May, 28 June, 9 August, 20 September, 25 October, 13 December All starting at 1.00pm
Infrastructure and Strategy Committee	2017: 15 March, 26 April, 7 June, 19 July, 30 August, 11 October, 22 November All starting at 9.30am
Policy and Strategy Committee	2017: 15 March, 26 April, 7 June, 19 July, 30 August, 11 October, 22 November All starting at 1.00pm
Water Race Committee	2016: 6 December 2017: 15 February, 24 May, 23 August, 15 November All starting at 9.30am
Audit and Risk Committee	2017: 22 March, 14 June, 6 September, 29 November



23 November 2016

Governance Statement

Purpose

This report proposes a Governance Statement to be adopted in accordance with section 40 of the Local Government Act 2002.

Significance

The matters for decision in this report are not considered to be of significance under the Council's Significance and Engagement Policy.

Discussion

The Local Government Act 2002 requires a council to prepare and make publicly available, within six months of the triennial election, a local governance statement. Section 40 sets out the information that must be included (see Attachment 1).

I have drafted a governance statement that meets the information requirements of section 40, using as a starting point the last governance statement adopted in 2014. It is subject to decisions to be made on Committee structures, meeting times, and other matters on the agenda for the 23 November 2016 Council meeting.

Recommendations

I recommend that the Council:

1. **adopt** the proposed Governance Statement required by section 40 of the Local Government Act 2002.

Marty Sebire
Corporate Services Manager

Attachment 1—Governance sections of the Local Government Act 2002

39 Governance principles

A local authority must act in accordance with the following principles in relation to its governance:

- (a) a local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community; and
- (b) a local authority should ensure that the governance structures and processes are effective, open, and transparent; and
- (c) a local authority should ensure that, so far as is practicable, responsibility and processes for decision-making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities; and
- (d) a local authority should be a good employer; and
- (e) a local authority should ensure that the relationship between elected members and management of the local authority is effective and understood.

40 Local governance statements

- (1) A local authority must prepare and make publicly available, following the triennial general election of members, a local governance statement that includes information on—
 - (a) the functions, responsibilities, and activities of the local authority; and
 - (b) any local legislation that confers powers on the local authority; and
 - (ba) the bylaws of the local authority, including for each bylaw, its title, a general description of it, when it was made, and, if applicable, the date of its last review under section 158 or 159; and
 - (c) the electoral system and the opportunity to change it; and
 - (d) representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them; and
 - (e) members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and
 - (f) governance structures and processes, membership, and delegations; and
 - (g) meeting processes (with specific reference to the applicable provisions of the Local Government Official Information and Meetings Act 1987 and standing orders); and
 - (h) consultation policies; and
 - (i) policies for liaising with, and memoranda or agreements with, Māori; and
 - (j) the management structure and the relationship between management and elected members; and
 - (ja) the remuneration and employment policy, if adopted; and
 - (k) equal employment opportunities policy; and
 - (l) key approved planning and policy documents and the process for their development and review; and
 - (m) systems for public access to it and its elected members; and
 - (n) processes for requests for official information.
- (2) A local authority must comply with subsection (1) within 6 months after each triennial general election of members of the local authority.
- (3) A local authority must update its governance statement as it considers appropriate.



GOVERNANCE STATEMENT

Prepared in terms of Section 40, Local Government Act 2002

Adopted on ...

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1. **What is a governance statement?**

A local governance statement is a collection of information about the functions, powers, and key processes of a Council. It includes how the Council makes decisions, and how the community can influence those processes. The statement is required under section 40 of the Local Government Act 2002.

2. **Council's functions, responsibilities, and activities**

The purpose, focus, and powers of councils are set out in the following key sections of the Local Government Act 2002:

Section 10

- (1) *The purpose of local government is—*
- (a) *to enable democratic local decision-making and action by, and on behalf of, communities; and*
 - (b) *to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.*
- (2) *In this Act, good-quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—*
- (a) *efficient; and*
 - (b) *effective; and*
 - (c) *appropriate to present and anticipated future circumstances.*

Section 11A

In performing its role, a local authority must have particular regard to the contribution that the following core services make to its communities:

- (a) *network infrastructure;*
- (b) *public transport services;*
- (c) *solid waste collection and disposal;*
- (d) *the avoidance or mitigation of natural hazards;*
- (e) *libraries, museums, reserves, recreational facilities, and other community infrastructure.*

Section 12

- (2) *For the purposes of performing its role, a local authority has—*
- (a) *full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and*
 - (b) *for the purposes of paragraph (a), full rights, powers, and privileges.*
- (4) *A territorial authority must exercise its powers under this section wholly or principally for the benefit of its district.*

The Council has overall responsibility and accountability for the proper direction and control of the Council's activities in pursuit of community outcomes. These responsibilities include:

- formulating the District's strategic direction in conjunction with the community, ie Long Term Plan (LTP)
- determining the services and activities to be undertaken by Council
- administering the various legislation and regulations conferred on local authorities by statute
- monitoring the delivery of the Long Term Plan and Annual Plan
- advocacy on behalf of the community with central government, other local authorities, and other agencies.

3. Statutes pertaining to local government

In fulfilling its purpose, the Carterton District Council exercises power and fulfils responsibilities conferred on it by various statutes and regulations. Chief among these are the:

- Local Government Acts of 1974 and 2002
- Local Electoral Act 2001
- Local Government Rating Act 2002
- Local Government Official Information and Meetings Act 1987
- Resource Management Act 1991.

There are also numerous general Acts of Parliament that confer powers and obligations on the Carterton District Council.

4. Legislation and by-laws for Carterton District

There is legislation that applies specifically to Carterton District Council:

- Carterton and District Memorial Square Act 1932 No 3.

There are by-laws adopted by Carterton District Council. These are listed in Attachment 1, with the dates each was made, last reviewed, and due for review.

5. The electoral system

Carterton District Council currently operates its elections under the First Past the Post electoral system. Electors vote for their preferred candidate(s), and those with the most votes, win.

Under the Local Electoral Act 2001, there are three ways in which the Council's voting system can be changed:

- The Council can resolve to change the system.
- It can conduct a binding poll.

- Electors can demand a binding poll, through a petition by five percent or more of the registered electors.

Once changed, the electoral system must be used for at least the next two triennial Council elections.

In August 2014, the Council resolved to do nothing but publicly notify the right to demand a poll by September 2014. There was no demand for a poll and therefore the Council continued to use the First Past the Post electoral system for the 2016 elections.

6. Representation arrangements

6.1 Review process

The Council is required to review its representation arrangements at least once every six years. This review must include the following:

- the number of elected members (within the legal requirement to have a minimum of 6 and a maximum of 30 members, including the Mayor)
- whether the elected members (other than the Mayor) shall be elected by the entire district, or whether the district will be divided into wards for electoral purposes, or whether there will be a mix of 'at large' and 'ward' representation
- if election by wards is preferred, then the boundaries and names of those wards and the number of members that will represent each ward
- whether or not to have separate wards for electors on the Māori roll
- whether to have community boards and if so how many, their boundaries and membership, and whether to subdivide a community for electoral purposes.

The Council must follow the procedure set out in the Local Electoral Act 2001 when conducting this review, and should also follow guidelines published by the Local Government Commission. The Act gives members of the public the right to make a written submission to the Council, and the right to be heard if desired.

Submitters also have the right to appeal any decisions on the above to the Local Government Commission which will make a binding decision on the appeal. Further details on the matters that the Council must consider in reviewing its membership and basis of election can be found in the Local Electoral Act 2001.

In 2012, the Council undertook a representation and boundary review. As a result of the review, the Council resolved that there would be eight members elected at large. The Ward boundaries were removed. Candidates were elected at large for the 2013 and 2016 triennial elections.

The next review process must start no later than November 2017 for the 2019 triennium.

6.2 Māori wards and constituencies

The Local Electoral Act 2001 gives Council the ability to establish separate wards for Māori electors. The Council may resolve to create separate Māori wards or conduct a poll on the matter, or the community may demand a poll. The demand for a poll can be initiated by a petition signed by five percent of the electors of the district.

A review on whether or not Council will have separate Māori wards took place with the representation and boundary review in 2012. The review found that separate Māori wards were not warranted at that time.

7. Key roles

7.1 Councillors

The Mayor and councillors of the Carterton District Council have the following roles:

- setting the policy direction of Council
- monitoring the performance of the Chief Executive in executing that policy
- representing the interests of the Carterton District (on election all members make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgement, in the best interests of the District.
- employing the Chief Executive (who in turn employs all other staff).

7.2 Mayor

The Mayor is elected by the District as a whole ('at large') and as one of the elected members' shares the same responsibilities as other members of Council. In addition, the Mayor has the following roles:

- the presiding member at Council meetings—the Mayor is responsible for ensuring the orderly conduct of business during meetings as determined by Standing Orders
- advocates on behalf of the community—this role may involve promoting the community and representing its interests, and will be most effective where it is carried out with the knowledge and support of Council.

7.3 Deputy Mayor

The Deputy Mayor is elected by the members of Council at the Inaugural Meeting of Council. The Deputy Mayor exercises the same roles as other elected members. In addition, if the Mayor is absent or incapacitated, or if the office of Mayor is vacant, then the Deputy Mayor must perform all the Mayor's responsibilities and duties, and may exercise the powers of Mayor as summarised above. The Deputy Mayor may be removed from office by resolution of Council.

7.4 Chief Executive

The Chief Executive is appointed by the Council under section 42, and in accordance with clauses 33 and 34 of Schedule 7, of the Local Government Act 2002. The Chief Executive implements and manages the Council's policies and objectives within the budgetary constraints established by the Council. Under Section 42, the Chief Executive is responsible to the Council for:

- implementing the decisions of the Council
- providing advice to elected members
- ensuring that all delegated responsibilities, duties, and powers are properly performed or exercised
- ensuring the activities of the Council are managed effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Council
- providing leadership for the staff of the Council.
- employing staff (including negotiation of the terms of employment)
- ensuring that an appropriate management structure is in place.

8. Code of conduct

Schedule 7 Clause 15 of the Local Government Act 2002 requires every Council to have a Code of Conduct for the Elected Members. The Carterton District Council most recently revised its Code on 23 November 2016. This Code also applies to all people appointed to Committees or Sub-Committees of Council.

An amendment of the Code of Conduct requires, in every case, a vote in support of the amendment of not less than 75 percent of the members present.

Carterton District Council's Code of Conduct provides guidance on the standards of behaviour expected from elected members in their dealings with:

- each other
- the Chief Executive and staff
- the media
- the general public.

The objectives of the Code are to:

- enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region
- promote effective decision-making and community engagement
- enhance the credibility and accountability of the local authority to its communities
- develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

9. Statutory requirements

There are certain legal provisions that councillors must be aware of because breaching the rules can have the consequence of loss of office, fines, or imprisonment. These provisions are contained in the:

- Local Government Act 2002
- Secret Commissions Act 1910
- Securities Act 1978
- Crimes Act 1961
- Local Authorities (Members' Interests) Act 1968
- Financial Markets Conduct Act 2013
- Health and Safety at Work Act 2015
- Public Records Act 2005.

The following is a summary of these enactments.

9.1 Local Government Act 2002

Under section 46, Councillors will be jointly and severally liable for losses reported by the Auditor-General under section 44, resulting from negligence or unlawful action by the elected Council.

Under clause 1 of Schedule 7, any elected member will be disqualified if they cease to be an elector or become disqualified for registration as an elector under the Electoral Act 1993, or are convicted of an offence punishable by a term of imprisonment of two years or more.

9.2 Secret Commissions Act 1910

The Secret Commissions Act 1910 deems every councillor to be an agent of the Council (section 16(1)(b)). It creates offences in relation to accepting inducements or rewards for doing or forbearing to do something in relation to the Council's affairs, or showing or having shown favour or disfavour to any person in relation to the Council's affairs or business (section 4(1)).

It is an offence, similarly, to divert, obstruct, or interfere with the proper course of the affairs or business of the Council, or to fail to use due diligence in the prosecution of its affairs or business, with intent to obtain any gift or other consideration from any person interested in the affairs or business of the Council (section 4(2)).

Section 5 of the Act makes it an offence for a member not to disclose to the Council his or her pecuniary interest (which includes the pecuniary interest of a parent, spouse/partner, or child) in a contract when making a contract on behalf of the Council (see also the discussion of the Local Authorities (Members' Interests) Act 1968 below). Section 9 of the Act makes it an offence to aid or abet, or to be in any way directly or indirectly concerned in, or privy to, the commission of any offence against the Act.

Conviction of an offence under the Act carries with it the possibility of imprisonment for up to two years, or a fine not exceeding \$1,000. Such conviction may also have the consequence of loss of office, in terms of clause 1 of Schedule 7 of the Local Government Act 2002.

9.3 Crimes Act 1961

The Crimes Act 1961 is relevant to Councillors as it deals with bribery and corruption. Councillors are within the definition of an “official” in section 99 of the Crimes Act. Section 105 of that Act provides that every official is liable to imprisonment for a term not exceeding seven years who, whether within New Zealand or elsewhere, corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, any bribe for him or herself or any other person in respect of any act done or omitted, or to be done or omitted, by him or her in an official capacity.

Putting this simply, it is an offence against this section to seek or obtain a reward for performing one’s official duties as a councillor.

Section 105A then goes on to make it an offence, once again carrying a term of imprisonment of up to seven years, for an official to use any information acquired by him or her in an official capacity to obtain, directly or indirectly, an advantage or a pecuniary gain for himself or herself, or any other person.

9.4 Local Authorities (Members’ Interests) Act 1968

The Local Authorities (Members’ Interests) Act 1968 is an important statute governing the conduct of councillors. It has two main aspects. The first is the prohibition of certain contracts between local authorities and their members. The second prevents voting on or discussing questions in which a member has a pecuniary interest.

As to the first aspect, the Act provides that no-one may be elected or appointed or be a member of a local authority or of any committee of it, if the total payments to be made by the Council in respect of contracts made by it with that person exceeds \$25,000 (GST incl) in any year (section 3(1)).

The Act covers contracts made by the Council directly with the person concerned, and also contracts made by the Council in which the councillor is concerned or interested. Special provisions deal with companies in which a member or his or her spouse/partner is interested either as a shareholder, or as a member of the company, or by virtue of certain management positions.

There are a number of exceptions to this rule but, in case of any doubt, a councillor should refer the matter to the Office of the Auditor-General or seek independent legal advice. The penalty for breach of these provisions (which are contained in section 3 of the Act) is

immediate loss of office (section 4) and there is also the possibility of a fine being imposed (section 5).

Section 6(1) of the Act prohibits a member of a local authority or of a committee of it from voting on, or taking part in the discussion of any matter before the governing body of that local authority or before that committee in which he or she has, directly or indirectly, any pecuniary interest, other than an interest in common with the public. Once again, there are special provisions dealing with a pecuniary interest in the context of the interests of the member or his or her spouse/partner in a company.

The Office of the Auditor-General is empowered to declare that the rule will not apply with respect to any specified matter or specified class of matter on particular occasions. In doing so, it must act in the interests of the electors or inhabitants of the district. The penalty for discussing or voting when there is a pecuniary interest is, once again, loss of office, but only upon conviction of an offence (section 7).

Related to these statutory provisions is the common law principle of natural justice, which includes obligations to listen to both sides and not to be a judge in one's own cause.

9.5 Securities Act 1978

The Council has wide borrowing powers under Part 6 of the Local Government Act 2002. One of the ways the Council can borrow is by issuing stock or other forms of debt instruments. If such debt instruments are offered to the public, the Council must comply with the Securities Act.

What constitutes "offering to the public" is given a very wide meaning (section 3 of the Securities Act). The Securities Act regulates the offering of securities to the public. Local authority debt instruments are securities for the purposes of the Act. If the Council intends offering its debt instruments to the public it will have to produce a prospectus and an investment statement complying with the requirements of the Securities Act and the Securities Regulations 1983.

In addition, any advertisements relating to the offer will have to comply with certain requirements imposed by the Securities Act governing the advertising of public offers of securities. Certificates would also have to be issued to investors, and certain information relating to the Council and the securities would have to be sent periodically to the holders of the Council's securities.

The Securities Act contains wide provisions establishing civil liability and criminal offences where a member of the public purchasing securities relies on untrue statements made in an advertisement (including an investment statement) or in a registered prospectus. In addition, there are general offences which apply to persons who do not otherwise comply with the provisions of the Act.

Elected members are deemed “directors” of the local authority for the purposes of the Securities Act and the Regulations made under it. As such, they are potentially personally liable to investors if a registered prospectus or an investment (including an investment statement) contains an untrue statement. Members may also be criminally liable if the requirements of the Act or Regulations are not met. Some offences carry penalties that would also give rise to disqualification from office.

9.6 Financial Markets Conduct Act 2013

Under the Financial Markets Conduct Act 2013 elected members are essentially in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities). Elected members may be personally liable if documents that are registered under the Act, such as a product disclosure statement, contain false or misleading statements. Elected members may also be liable if the requirements of the Act are not met in relation to offers of financial products.

9.7 Health and Safety at Work Act 2015

The Health and Safety at Work Act 2015 sets up a regime for protecting the health and safety of people in work places that is quite different to the previous legislation. Under the Act elected members are “officers” and as such have obligations and responsibilities which are the same as the Chief Executive (also an “officer” under the act). While Councillors do not have the same liabilities (i.e. penalties if they do not meet those obligations) it is important that Councillors make themselves aware of the measures the organisation has in place for managing health and safety and satisfies themselves that the council organisation is doing what is appropriate to meet the requirements of the Act.

9.8 Public Records Act 2005

The Public Records Act’s purpose is to provide a framework to keep central and local government organisations accountable by ensuring records are full and accurate, well maintained and accessible. The Public Records Act 2005 provides for the continuity of the National Archives and the role of the Chief Archivist. The Act enables accountability by ensuring that full and accurate records of the affairs of local government are created and maintained. It also provides a framework within which local authorities create and maintain their records and has a role in enhancing public confidence in the integrity of local authority records.

The definition of a record includes information, whether in its original form or otherwise, and is not limited to just written information. The definition also includes (but is not limited to) a signature, a seal, text, images, sound, speech, or data in any medium and recorded or stored by any electronic device or process.

In the conduct of their affairs elected members may receive information directly, for example from constituents. Members will need to consider whether that information meets

the definition of a local authority record and if so will need to ensure it is included in the Council's records.

10. Governance

10.1 Council's responsibility

Carterton District Council comprises a Mayor and eight elected members, all of whom are elected from the District as a whole.

The Council's elected members are responsible for:

- law-making (by-laws) and regulatory roles under Acts of Parliament
- developing and approving Council policy
- determining the expenditure and funding requirements through the Annual Plan process
- monitoring the performance of the Council against its stated objectives and policies
- employing, overseeing, and monitoring the Chief Executive's performance.

The Council's role is to provide cohesion for the District over a wide range of activities and services, from providing children's play equipment to the treatment of the District's water and sewage. Meeting the community's priorities is fundamental to Council's overall operations and service delivery. Partnerships and consultation with the community are integral parts of the Council's operations.

10.2 Council committees

Committees are used for specific topics where detailed consideration is required. Any recommendations from committees will come back to the monthly Council meeting for adoption, unless the authority to decide has been delegated to the committee.

Each committee and working group has a terms of reference. The purpose and specific responsibilities are listed below.

Audit and Risk Committee

To monitor, evaluate and report to the Council on its financial, assurance and risk management policies, systems and processes and overview the performance of the Chief Executive, including the following tasks:

- Monitor the identification and management of risks faced by the Council.
- Monitor the Council's health and safety management system and identification of risks in accordance with the Health and Safety at Work Act 2015 and any substitute legislation.
- Approve the annual external audit proposal.
- Review the external auditor's management letter and management responses.

- Monitor management of the Council's internal financial control environment, and report as appropriate to the Council on compliance with all external audit requirements and statutory responsibilities.
- Monitor and review the Council's financial policies and financial performance.
- Review the draft Annual Report prior to consideration by Council, including consideration of reports from external auditors.
- Consider matters relating to the employment of the Chief Executive, including an annual performance review.

Infrastructure and Services Committee

To oversee the operations of the Council's roading, waters, solid waste, parks and Events Centre, including the following tasks:

- Monitor the development of the Council's Asset Management Plans.
- Oversee the formulation of proposals and priorities in respect of the development of community facilities.
- Monitor the operations of the Council's roads, including, where necessary, considering applications for road closures where objections to the proposed closure are received.
- Monitor the operation of the Events Centre.
- Develop plans and oversee the operation of the treatment and disposal of wastewater at Dalefield farm, including the preparation of resource consent applications.
- Develop plans and oversee the operation of the water supply to Carterton, including the preparation of resource consent applications.
- Develop plans and oversee the operation of stormwater, including the preparation of resource consent applications.
- Develop plans and oversee the operation of solid waste management, including monitoring collaborations with other councils in the Wellington Region.

Policy and Strategy Committee

To oversee, co-ordinate and direct the development and review of policies, strategies, and by-laws, including the following tasks:

- Develop policies and strategies in relation to:
 - the economic development of the Carterton District
 - community development within the Carterton District
 - community services provided to the Carterton community
 and monitor implementation.
- Provide an oversight of the implementation of the Wairarapa Combined District Plan and any changes to the plan.
- Develop an urban growth plan for Carterton, for adoption by the Council.
- Develop, review, and monitor policies under the Building Act 2004, including (but not limited to) the approval of the Council's Earthquake Prone Policy.
- Develop new by-laws, for adoption by the Council.
- Monitor and review existing by-laws and recommend to Council any changes.
- Develop and approve responses to government legislation proposals and policy issues.

- Oversee the development of plans and procedures for the Council’s responsibilities under emergency management legislation.
- Monitor the development of Memoranda of Understanding between the Council and other bodies, and provide an oversight of other relationships with Carterton groups.
- Monitor the use of Council grants.
- Receive advice from the Economic Development and Place Making Advisory Groups.
- Monitor and provide input into any Wairarapa-wide policies and strategies.

Water Race Committee

To make recommendations to Council on:

- the management of the Carrington and Taratahi Water Races
- the setting of rates and charges for the Rural Water Service activity
- policy in respect of the Rural Water Service activity
- changes to, or development of new bylaws in respect to the Carrington and Taratahi Water Races
- any statutory requirements in respect to the Carrington and Taratahi Water Races.

Hearings Appointment Committee

To appoint suitably qualified people to hear and decide applications.

Sport NZ Rural Travel Fund Committee

To make allocations from the Sport NZ Rural Travel Fund to financially assist sports clubs and school teams with transport expenses to local sporting competitions.

Economic Development Advisory Group

To assist the Council and business community develop and grow the Carterton District economy, including:

- preparing and reviewing a Carterton Economic Development Plan and recommending to Council
- monitoring implementation of the plan and reporting progress to the Council and to Go Carterton
- co-ordinating economic development activities within Carterton District.

Carterton Place Making Advisory Group

To assist the Council to promote the revitalisation of Carterton’s town centre including:

- preparing and reviewing Carterton Revitalisation Framework and recommending it to the Council
- overseeing and monitoring the implementation of the Framework
- providing advice to the Council on major projects in the town centre
- co-ordinating/carrying out place-making activities in Carterton.

10.3 Hearing Panels

Where officers do not have delegated authority to consider and make decisions on resource consents, these will be heard by a Hearing Panel made up of Commissioners who have been accredited under the RMA Making Good Decisions programme, or independent commissioners.

The Hearings Appointments Committee, in consultation with the Manager Planning and Regulatory, is responsible for selecting:

- suitably qualified councillors or external commissioners for resource consent hearings
- Council representatives at Environment Court mediations where a decision is appealed
- councillors for hearings of Council in relation to District Licensing Committee and Dog Control Act matters.

10.4 Joint Standing Committees

Wairarapa Joint Planning Committee

The Carterton District Council in conjunction with the Masterton and South Wairarapa District Councils have established the Wairarapa Joint Planning Committee. The purpose of the Committee is to promulgate a District Plan to cover the three regions. The Committee comprises two members from each authority plus supporting Council officers.

Wairarapa Library Services

This joint committee comprises elected members from the Carterton and South Wairarapa District Councils. The purpose of the Committee is to set policy for the direction of the Libraries in the two districts.

Joint District Licensing Committee

A Joint District Licensing Committee consisting of two members from each of the three Wairarapa district councils has been set up to implement the necessary processes under the Sale and Supply of Alcohol Act 2012, in particular the appointment of list members and the oversight of the Wairarapa Local Alcohol Policy.

10.5 Responsibilities assigned to individual members

In addition to appointment to committees, joint committees, and hearing panels, members may be appointed to other organisations in which the Council has an interest, they may be assigned responsibility for activity portfolios, or liaison roles, or chairing or membership of working groups that may be from time to time established.

10.6 Council Controlled Organisations

Council Controlled Organisations are defined in the Local Government Act 2002 as any organisation in which one or more local authorities control 50 percent or more of the voting rights, or appoints 50 percent or more of the directors.

Carterton District Council has no Council Controlled Organisations.

10.7 Meeting times and agenda availability

The Council decides its meeting schedule, which it does each year. Meeting dates are then published, which is a requirement of the Local Government Official Information and Meetings Act. Meeting dates are also displayed on the Council's website.

The Council's ordinary meeting and the Infrastructure and Services Committee and Policy and Strategy Committee, meet on six-weekly cycles. Some variation will be needed to align with statutory decisions that Council needs to make, such as the adoption of the Annual Plan and Annual Report. The Water Race and Audit and Risk Committees, meet quarterly.

All meetings of the Council and its committees are scheduled for Wednesdays.

Agendas for all Council and Committee meetings are available for public inspection two days prior to the meeting, with the exception of any Emergency meetings of Council where agendas are available at the meeting. Public excluded items are not included. Copies of agendas and minutes with the exception of public excluded items are available to members of the public at the Council Office, Library, and on Council's website www.cdc.govt.nz

Members of the public are welcome and encouraged to attend meetings of Council and Committees. However, the Chair will ask the public to leave should the Council or Committee move into a Public Excluded section of the meeting.

10.8 Conduct of meetings

The legal requirements for Council meetings are set down in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

All Council and Committee meetings must be open to the public unless there is a valid reason to consider an item with the public excluded. Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made with Council.

The LGOIMA contains a list of the circumstances where Councils may consider items with the public excluded. These circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive information, negotiating without

disadvantage, and the maintenance of public health, safety and order. The Council agenda is a public document although parts may be withheld if the above circumstances apply.

The Mayor or the Committee Chair is responsible for maintaining order at meetings and may, at his or her discretion, order the removal of a member of the public for disorderly conduct or any member of Council who does not comply with Standing Orders.

Minutes of meetings must be kept as evidence of the proceedings of the meeting. These must be made publicly available, subject to the provisions of the LGOIMA.

For an Ordinary Meeting of Council, at least 14 days' notice of the time and place of the meeting must be given. Extraordinary meetings generally can be called on three working days notice.

11. Engagement

11.1 Significance and engagement policy

Carterton District Council adopted its own significance and engagement policy in November 2014. The policy is publicly available from the Council office and website www.cdc.govt.nz/policies.

Some Council decisions have greater significance than others. The Significance and Engagement Policy explains how the Council will determine the degree of significance of particular issues, proposals, assets, decisions, and activities. It lets both the Council and the community understand when the community can expect to be engaged in the Council's decision-making processes, and to know how this engagement is likely to take place.

11.2 Special Consultative Procedure

The Local Government Act sets out certain consultation principles and a procedure that local authorities must follow when making certain decisions. This procedure, the special consultative procedure, is regarded as a minimum process.

The Special Consultative Procedure (section 83 of the Act) must be used for:

- adoption or amendment of a Long Term Plan
- making amending or revoking a by-law
- reviewing a strategic asset.
- changes the mode of delivery of a significant activity if that is not provided for in an LTP.

There are also statutes that require the special consultative procedure to be followed in specific situations, including:

- Resource Management Act 1991
- Sale and Supply of Alcohol Act 2012
- Reserves Act 1977

- Dog Control Act 1996
- Building Act 1991.

The special consultative procedure consists of the following steps:

1. Prepare a statement of proposal and a summary.
2. Give public notice.
3. Review submissions
4. Deliberate in public.
5. Provide a copy of the decision and a summary of the reasons to submitters.

The Council may be required to use the special consultative procedure under other legislation, and it may use this procedure in other circumstances if it wishes to do so.

12. Policies for liaising with, and memoranda or agreements with, Māori

The Carterton District Council recognises the importance of the Treaty of Waitangi as the founding document of Aotearoa New Zealand, which created a partnership between iwi and the Crown. The Council also recognises that through legislation, such as the Resource Management Act and the Local Government Act, the Council is devolved powers from the Crown for the whole community.

The Council acknowledges Hurunui o Rangi Marae as mana whenua in our District and recognises the value of Hurunui o Rangi in the social and cultural fabric of our community.

A formal memorandum of understanding is being developed with Hurunui o Rangi Marae.

13. Management structures and relationships

13.1 Chief Executive

The Local Government Act 2002 requires the Council to employ a Chief Executive, whose responsibilities are to employ other staff on behalf of Council, implement Council decisions, and provide advice to the Council. Under the Act, the Chief Executive is the only person who may lawfully give instructions to a staff member.

Any complaint about individual staff members should, therefore, be directed to the Chief Executive, rather than to the Mayor or councillors.

13.2 Council departments

Community services

- Community development
- Youth development
- Community events

- Grants allocation
- Arts, culture, and heritage
- Events Centre operations
- Library services
- Information Centre.

Corporate services

- Governance support
- Customer services
- Rates administration
- Financial management
- Corporate planning and reporting
- Information management
- Health and safety
- Electoral support.

Operations

- Roads and bridges
- Footpaths
- Street lighting
- Urban water supply
- Sewerage and the treatment and disposal of sewage
- Stormwater
- Waste management and recycling
- Water races
- Rural fire.

Parks and reserves

- Cemetery
- Parks and reserves
- Council property
- Outdoor swimming pool
- Civic gardens
- Holiday Park

Planning and regulatory

- Animal and dog control
- Noise control
- Building consents
- Environmental health
- Sale and supply of alcohol
- District Plan
- Resource Management Act monitoring

13.3 Equal Employment Opportunity Policy

The Local Government Act 2002 (section 36 of Schedule 7) requires the Council to act as a good employer. The Council is committed to the principle of equal opportunity in the recruitment, employment, training, and promotion of its employees. The organisation provides a welcoming, positive environment, and regards the provision of equal opportunities as essential principles in the management of its staff.

14. Key approved planning and policy documents

The Council has a range of strategies, plans, and policies that direct, guide, and manage Council activity. Some are required by statute.

Long Term Plan 2015–2025	Adopted June 2015
Wairarapa Combined District Plan	Adopted May 2011
Delegations Manual	Last amended November 2015
Significance and Engagement Policy	Adopted November 2014
Infrastructure Strategy 2015–2045	Adopted June 2015
Reserve management plans	various
Waste Management and Minimisation Plan 2011–2017	Adopted April 2001
Solid Waste Management Plan	Adopted February 2005
Rural Fire Plan	Adopted September 2002
Civil Defence Plan	Adopted November 2002
Active Wairarapa Strategy	Adopted June 2005
Towards an Arts, Culture & Heritage Strategy	Adopted June 2005
Wairarapa Library Service Strategic Plan	Adopted September 2002 Reviewed April 2003

15. Systems for public access and participation

15.1 Council meetings

Members of the public are able to address Council at the commencement of each Ordinary Meeting. Arrangements can be made through the Executive Assistant Democratic Services, phone 06 379 4030, or email info@cdc.govt.nz

15.2 Elected members' contact details

Name	Contact Details
John Booth (Mayor)	06 378 2481 / 027 442 7469 john.booth@cdc.govt.nz
Cr. Russell Keys (Deputy Mayor)	06 379 6433 / 027 454 0860 russell.keys@cdc.govt.nz
Cr. Mike Ashby	06 379 7890 / 027 922 2999 mike.ashby@cdc.govt.nz
Cr. Ruth Carter	06 379 7467 / 027 379 7467 ruth.carter@cdc.govt.nz
Cr. Brian Deller	06 379 8363 / 027 444 5340 brian.deller@cdc.govt.nz
Cr. Jill Greathead	06 379 6193 / 027 488 4376 jill.greathead@cdc.govt.nz
Cr. Greg Lang	06 372 7080 / 027 898 1618 greg.lang@cdc.govt.nz
Cr. Tracey O'Callaghan	06 372 7757 / 021 169 8080 tracey.ocallaghan@cdc.govt.nz
Cr. Rebecca Vergunst	027 742 2264 rebecca.vergunst@cdc.govt.nz

15.3 Carterton District Council officers

Council Office:

28 Holloway Street
PO Box 9
Carterton

Phone 06 379 4030

Fax 06 379 7832

Emails:

info@cdc.govt.nz

rates@cdc.govt.nz

events@cartertonec.co.nz

infocentre@cdc.govt.nz

for general enquiries

for rates enquiries

for Events Centre enquiries

for Information Centre enquiries

Websites:

www.cdc.govt.nz

www.cartertonec.co.nz

Carterton District Council

Carterton Events Centre

Chief Executive

Jane Davis

Community Services Manager

Carrie Mckenzie

Corporate Services Manager

Marty Sebire

Operations Manager

Garry Baker

Parks and Reserves Manager

Brian McWilliams

Planning and Regulatory Manager

David Gittings

16. Requests for official information

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request information from the Council. You do not have to say you are making a request under LGOIMA. Any request for information will be assumed to be a request under LGOIMA.

Once a request is made the Council must supply the information unless reasons exist for withholding it. LGOIMA says that information may be withheld if release of information would, for example:

- endanger the safety of any person
- prejudice maintenance of the law
- compromise the privacy of any person
- reveal confidential or commercially sensitive information
- in the case of resource consents, cause offence to tikanga Māori or would disclose the location of a waahi tapu
- prejudice public health or safety
- compromise legal professional privilege
- disadvantage the local authority while carrying out negotiations or commercial activities
- allow information to be used for improper gain or disadvantage
- inhibit the effective conduct of public affairs through free and frank expression of opinions by or between members and officers
- not be in the public interest.

The Council must answer requests within 20 working days (although there are certain circumstances where this timeframe may be extended). The Council may charge for official information under the guidelines set down by the Ministry of Justice.

Appendix A – Carterton District Council by-laws

	Last reviewed	Next review due
Model by-laws adopted by Carterton District Council		
NZS 9201 part 2 1999: Public Places	26/09/2007	25/09/2017
NZS 9201 part 3 1999: Hostels	26/09/2007	25/09/2017
NZS 9201 part 4 1999: Trading in Public Places	26/09/2007	25/09/2017
NZS 9201 chapter 5 1972: Vehicle Stands	26/09/2007	25/09/2017
NZS 9201 part 8 1999: Control of Advertising Signs	26/09/2007	25/09/2017
AS/NZS 1576, 1 1995: Scaffolding	26/09/2007	25/09/2017
NZS 9201 chapter 10 1972: Amusement Devices and Skating Galleries	26/09/2007	25/09/2017
NZS 9201 chapter 11 1972: Nuisances	26/09/2007	25/09/2017
NZS 9201 part 13 1999: The keeping of Animals, Poultry and Bees	26/09/2007	25/09/2017
NZS 9201 part 14 1999: Cemeteries and Crematoria	26/09/2007	25/09/2017
NZS 9201 chapter 15 1972: Public Libraries	26/09/2007	25/09/2017
NZS 9201 part 16 1999: Cultural and Recreational Facilities	26/09/2007	25/09/2017
NZS 9201 chapter 17 1972: Parks and Reserves	26/09/2007	25/09/2017
NZS 9201 part 11 2000: Fire Prevention	26/09/2007	25/09/2017
NZS 9232 1991: Precaution against Fire and Panic in Cinemas, Theatres, and places of Assembly	26/09/2007	25/09/2017
NZS 9201 part 24 1999: Food Safety	26/09/2007	25/09/2017
NZS 9201 chapter 26: Restrictions on Driving of Stock on Road	26/09/2007	25/09/2017

	Last reviewed	Next review due
Carterton District Council by-laws		
Refuse By-law 1990	26/09/2007	25/09/2017
Control of Dogs By-law 1997	26/09/2007	25/09/2017
Liquor Control By-law 2005	26/09/2007	25/09/2017
Parking Restriction By-law 2006	11/09/2013	10/09/2023
Skateboards, Roller Skates, Scooters, and Similar Devices By-law 2005	26/09/2007	25/09/2017
Speed Limits By-law 2006	26/09/2007	25/09/2017
Water Supply By-law 2009	1/09/2009	31/08/2019
Prostitution By-law 2007	28/11/2012	27/11/2022
Trade Waste By-law 2008	22/05/2013	21/05/2023
Wastewater By-law 2011	2/03/2011	1/03/2016



23 November 2016

Elected Members' Remuneration 2016/17

Purpose

To agree any allocation of the pool available for extra payments to members for additional responsibilities.

Significance

The matters for decision in this report are not considered to be of significance under the Council's Significance and Engagement Policy.

Background

The Remuneration Authority sets the reimbursement for elected positions in local government. After recommendations from Carterton District Council, the Authority set remuneration for 2016/17 as follows:

Mayor base salary	\$65,611
Deputy Mayor	\$22,495
Ruamāhanga Waitua Representative	\$19,804 (until 2016 election)
All other councillors—base salary	\$17,304

Payment for additional duties

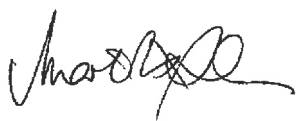
The Council has available an amount that it can allocate to members for additional duties, to supplement the base salary. The pool is set at 200 percent of a councillor's base salary, ie \$34,608. Currently, the Deputy Mayor receives the maximum 30 percent allowance, or \$5,191 per annum. The Council also requested an allowance of \$2,500 per annum for the Ruamāhanga Waitua Representative until the 2016 election, to be reviewed by the incoming Council.

At its 23 November 2016 meeting, Council is considering appointments to committees and other bodies. Council may wish to recommend to the Remuneration Authority to allocate some of the remaining remuneration pool to these positionholders, including a continuation of a payment to the Ruamāhanga Waitua Representative.

Recommendations

I recommend that the Council:

1. **receives** this report
2. **agrees** how to allocate, if at all, the remaining remuneration pool for additional responsibilities
3. **instructs** the Chief Executive to submit the resolution to the Remuneration Authority.



Marty Sebire
Corporate Services Manager



23 November 2016

Delegations Manual

Purpose

To approve revisions to the Delegations Manual.

Delegations

The Delegations Manual sets out the Council's delegations to Council Standing Committees, to the Chief Executive, and to other staff.

Its purpose is to clearly define the parameters under which Council Committees and officers are able to act and provides a mechanism to give effective management of Council's affairs.

Council's authority to delegate to officers comes from Schedule 7 Clause 32 of the Local Government Act 2002.

Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business a local authority may delegate to a committee or other sub-ordinate decision-making body, a community board, or member or officer of the local authority any of its responsibilities, duties, or powers.

The same clause also lists a number of matters that Council cannot delegate. These are detailed in the Delegations Manual.

Proposed amendments

The Manual has been reviewed by officers and several changes are recommended as follows:

- correcting the titles of committees, managers and staff where these have changed since the last revision
- removing the Creative Communities funding decisions, which is no longer required
- lowering the threshold for tendering of purchases to be mandatory, from \$100,000 to \$50,000

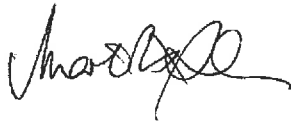
- removing financial reporting requirements—this is not relevant to a delegations policy and more appropriately dealt with elsewhere
- removing sensitive expenditure, which is covered by a separate policy
- increasing financial delegation for Corporate Services Manager to relieve Chief Executive
- adding a delegation for Revenue Officers to write-off small rates and water debts (up to \$20)
- removing the Acting Planning and Regulatory Manager, which does need to be specified.

These recommended changes have been incorporated in a revised Delegations Manual (attachment 1). Changes from the previous version are shown in the document.

Recommendations

I recommend that the Council:

1. **receives** this report
2. **approves** the revisions to the Delegations Manual.



Marty Sebire
Corporate Services Manager

Attachment 1—Revised Delegations Manual



CARTERTON DISTRICT COUNCIL

Delegations Manual

Adopted by Council on 22 February 2012

Last amended on 23 November 2016

VERSION CONTROL

Date approved	Paragraph	Change
25/09/2013	8	added Land Transport Act 1998—parking wardens
27/11/ 2013	8	Sale of Liquor Act 1989 replaced with Sale and Supply of Alcohol Act 2012
18/12/2013	8	Amendment to Building Act 2004—section 371 replaces section 229(repealed)
26/03/14	8	Amendment to Sale <u>and</u> Supply of Alcohol Act 2012- delegated authority to Planning <u>and</u> Regulatory <u>Manager</u> and Senior Planner to assign cost/risk rating Regs 5(1), Form opinion on cost/risk rating Regs 5(6) Assign fees Regs 6(1) discretion on assigning fees Regs 6(4) <u>and</u> 10(2)
25/03/2015	3.6	Amendment to Hearing Appointment Committee
25/03/2015	8	Amendments to Resource Managements Act Delegations
24/09/2015	5.3.13	Minor change in “other” column to definition of Librarian and removal of Librarian \$5,000
23/03/2016	8	Inclusion of Acting Planning <u>and</u> Regulatory Manager for delegated authority.
<u>23/11/2016</u>	<u>3.2</u> <u>5.1, 5.3</u> <u>5.3</u> <u>6</u> <u>8</u>	<u>Review for incoming Council:</u> <ul style="list-style-type: none"> • <u>correct the titles of committees, managers and staff</u> • <u>remove Creative Communities funding decisions</u> • <u>lower threshold for mandatory tendering</u> • <u>remove reporting requirements</u> • <u>remove sensitive expenditure policy</u> • <u>increase financial delegation for Corporate Services Manager</u> • <u>s54 added Revenue Officers</u> • <u>removed Acting Planning and Regulatory Manager</u>

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1. INTRODUCTION

- 1.1 This manual sets out the Council's delegations to Council Standing Committees, the Chief Executive, and sub-delegations to other staff.
- 1.2 Its purpose is to clearly define the parameters under which Council Committees and staff are able to act and provides a mechanism to give effective management of Council's affairs.
- 1.3 Council's authority to delegate to Officers comes from Schedule 7 Clause 32 of the Local Government Act 2002. The matters that Council cannot delegate are also listed in Clause 32 as follows:

"Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business a local authority may delegate to a committee or other sub-ordinate decision-making body, a community board, or member or officer of the local authority any of its responsibilities, duties, or powers except:

- a. the power to make a rate; or*
- b. the power to make a bylaw; or*
- c. the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term community plan; or*
- d. the power to adopt a long-term community plan, or annual report; or*
- e. the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan council community plan or developed for the purpose of the local governance statement; or*
- f. the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement"*

- 1.4 It should also be noted that Clause 32(7) states:

"To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty."

Philosophy of Council on delegations

- 1.5 The Carterton District Council believes that it is essential, in the interests of good management and effective administration, to encourage a delegation of decision making to the lowest competent level.

1.6 Authority and responsibility are inseparable. Those with responsibility for a task or function should always have the authority to carry it out effectively. Those with authority should always be responsible for its wise use. Delegations should not however remove from the Council Chief Executive and managers ultimate accountability for the affairs of this Council.

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1.7 People who have delegated authority should willingly accept authority and responsibility for decision making in the certain knowledge that their decisions, if made in a full, fair and objective manner, are unlikely to be reviewed.

1.8 The level of delegation is symptomatic of the health and well-being of the Council. Without it, the mutual trust and respect that should exist between members of the Council and its officers, the effectiveness and efficiency of the organisation must be at risk.

General and specific delegations

1.9 In this Manual, a general delegation implies the granting of authority to determine a range of matters of a similar kind as and when they arise over a period of time without further reference to the delegator.

1.10 From time to time the Council may delegate authority to determine a specific issue and this authority will exist only so long as that matter is unresolved and will then lapse. Such a specific delegation could occur outside the normal financial limits for tender acceptance or in any other area where the Council has confidence the correct decision will arise.

1.11 This Manual will be updated for general delegations as they are granted, but not those of a specific nature that will be largely historical by the time they are recorded.

Meaning of delegation

1.12 Delegation in this Manual means the assignment of a duty or power of action to another together with the authority to carry out that duty or complete the action assigned with responsibility for the outcome.

1.13 A power merely to consider a proposal is not delegation and is not therefore generally included in this Manual. It is assumed that all committees, subcommittees and officers have authority to consider any matter within their jurisdiction and submit a report or recommendation to a higher authority unless that is prohibited by law.

What may be delegated?

- 1.14 The Council itself is, in a sense, a delegatee in that its functions, powers and duties derive from Parliament through empowering legislation under which legislative, judicial and administrative authority is granted to the Council.
- 1.15 The Council is a body corporate and, for the purposes of performing its role, has full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction provided it is not prohibited by legislation.

The characteristics of delegation

- 1.16 It is important to understand the following characteristics of delegation:
- a. The delegator does not lose the functions, power or duty by delegation and may exercise this concurrently with the delegatee.
 - b. A delegation may be revoked at any time without notice.
 - c. The delegatee is acting in his or her own name on behalf of the Council when exercising delegated authority.
 - d. The Council may not rescind or amend a decision made by a committee under a delegation authorising the making of the decision. (Schedule 7 Clause 30 of the Local Government Act 2002).

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Care in defining authority

- 1.17 The law recognises, in certain circumstances, the right of individuals acting in good faith in reliance of the apparent authority of a delegatee to enforce a decision of a delegatee, whether or not the delegatee in fact had the authority claimed.
- 1.18 Accuracy and precision should always be a feature when defining the scope and limitations of any delegated authority in order to protect the interests of the Council, the delegatee and any interested third party.

Statutory authority

- 1.19 The delegations contained in this Manual are made in accordance with the Local Government Act 2002 as amended and any other statutory authority permitting delegation.

2 PROCEDURES

2.1 Extent of delegation

- 2.1.1 Subject to any specified limitation, term or condition applied by the delegator or by law, a delegatee may exercise the power or authority delegated in the same manner and to the same effect as could the delegator.
- 2.1.2 Subject to the Local Government Act 2002 and other legislation, every Committee and the Chief Executive may further delegate any power granted to them in this Manual or otherwise by the Council either generally or specifically, and may impose any term or condition upon that sub-delegation.

3 GOVERNANCE

3.1 Delegation to affix Common Seal of Council

- 3.1.1 In accordance with Schedule 7 Clause 32 Local Government Act 2002 delegated authority is granted to the Mayor and Chief Executive to authorise, sign and affix the Common Seal of Council to documents requiring same.
- 3.1.2 This delegation extends to the Deputy Mayor and ~~the Planning and~~ Regulatory Manager in the Mayor's or Chief Executive's absence.

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3.2 World War II Memorial Trust

- 3.2.1 The World War II Memorial Trust Committee is delegated authority to allocate available funds in accordance with the World War II Trust Deed.

Deleted: <#>3.2. Carterton Community Arts Council¶
<#>¶
<#>3.2.1. The Carterton Community Arts Council is delegated authority to allocate Creative Communities Funding in accordance with the criteria established by Creative New Zealand.¶
<#>¶

3.3 Delegations to commissioners

- 3.3.1 Those persons appointed from time to time by the Council as Hearings Commissioner under the Resource Management Act 1991 have the power to either individually or jointly with any other hearings commissioner hear and determine any matter raised under the Resource Management Act 1991, including such functions as Resource Consents, Variations, Plan Changes and Designations, except those functions expressly excluded by section 34A of the Act.
- 3.3.2 The power to process any of the aforementioned matters includes the power to decide whether to require any further information not already requested by Council staff and whether the application is to be notified or non-notified.
- 3.3.3 The following members shall be deemed for the purposes of this delegation to be a Hearings Commissioner:

- a. all Council members having passed the relevant qualification to adjudicate on resource consent applications
- b. any independent resource management commissioner that holds current relevant qualifications
- c. for the purpose of adjudicating on a non-complying activity to form part of the Hearings Panel, any member of the Combined Councils Hearings Committee outside of the Carterton District.

3.4 Hearing Panel

3.4.1 The primary purposes of the Hearing Panel are to address matters relating to the regulatory and judicial responsibilities of Council.

3.4.2 It will consider and make decisions on hearings under the following Acts:

- a. Resource Management Act 1991
- b. Dog Control Act 1996 – the Hearing Panel together with the Planning and Regulatory Manager is given delegated authority to consider infringement appeals
- c. Sale and Supply of Alcohol Act 2012 – in accordance with Section 201(3) the power to issue summonses requiring the attendance of witnesses before the licensing authority or licensing committee, or the production of documents, or to do any other act preliminary or incidental to the hearing of any matter
- d. Fencing of Swimming Pools Act 1987
- e. reserve management plans under the Reserves Act 1977
- f. Local Government (Rating) Act 2002.

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3.4.3 The Hearing Panel will be appointed by the Hearings Appointment Committee.

3.5 Hearings Appointment Committee

3.5.1 The primary purpose of the Hearings Appointment Committee is to appoint Councillors for hearings of Council in relation to District Licensing Committee, the Dog Control Act, and the Fencing of Swimming Pools Act.

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4 DELEGATIONS TO CHIEF EXECUTIVE

4.1 Appointment of staff

4.1.1 The Chief Executive is responsible under the Local Government Act for employing, on behalf of the Council, all of the Council's staff and negotiating their terms of employment.

4.2 General delegations

- 4.2.1 The Chief Executive, as head of the Council staff, has delegated responsibility and accountability for managing the administrative affairs of the Council. He or she may exercise any of the powers granted under this Manual to any officer and may without further authority exercise all reasonable powers incidental to the position of Chief Executive. Decisions made by him or her, nevertheless, shall conform with legislation and with Council bylaws, resolutions, policies and plans.
- 4.2.2 The Chief Executive may delegate any powers granted to him or her to any officer of the Council.
- 4.2.3 The Chief Executive may temporarily curtail any authority delegated to any officer or apply any term or condition to its use.
- 4.2.4 Subject only to the ultimate power of the Council to interpret its own delegations, the Chief Executive shall be the principal advisor on the extent and nature of delegated authority granted under this Manual.
- 4.2.5 The Chief Executive may make minor amendments to any Council document or policy where the substance is not modified or altered.
- 4.2.6 The Chief Executive has general delegated authority to take such action as is necessary to implement the decisions of Council, discharge the responsibilities of the position, and promote efficiency.

4.3 Specific delegations

- 4.3.1 The following delegated authority is specified to provide some control and clarity with respect to identified functions. The exclusion of any particular authority or power from these delegations shall not limit or prevent the Chief Executive from reasonably and effectively carrying out the responsibilities of the position.
- 4.3.2 Authorities delegated by Council:
 - a. The Chief Executive may enter into arrangements for the placement of all the Council's insurance policies.
 - b. The Council authorises the Chief Executive to be the person in lawful occupation of land owned, occupied or controlled by the Council for the purposes of the Trespass Act 1980, and the Chief Executive may make further delegations of this power, as appropriate.

- c. The Council delegates to its Chief Executive:
 - (i) all of its powers under Carterton District Council Bylaws and Model Standards Bylaws
 - (ii) its powers to appoint authorised officers for the purposes of performing duties under any of the Council’s bylaws
 - (iii) its powers to institute any enforcement action, including a prosecution for an offence against any of the Council’s bylaws, together with the power to make any decision pertaining to such enforcement or prosecution.
- d. The Council delegates to the Chief Executive its powers to temporarily close part or all of a recreation reserve (noting that the Chief Executive must seek consent from the Minister of Conservation as required by section 53(1)(d) or 53(1)(e) of the Reserves Act 1977 where it is proposed to close part or all of the recreation reserve).

5 FINANCIAL DELEGATIONS

5.1 Delegations

5.1.1 In exercise of the power vested in Council pursuant to Schedule 7(32) Local Government Act 2002 and all other powers enabling it in that behalf, the delegations listed in the schedule hereunder are approved with immediate effect and are subject to the following limitations:

- a. Council or Committee approval is required for any actions exceeding the limits delegated to the Chief Executive.
- b. No employee shall approve timesheets, leave, expenditure or a benefit that relates to themselves or for the purpose of personal gain. In all such instances the individual’s Manager must give approval. The Mayor shall approve the Chief Executive’s expenses and leave. The Chief Executive must approve Managers’ expenses and leave.
- c. Any contract likely to exceed \$50,000 will be subject to public tender provided this is practicable. This will apply to all contracts involving the Carterton District Council including contracts let by any agent, consultant or other person acting on Council’s behalf.
- d. Contracts of a value between \$10,000 and \$49,999 will be tendered unless there is good reason not to do so and is exempted by the Chief Executive.

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5.2 Variation of budgets

5.2.1 "Budget" means the sum represented by any item contained in a significant activity of the budgets adopted by the Council for that financial year.

5.2.2 The Chief Executive may vary any budget where the variation will allow the Department concerned to better achieve the purpose or purposes for which the budget was adopted.

- 5.2.3 The Chief Executive may vary the constituent sums that make up a budget where:
- a. the relevant Manager and the Chief Executive confirm that the variation can be appropriately funded or will be funded from savings made on other sums within the same budget
 - b. the variation will allow the Department concerned to better achieve the purpose or purposes for which the budget was adopted.

5.3 Financial policy and delegations purpose

5.3.1 This policy establishes a set of principles and rules by which the Carterton District Council will manage its finances.

Commitments

5.3.2 All commitments and payments are to be processed in accordance with the delegations schedules that follow.

5.3.3 Where practicable the purchase of goods and services will be secured by an order form. Prior to payment, all invoices must be signed by the person who initiated the expenditure. Where the amount of the invoice exceeds the financial delegation of the Officer initiating the purchase, the invoice shall be counter-signed by their superior.

Deleted: Reporting to Council ¶
¶ Monthly financial reports shall be provided to Council. These reports will include a:¶
¶
Statement of Financial Performance¶
Statement of Financial Position¶
Statement of Cashflows¶
Schedule of Capital Expenditure¶
Schedule of Bank Accounts and Investments¶
commentary on performance, variance to budget, and any financial issues.¶
¶

Operational

5.3.4 Delegated staff may enter into contracts for the purchase of materials and works and services (operating budget), subject to the specified amounts in respect of the purchases **being** provided for in the Long Term Plan or Annual Plan. The dollar amount of the delegations in respect to these individuals is scheduled below.

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Capital works and maintenance contracts

5.3.5 Delegated staff may enter into contracts for capital works or for maintenance contracts provided that the contract is within the budget approved in Council's Long

Term Plan or an Annual Plan. The dollar amount of the delegations in respect to these individuals is scheduled below.

- 5.3.6 Capital works and maintenance contracts exceeding \$50,000 will be subject to public tender where practicable. This will include all capital works and contracts involving the Carterton District Council let by any agent, consultant or other person acting on Council's behalf.

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Contract administration procedures – roading

- 5.3.7 Council's roading contracts are managed by its Professional Services Consultants. The consultant's contract administration procedures are relied on to ensure compliance with NZTA procedures and requirements. A Council representative shall be present at opening of tenders and at key stages of the tender evaluation.

Deleted: Sensitive expenditure¶

¶ Sensitive expenditure is defined as:¶

¶ "Sensitive expenditure is expenditure by a public entity that provides, has the potential to provide, or has the perceived potential to provide a public benefit to an individual staff member of a public entity that is additional to the business benefit to the entity of expenditure. It also includes expenditure by a public entity that could be considered unusual for the entity's purpose and/or function."¶

¶ Sensitive expenditure in respect to Council is as follows:¶

¶ Use of credit cards¶

¶ Travel, accommodation and meals expenditure¶

¶ Entertainment and hospitality expenditure¶

¶ Loyalty reward scheme benefits¶

¶ Sale of surplus assets to staff¶

¶ Private use of Council's assets¶

¶ Private use of Council's suppliers of goods and services¶

¶ Farewells and retirements¶

¶ Gifts.¶

¶

¶ The Council has a Sensitive Expenditure Policy and reference shall be made to this in relation to any of the above expenditures.¶

¶ Investment of surplus funds¶

¶ Surplus funds shall be invested in accordance with Council's Investment Policy.¶

¶

¶

Financial delegations

- 5.3.8 The dollar amount of financial delegations in respect to individuals is scheduled below. It applies to each item of expenditure, excluding GST, at the time a liability is incurred.

Financial delegation	Council	CE	Manager	Team Leader	Other	Comments
Planned operating expenditure						
\$0 to \$1,000		✓	✓	✓	Mechanic	
\$1,000 to \$50,000		✓	✓			
<u>\$50,000 to \$200,000</u>		✓	Corporate Services Manager			
<u>\$200,000 to \$400,000</u>		✓				
Planned capital expenditure and maintenance contracts						
Up to \$75,000		✓	✓			
<u>\$75,000 to \$500,000</u>		✓	Corporate Services Manager			
<u>\$500,000 to \$2,000,000</u>		✓				
Unplanned expenditure						
Capital expenditure – emergency works up to \$50,000		✓				
Unplanned other work up to \$10,000		✓				
Unplanned other work greater than \$10,000	✓					
Signing authority						
For payment of expenditure and payroll by cheque or electronic transfer. Two signatures, one must be a Manager or CE.		✓	✓		Accountant, Financial Services Officer	

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District Librarian¶

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Regulatory Manager, ¶
Corporate Services Manager ¶

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Financial delegation	Council	CE	Manager	Team Leader	Other	Comments
Sale/disposal of obsolete, surplus or non-repairable fixed assets						
Land and buildings	√					
Vehicles		√	√			Deleted: Details to be provided to the Accounting Supervisor
Plant and equipment up to \$2,000 net book value		√	√			Deleted: Details to be provided to the Accounting Supervisor
Plant and equipment greater than \$2,000 up to \$50,000		√				Deleted: Details to be provided to the Accounting Supervisor
Computer equipment		√	√			Deleted: Details to be provided to the Accounting Supervisor
Stock						
Sale of surplus/obsolete or damaged stock		√	√			Formatted: Keep with next Deleted: Details to be provided to the Accounting Supervisor
Write off stock		√	√ In consultation with CE			Deleted: Details to be provided to Accounting Supervisor
Transfer/Investment of Reserve Funds						
Transfer and payments – approved within the Annual Plan		√	Corporate Services Manager			Deleted: CEO
Transfers not within Annual Plan	√					
Transfer funds between Council's bank accounts		√	Corporate Services Manager			
Invest surplus funds		√	Corporate Services Manager			
Revenue						
Write off debts up to \$5,000		√	√ In consultation with CE			Deleted: CEO
Write off debts excluding rates greater than \$5,000 to \$10,000		√				
Write off debts greater than \$10,000	√					
Write off additional water usage accounts up to \$20					Revenue Officers	Deleted: Rates and Revenue Deleted: Officer
Write off additional water usage accounts up to \$1,000		√	Corporate Services Manager			

5.3.9 Managers in respect of the above financial delegations are:

- a. Community Services Manager
- b. Corporate Services Manager
- c. Operations Manager
- d. Parks and Reserves Manager
- e. Planning and Regulatory Manager.

5.3.10 Team Leaders in respect of the above financial delegations are:

- f. Team Leader – Water Treatment and Reticulation
- g. Team Leader – Parks and Reserves
- h. Team Leader – Water Races and Stormwater
- i. Water Treatment Plant Operator
- j. Library Services Manager.

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6 DELEGATIONS WITHIN LOCAL GOVERNMENT (RATING) ACT 2002

Section	Details of Power	Reasons	Delegations
27(5)	The decision on whether to divide rating units and the methodology for division.	A division may be required where a single rating unit falls into a number of differential categories.	<p>CE Planning and Regulatory Man Corporate Services Manager Revenue Officers</p>
28(2)	The decision on whether the disclosure of the name of any person is necessary to identify a rating unit.	The Rating Information Database (RID) may not contain the name of any person unless this is necessary to identify the particular property.	<p>CE Corporate Services Manager Revenue Officers</p>
29	Authority to determine objections to the RID.	An owner has the right to object to any entry in the RID on a number of grounds. Council determines whether the objection is valid and any actions required correcting it.	<p>CE Corporate Services Manager Revenue Officers</p>
35	Authority to remove a name from the RID.	A person's name may be removed from the RID in circumstances outlined in Section 35. Generally this is as a result of a sale or disposal of the property.	<p>CE Corporate Services Manager Revenue Officers</p>
39	Authority to determine objections to rates records.	A ratepayer may object to information contained in the rates records on the ground that the rates are calculated incorrectly or that the rates balance is incorrect.	<p>CE Corporate Services Manager</p>
40	Authority to correct errors in the RID and Rate Records.	Errors in the RID or rate records may be corrected even if there was no objection.	<p>CE Corporate Services Manager Revenue Officers</p>
52	Authority to agreed methods of payments for rates.	The Act allows rates to be paid by any method that is agreed by the local authority.	<p>CE Corporate Services Manager</p>
54	Authority not to collect small amounts, up to \$20.00.	The Act allows the authority to not collect small amounts where, in its opinion, it is uneconomic to do so. It is envisaged that this will only occur where the cost to collect a debt is likely to exceed the amount of the debt due.	<p>CE Corporate Services Manager Revenue Officers</p>
61	Authority to collect unpaid rates from the owner.	Where a ratepayer, other than the owner, is in default, the local authority may collect rates that are in default, from the owner.	<p>CE Corporate Services Manager Revenue Officers</p>
62	Authority to collect unpaid rates from persons other	Where the owner is in default of their rates, the local authority may recover the	<p>CE Corporate Services Manager</p>

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Section	Details of Power	Reasons	Delegations
	than the owner.	rates from a mortgagee.	CE Deleted: Rates and Revenue Officer
63	Ability to commence legal proceedings for the recovery of rates that are in default.	Where rates are in default, the local authority may commence legal proceedings against the owner for recovery of the rates.	CE Deleted: CEO Corporate Services Manager
67	Commencement of rating sales or lease provisions.	Once a local authority has received judgement and payment had not been received within the prescribed period, the authority may commence the process to carry out a rating sale or lease of the land to satisfy the level of the debt. <i>Note: This process is carried out by the District Court Registrar and does not apply to Māori Freehold Land.</i>	CE Deleted: CEO Corporate Services Manager
72	Authority to sell land by private treaty.	If land that was the subject of a rating rate does not sell above the reserve set by the Registrar, the Registrar may, with the consent of the local authority, sell the land by private treaty for any consideration that the Registrar thinks reasonable. <i>Note: This does not apply to Māori Freehold Land.</i>	CE Deleted: CEO Corporate Services Manager
77-83	Authority to sell abandoned land.	A local authority has the power to commence the process to have land declared 'abandoned' if rates have not been paid on it for three years, and the ratepayer: <ul style="list-style-type: none"> • is unknown, or • cannot be found after due enquiry, or • is deceased and has no personal representative, or • has given notice of the intention to abandon or has abandoned the land. The process is carried out through the District Court and the Court has to be satisfied the appropriate endeavours have been made to discover the owner. <i>Note: This does not apply to Māori Freehold Land.</i>	CE Deleted: CEO Corporate Services Manager
85	Authority to administer rate remission and postponement policies.	As defined within the remission and postponement policies.	CE Deleted: CEO Corporate Services Manager
99	Authority to apply for charging orders.	The Act provides that where it has proved impossible to obtain rates on Māori Freehold Land, a local authority may apply to the Māori Land Court for a charging order on the land.	CE Deleted: CEO Corporate Services Manager
135	Authority to sign documents for Court proceedings.	The Act authorises Council to commence legal proceedings. The authority to sign such documents needs to be delegated to appropriate officers.	CE Deleted: CEO Planning and Regulatory Manager Corporate Services Manager Deleted: &

7 WARRANTS OF APPOINTMENT

- 7.1 The Council must approve all warrants for Enforcement Officers pursuant to Sections 171, 172, 174, and 177 and Schedule 7 Clause 32(1)(g) of the Local Government Act 2002.
- 7.2 The Mayor with the Chief Executive has delegated authority to endorse warrants for enforcement officers; and in the absence of the Mayor and Chief Executive, the Deputy Mayor with the Planning and Regulatory Manager.
- 7.3 “Enforcement Officer” means a person appointed to exercise powers of an Enforcement Officer in relation to offences against, and infringement offences under the Local Government Act including enforcement of bylaws of the local authority.
- 7.4 The Warrant of Appointment shall state the statutory authority able to be exercised by the appointee named in the warrant.
- 7.5 The appointee does not necessarily need to be an employee of Council.

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8 DELEGATIONS UNDER LEGISLATION

Legislation and delegation to Chief Executive	Power to sub-delegate to	Power delegated by statute
Building Act 2004	<ul style="list-style-type: none"> • Planning <u>and</u> Regulatory Manager • Environmental Health Officer • Building Control Officers 	<ul style="list-style-type: none"> • Section 371B(1)(2)(3) Authorisation to issue Infringement Notice and Responsibility of Enforcement Officer • Sections 372(1)(a)(b), 372(2)(a)(b), and 372(3) Issue of Infringement Notice • Section 222 Entry on land and/or premises for the purpose of inspection of building and/or building works • Section 224 Holder of Warrant • Section 230 Conditions of Authorisation.
Building Act 2004 and Building Regulations 2004	<ul style="list-style-type: none"> • Planning <u>and</u> Regulatory Manager • Building Control Officers • Administration Officer 	Section 232 Delegation of all functions and powers of the Carterton District Council as a Territorial Authority and Building Consent Authority under the Building Act with the exception of: <ul style="list-style-type: none"> • Section 131 and 132 Adoption, amendment or replacement of Council’s policy on dangerous, earthquake prone and insanitary buildings • Section 213 Making of arrangements to transfer functions to another building authority • Sections 233–236 Transfer of functions, duties or powers of a territorial authority to another territorial authority • Section 219 Setting of fees and charges.
Burial and Cremation Act 1964 and Burial and Cremation	<ul style="list-style-type: none"> • <u>Parks and Reserves Manager</u> 	<ul style="list-style-type: none"> • Sections 8 and 9 Manage cemeteries • Section 10 Sell burial plots • Section 49 Enable burial of poor persons to take place free of charge

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Legislation and delegation to Chief Executive	Power to sub-delegate to	Power delegated by statute	
(Removal of Monuments and Tablets) Regulations 1967		<ul style="list-style-type: none"> Sections 54–57 Prosecute in relation to offences Give notice, advertise and remove dilapidated or neglected monuments or tablets under the Regulations. 	
Dog Control Act 1996	<ul style="list-style-type: none"> Planning <u>and</u> Regulatory Manager <u>Animal Control Officers</u> 	<ul style="list-style-type: none"> Section 21 Classify a person as a probationary owner Section 25 Disqualify a person from being an owner of a dog Section 31 Classify a dog as dangerous Section 33 Provide consent for disposal of dangerous dogs to other persons if satisfied that conditions are met Sections 33A and 33C Classify as menacing by behaviour, characteristic or breed Issue refunds or reduce fees Section 66 Authorise persons other than <u>animal control</u> officers to issue infringement notices. 	<p>Deleted: &</p> <p>Deleted: <#>Acting Planning & Regulatory Manager¶</p> <p>Deleted: & Dog</p> <p>Deleted: Officer</p> <p>Deleted: s</p> <p>Deleted: dog</p>
	<ul style="list-style-type: none"> Planning <u>and</u> Regulatory Manager <u>Animal Control Officer</u> Team Leader – Water Races 	<ul style="list-style-type: none"> Section 14 Power of entry to land or premises to inspect and/or seize or take custody of a dog Section 15 Power to feed and water dogs and enter a dwelling house (with consent of occupier) Section 17 In relation to protected wildlife Section 19 Power to request information (name, address and date of birth) for persons in charge of dogs or occupiers of land or premises on which a dog is kept Section 20 Enforcement of District Council bylaws Section 52 Power to seize a dog not under control Section 55 In the case of barking dogs, power to enter land or premises (other than a dwelling house) to inspect conditions under which a dog is kept and give written notice requiring provision to be made to abate the nuisance Section 56 Power to remove barking dogs from land or premises Section 57 Power to seize and destroy a dog for attacking persons, animals or protected <u>wildlife</u> Section 59 Power to seize and destroy a dog in the vicinity of protected wildlife Section 60 Power to seize and destroy a dog running at large amongst stock or poultry Section 69 Impose and subsequently dispose of a dog Section 70 Dispose of or return a dog impounded for barking Section 71 Retain a dog threatening public safety Section 71A Dispose of a dog seized. 	<p>Deleted: &</p> <p>Deleted: <#>Acting Planning & Regulatory Manager¶ Dog Ranger</p> <p>Deleted: <#>Animal & Dog Control Officers¶</p>
Control of Dogs Bylaw Amendment 2007	<ul style="list-style-type: none"> Planning <u>and</u> Regulatory Manager 	<ul style="list-style-type: none"> Clause 12(1) Issuing of licences to keep three or more dogs on an urban property. 	<p>Deleted: &</p> <p>Deleted: <#>Acting Planning & Regulatory Manager¶</p> <p>Deleted: &</p> <p>Deleted: Delegation of authority to administer all</p> <p>Deleted: <#>Acting Planning & Regulatory Manager¶</p> <p>Deleted: &</p>
Fencing of Swimming Pools Act 1987	<ul style="list-style-type: none"> Planning <u>and</u> Regulatory Manager <u>Building Control Officers</u> 	<ul style="list-style-type: none"> <u>All</u> powers, requirements and functions of Council under the Act, except those powers specified in Section 6 and Clause 1 of the Schedule to the Act (which relate to exemptions). 	<p>Deleted: Delegation of authority to administer all</p> <p>Deleted: <#>Acting Planning & Regulatory Manager¶</p>
Food Act 1981	<ul style="list-style-type: none"> Planning <u>and</u> Regulatory Manager <u>Environmental Health Officer</u> 	<ul style="list-style-type: none"> <u>All</u> powers, requirements and functions of Council under the Act and Regulations made under that Act. 	<p>Deleted: ¶ <#>¶</p>

Legislation and delegation to Chief Executive	Power to sub-delegate to	Power delegated by statute	
	<ul style="list-style-type: none"> Environmental Health Officer 	<ul style="list-style-type: none"> Section 8N Process exemptions from the Food Hygiene Regulations 1974. Section 13 Enter premises (not a dwelling house) or vehicle, opening and examining receptacle, examine food, appliances, advertising material or packaging and seize and detain food or appliances and to take photographs Section 15 Seize or destroy decayed or putrefied food Section 18 Require from persons in possession of food for sale their name and address Section 20 Procure samples for analysis. 	<p>Deleted: Delegation to p</p> <p>Deleted: under Section 8N</p>
Forest and Rural Fires Act 1977	<ul style="list-style-type: none"> Principal Rural Fire Officer on behalf of the Wairarapa Rural Fire District Operations Manager as Deputy Principal Rural Fire Officer 	<ul style="list-style-type: none"> Section 19 Publish fire control measures for the district Section 20 Prohibit fires during periods of extreme fire hazard Section 21 Prohibit certain operations during periods of extreme fire hazard Section 23 Issue permits to persons who wish to light fires in open air Section 24 Issue special permits when lighting of fires in open air is prohibited Section 27 Issue notices making or clearance of fire breaks and/or to clear land for the purpose of fire control Section 36 Specific Powers of Fire Officer at fires to by all practical means extinguish the fire and prevent the spread thereof and to save lives and property in danger Section 38 Issue requisitions of assistance to extinguish fires. To requisition assistance of any fit person over the age of 18 years residing or working within the Carterton district or within 8 kilometres of the boundary thereof to assist in extinguishing a fire. Section 58 To undertake inspections and have free access at all reasonable times to the area, building, land, premises or property or to any part thereof for the purposes of ascertaining danger of fire or the spreading of fire exists thereon and otherwise for the purposes of the Act Section 63 Give public notice of the exercise of any powers under this Act. 	
Gambling Act 2003	<ul style="list-style-type: none"> Planning and Regulatory Manager 	<ul style="list-style-type: none"> Consider applications for territorial consent for class 4 venue licences in accordance with the Class 4 Venue Policy. 	<p>Deleted: &</p> <p>Deleted: Delegation of authority to c</p>
Health Act 1956 and Regulations made under that Act	<ul style="list-style-type: none"> Chief Executive Planning and Regulatory Manager 	<ul style="list-style-type: none"> Section 28 Appoint Environmental Health Officers. Section 33 Initiate proceedings in respect of nuisances Section 41 Issue cleansing orders Section 42 Issue repair or closing orders Section 54 Issue consent for the establishment of any offensive trade. 	<p>Deleted: <#>Acting Planning & Regulatory Manager¶</p> <p>Deleted: &</p> <p>Deleted: ¶</p> <p>Deleted: Acting Planning & Regulatory Manager¶</p>
	<ul style="list-style-type: none"> Environmental Health Officer 	<ul style="list-style-type: none"> Section 81 and 82 Power to enter premises and disinfect Section 83 Power to destroy infected articles Section 128 Entry into dwelling house, building, land, shop or other premises and inspect same and execute works authorised under or pursuant to this Act. 	
HSNO Act 1996	<ul style="list-style-type: none"> Environmental Health Officer 	<ul style="list-style-type: none"> Section 103 Entry for inspection. 	

Legislation and delegation to Chief Executive	Power to sub-delegate to	Power delegated by statute	
		<ul style="list-style-type: none"> Section 104 Serve a compliance order Section 112 Issue an infringement notice Section 136 Declare a hazardous substance or new organism emergency Section 137 Exercise emergency powers. 	
Impounding Act 1955	<ul style="list-style-type: none"> Planning and Regulatory Manager Animal Control Officer 	All powers, requirements and functions of Council under the Act including the power to appoint pound keepers, deputies, rangers under Section 8 and Section 9 for the proper carrying out of the provisions of this Act, except the powers contained in Section 14(1) of the Act.	<p>Deleted: &</p> <p>Deleted: Delegation of authority to administer all</p> <p>Deleted: <#>Acting Planning & Regulatory Manager¶ <#>Animal & Dog Control Officers¶ Dog Ranger</p>
Land Transport Act 1998	<ul style="list-style-type: none"> Environmental Health Officer Private contractor 	A parking warden may perform the functions and duties, and exercise the powers, of a parking warden that are conferred or imposed by or under this or any other Act only on a road within the district or region of the local authority that appointed the parking warden.	<p>Deleted: <#>Environmental & Regulatory Services Officer¶</p> <p>Deleted: C</p>
Litter Act 1979	<ul style="list-style-type: none"> Planning and Regulatory Manager 	All powers, requirements and functions of Council under the Act including: <ul style="list-style-type: none"> Section 5 Appoint Litter Control Officers Section 7 Enforcement provisions Section 10 Issue notices in relation to litter Section 11 Make grants or spend money on campaigns for the abatement or prevention of litter Section 13 Issue infringement notices. 	<p>Deleted: s</p> <p>Deleted: &</p> <p>Deleted: Delegation of authority to administer all</p> <p>Deleted: <#>Acting Planning & Regulatory Manager¶</p>
	<ul style="list-style-type: none"> Parks and Reserves Manager Operations Manager Team Leaders Water Race Overseer Animal Control Officer 	Section 7 Powers and duties of Litter Control Officers.	Deleted: Community Facilities Manager
Local Government Act 1974	<ul style="list-style-type: none"> Operations Manager 	<ul style="list-style-type: none"> Section 319B Allocate property numbers. Section 331 Construct footpaths and channels Section 332 Cycle tracks Section 333 Dividing strips Section 334 Monuments Section 334A Lights Section 335 Vehicle crossings Section 356 Remove abandoned vehicles from roads Section 337 Require alterations to pipes and drains and apparatus on or under roads Sections 509–511 Make and maintain drainage channels. 	<p>Deleted: & Dog</p> <p>Deleted: s</p>
	<ul style="list-style-type: none"> Animal Control Officer 	Section 353(c) Determine properties with substandard roadside fences and give details to the Planning and Regulatory Manager.	<p>Deleted: Stock Rangers</p> <p>Deleted: &</p>
	<ul style="list-style-type: none"> Planning and Regulatory Manager 	<ul style="list-style-type: none"> Sections 319 and 319A Repair and naming of local roads. Section 324 Contribute to an adjoining district road maintenance Section 326 Seek payment for betterment Section 327A Cancel building line restrictions Sections 342 and 345 Stop roads and dispose of surplus land Sections 347–349 Impose conditions and approve any right 	<p>Deleted: &</p> <p>Deleted: <#>Acting Planning & Regulatory Manager¶ <#>¶</p>

Legislation and delegation to Chief Executive	Power to sub-delegate to	Power delegated by statute	
		<ul style="list-style-type: none"> of way plans Section 353(c) Service and legal follow-up of notices to property owners where roadside fences have been determined to be substandard and notices not complied with Section 357 Prosecute in relation to penalties for damage to roads Section 338 Grant rights to lay pipes Section 344 Enable gates and cattle stops Section 346A Declare roads to be limited access roads Section 461(1) To furnish certificate of land served by a private drain Section 514 Make allowances (grants) to the owner of land to enable work to keep drainage channels clear Schedule 10 clause 11 Authorise road closures The making of submissions in respect of any matter arising under the Act. 	<p>Deleted: Community Facilities Manager</p> <p>Deleted: &</p> <p>Deleted: Delegation of all powers to i</p> <p>Deleted: <#>Acting Planning & Regulatory Manager¶</p>
	<ul style="list-style-type: none"> Operations Manager <u>Parks and Reserves Manager</u> 	<ul style="list-style-type: none"> Section 355 To give notice requiring the removal of overhanging trees Section 468(1) Give notice to occupier to remove tree roots obstructing public drains. 	<p>Deleted: Community Facilities Manager</p> <p>Deleted: Community Development Manager</p> <p>Deleted: Delegation to c</p> <p>Deleted: &</p> <p>Deleted: ¶ <#>Acting Planning & Regulatory Manager¶ Senior Planner in the absence of Planning & Regulatory Manager</p> <p>Deleted: &</p>
Local Government Act 2002	<ul style="list-style-type: none"> Planning and Regulatory Manager Operations Manager <u>Parks and Reserves Manager</u> <u>Community Services Manager</u> Corporate Services Manager 	<ul style="list-style-type: none"> Implement any proposal or decision within Council's Long Term Plan or Annual Plan except: <ul style="list-style-type: none"> the powers set out in Schedule 7 Clause 31(1)(a)-(f) any matter expressly reserved to a Committee or the Council. Commit Council expenditure for any contract up to the value as defined under the financial delegation schedule for any one contract, subject to the Chief Executive being satisfied that the proposed expenditure is in an approved budget. 	<p>Deleted: Community Facilities Manager</p> <p>Deleted: Community Development Manager</p> <p>Deleted: Delegation to c</p> <p>Deleted: &</p> <p>Deleted: ¶ <#>Acting Planning & Regulatory Manager¶ Senior Planner in the absence of Planning & Regulatory Manager</p> <p>Deleted: &</p>
	<ul style="list-style-type: none"> Planning and Regulatory Manager 	Section 241 Laying an information for a summary offence under this Act.	<p>Deleted: <#>Acting Planning & Regulatory Manager¶</p>
	<ul style="list-style-type: none"> Planning and Regulatory Manager Operations Manager <u>Parks and Reserves Manager</u> Environmental Health Officer Building Control Officers <u>Animal Control Officer</u> Noise Control Officers 	Appointment of Enforcement Officers and Authority to Act under Sections 171, 172, 174, and 177.	<p>Deleted: Community Facilities Manager</p> <p>Deleted: <#>Animal & Dog Control Officer¶ Dog Ranger</p> <p>Deleted: &</p> <p>Deleted: Delegation of authority, under</p> <p>Deleted: , for</p>
Local Government Official Information and Meetings Act 1987	<ul style="list-style-type: none"> Planning and Regulatory Manager Operations Manager <u>Parks and Reserves Manager</u> <u>Community Services Manager</u> Corporate Services Manager 	Section 42 All powers, requirements and functions of Council under Parts 2 to 4 of the Act.	<p>Deleted: a</p> <p>Deleted: <#>Acting Planning & Regulatory Manager¶</p> <p>Deleted: Community Facilities Manager</p>
	<ul style="list-style-type: none"> Planning and Regulatory Manager 	Section 44A Issue Land Information Memoranda.	<p>Deleted: &</p> <p>Deleted: Community Development Manager</p>
Machinery Act 1950 and Amusement	<ul style="list-style-type: none"> Environmental Health Officer 	Section 21a and Amusement Devices Regulations 1978 Authorise, permit, and carry out inspections in relation to amusement devices.	<p>Deleted: &</p> <p>Deleted: <#>Acting Planning & Regulatory Manager¶</p>

Legislation and delegation to Chief Executive	Power to sub-delegate to	Power delegated by statute	
Devices Regulations 1978			
Privacy Act 1993	<ul style="list-style-type: none"> • Planning <u>and</u> Regulatory Manager • <u>Parks and Reserves Manager</u> • Operations Manager • <u>Community Services Manager</u> • Corporate Services Manager 	Section 124 Administer all powers, requirements and functions of Council under the Act.	<p>Deleted: &</p> <p>Deleted: Delegation of authority, under</p> <p>Deleted: ,</p> <p>Deleted: to a</p>
Public Works Act 1981	<ul style="list-style-type: none"> • Planning <u>and</u> Regulatory Manager • <u>Parks and Reserves Manager</u> • Operations Manager 	<p>All powers, requirements and functions of Council under the Act, including:</p> <ul style="list-style-type: none"> • Sections 133–135 Deal with trees on roads • Section 234 Emergency entry onto land to repair public works • Section 237 Control excavations near public works • Section 238 Bring action for damages for public works • Section 239 Remove property abandoned on land for a public work • Section 240 Recover land from persons holding illegal possession • To prosecute in respect of offences against the Act. 	<p>Deleted: <#>Acting Planning & Regulatory Manager¶</p> <p>Community Facilities Manager</p> <p>Deleted: Community Development Manager</p> <p>Deleted: &</p> <p>Deleted: Delegation of authority to administer</p> <p>Deleted: a</p> <p>Deleted: <#>Acting Planning & Regulatory Manager¶</p> <p>Community Facilities Manager</p>
	<ul style="list-style-type: none"> • Planning <u>and</u> Regulatory Manager 	<ul style="list-style-type: none"> • Section 23(1)(c) and First Schedule To sign notices of intention to take land for essential work • Section 107 To execute certificates of grants for land • Section 115(9) To sign certificate or notice of discharge. 	<p>Deleted: &</p> <p>Deleted: Acting Planning & Regulatory Manager¶</p> <p>¶</p>
Rates Rebate Act 1973	<ul style="list-style-type: none"> • Corporate Services Manager 	All powers, requirements and functions of Council under the Act.	Deleted: Delegation of authority to administer
Rating Valuations Act 1988	<ul style="list-style-type: none"> • Corporate Services Manager 	Section 50(1) All powers, requirements and functions of Council under the Act.	<p>Deleted: a</p> <p>Deleted: Delegation of authority, under</p>
Reserves Act 1977	<ul style="list-style-type: none"> • <u>Parks and Reserves Manager</u> 	<p>All matters of administration enabling the Council to perform all functions of an Administering Body (including those delegated from the Minister of Conservation) under the Act and management plans with the exception of the power to:</p> <ul style="list-style-type: none"> • declare land to be a reserve under Section 14 • exchange reserve land for other land under Section 15 • make bylaws under Section 106. 	<p>Deleted: , to</p> <p>Deleted: administer</p> <p>Deleted: a</p> <p>Deleted: Community Facilities Manager</p> <p>Deleted: Delegation of authority to carry out a</p>
Resource Management Act 1991	<ul style="list-style-type: none"> • Operations Manager • <u>Parks and Reserves Manager</u> • Environmental Health Officer • Building Control Officers • Team Leaders • Enforcement Officer appointed under s38 (except for sections 330, 331 and 336) 	<ul style="list-style-type: none"> • Sections 315, 316, 320 and 321 Ensure compliance with an Enforcement Order, apply for an interim order and change or cancel an enforcement order • Section 322 Service of abatement notices. • Section 323-324 Power to enter premises for compliance with an abatement notice and form and content of abatement notice • Sections 327–328 The functions and powers relating to excessive noise • Section 330 Power to undertake emergency works or remedial action • Section 331 Reimbursement or compensation for emergency works • Section 332 Power of entry onto any place or structure (except dwelling) for inspection and/or to take samples • Section 333 Power of entry (except dwelling house) to carry 	Deleted: Community Facilities Manager

Legislation and delegation to Chief Executive	Power to sub-delegate to	Power delegated by statute
		out survey investigations, tests or measurements. <ul style="list-style-type: none"> Section 336 Return of property seized under s323 and s328 Section 343C Power to prepare and deliver infringement notice
	<ul style="list-style-type: none"> Environmental Health Officer Private contractor Planning and Regulatory Manager Senior Planner 	Sections 327–328 Functions and powers relating to excessive noise. <ul style="list-style-type: none"> Section 10 Power to determine the existing use rights apply to a proposal Section 20A Power to evaluate effects of activity and period of discontinuance Section 32 Consideration of alternatives, benefits and costs Section 34A Power to appoint independent Commissioner or panel of independent Commissioners Section 34A Power to appoint extra Commissioner/s to assist the panel in determining application Section 36 Require additional and administrative charges Section 36 Remission of charges on application Section 37 and 37A Power to waive or extend time periods Section 38 Enforcement powers Section 42 Authority to respond to requests to protect sensitive information and to make orders prohibiting or restricting publication and communication Section 42A Power to require or commission report on information Section 73 Write reports for the preparation and changes to District Plan Section 87D Request for application to go directly to Environment Court Section 88 Power to determine on initial receipt of an application the adequacy of an application and whether or not it should be accepted for further processing as a complete and valid application Section 91 Deferral of application pending additional applications Section 92 Request for further information Section 92 Power to commission a report on any matters raised in relation to the application Sections 95A–C Decisions on public notification, limited notification and notification Sections 95D–F Decisions relating to adverse effects and affected persons RMA Regulations - Public display of application notices Section 96 Making submissions on applications Section 98 To provide applicant for resource consent with a list of submissions received Section 99 Power to initiate pre-hearing meetings Section 99A Power to mediate Section 100 Power to determine that a formal hearing is not

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Legislation and delegation to Chief Executive	Power to sub-delegate to	Power delegated by statute
		<p>needed</p> <ul style="list-style-type: none"> • Section 101 Power to set hearing date and inform all parties • Section 102 Decision to waive the need for a joint hearing by agreement with the applicant • Section 103 Decision to waive the need for a combined hearing by agreement with the applicant • Section 104A–D To process applications for resource consents, including determining conditions • Section 106 Authority to decline subdivision • Section 108 Authority to impose conditions on consents • Section 108A Power to impose bonds • Section 109 Special provisions in respect of bonds or covenants • Section 110 Refund of money and return of land if activity does not proceed • Section 111 Power to impose financial contributions • Section 113 Write decisions on applications for resource consent • Section 114 To arrange notification of such decisions to appropriate parties • Section 120 Right of Appeal of a Decision of a consent authority • Section 125 Power to extend the period in which a resource consent lapses • Section 126 Power to cancel unexercised consents • Section 127 Power to change or cancel a consent condition • Section 128–132 Power to review consent conditions • Section 133A Power to make minor corrections to resource consents • Section 136 To authorise transfer of holder's interest in a water permit (other than for damming or diverting water) • Section 138 Decisions in relation to the surrender of consent • Section 139 Power to issue Certificates of Compliance • Section 139A Power to issue Existing Use Rights Certificates • Sections 142, 149, 149E, 149F, 149I, 149K, 149M, 149Q, 149V Consent authority's obligations as to proposals of national significance. • Section 149G Provision of report to EPA • Section 149ZD Power to recover costs of processes from applicant • Sections 168A, 169, and 171 To receive, request additional information, notify, make reports and recommendations for Council • Section 172 Decision of Requiring Authority • Section 173 Notify decisions • Section 174 Appeals against a decision of a requiring authority • Section 175 Provisions of designation in combined district plan

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Legislation and delegation to Chief Executive	Power to sub-delegate to	Power delegated by statute
		<ul style="list-style-type: none"> • Section 176 Effect of Designation • Section 176A Approval of outline Plans and requests for changes • Section 181(3) Minor alteration of designation • Section 182 Removal of designation on request of Requiring Authority • Section 184 Lapsing of designations which have not been given effect to • Section 189 Notice of Requirement (Heritage Order) to the Council • Section 189A Powers to decide whether to notify a notice of requirement for a heritage order • Section 190 Procedural matters relating to notice of requirement (Heritage Orders). • Section 191 Consideration of Notice of requirement (Heritage Order). • Section 192 Consideration of application for Heritage Order • Section 195A Minor alteration of Heritage Order • Section 196 Removal of Heritage Order on request of Heritage Protection Authority • Section 198C Territorial authority's decision on request • Section 198D Preparation of report regarding request in relation to Heritage Order • Section 198H-198M Procedures and requirements under section 168A or 189A • Section 220 Authority to impose conditions on subdivision consent • Section 221 Power to issue consent notice • Section 222 Power to issue completion certificate • Section 223 Power to approve a survey plan • Section 224 Power to issue a completion certificate that all conditions of subdivision consent are complied with • Section 224(f) Power to issue a completion certificate confirming that every building or part of a building complies with Section 46(4) of the Building Act 1991 • Section 226(1)(e) Power to issue a certificate confirming allotments are in accordance with the provisions of the relevant district plans and statutory documents • Sections 230, 232, and 234 Power to require an esplanade reserve or strip or access strip, to vary or cancel them • Section 235 Creation of esplanade strips by agreement • Section 237B Access strips and conditions of use of such easement, variation and cancellation of conditions • Section 237C Closure of strips to public and erection of signs • Section 240 Power to endorse or cancel a covenant against transfer of allotment • Section 241 Power to cancel conditions relating to amalgamation of allotments • Section 243 Power to grant, surrender, transfer, vary or cancel easements

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Legislation and delegation to Chief Executive	Power to sub-delegate to	Power delegated by statute
		<ul style="list-style-type: none"> • Section 245 Power to approve a plan or survey for a reclamation • Section 267 Appearance at Environment Court Conference • Section 268 Authority to accept, on behalf of the Council, any decision reached as a result of alternative dispute resolution • Section 281 Authority to make application to Environment Court for waiver or direction • Section 294 Review of decision by Environment Court • Section 299 Appeal to High Court on question of law • Section 311–312 To apply for a declaration notification of an application • Section 316–317 To seek an enforcement order and notify same • Section 322 To serve an abatement notice • Section 325A To cancel an abatement notice • Section 325B Restrictions on certain applications for enforcement orders and abatement notices • Section 355 Vesting of reclaimed land • Section 357 Right of objection against certain decisions. • Section 388 Requirement to supply information for transitional resource consents • To make submissions in respect of any matter arising under the Resource Management Act 1991. • To enter into negotiations about, and agreeing to, costs, consent orders, withdrawals and modifications which may arise during the course of any appeal or other matter relating to a Resource Consent decision before the Environment Court
<p>Sale and Supply of Alcohol Act 2012</p> <p>Sale and Supply of Alcohol (Fees) Regulations 2013</p>	<ul style="list-style-type: none"> • Planning and Regulatory Manager 	<p>As Secretary to do all things necessary for administration of the Act including:</p> <ul style="list-style-type: none"> • Section 103 authority to appoint inspectors. • Section 5(1) Assign cost/risk rating • Section 5(6) Form opinion on cost/risk rating • Section 6(1) Assign Fees • Section 6(4) and 10(2) Discretion to assign fees
<p>Statutory Land Charges Registration Act 1928</p>	<ul style="list-style-type: none"> • Environmental Health Officer • Planning and Regulatory Manager 	<p>Section 197 Appointment of Licensing Inspector</p> <p>Sections 6(1) and 7(2) To sign notice of a statutory land charge and to sign releases of such charges.</p>

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9 PLANNING AND REGULATORY

9.1 Where no hearing is required

9.1.1 Council grants delegated authority to the Planning and Regulatory Manager to:

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- a. grant or decline applications for resource consent for controlled activities or discretionary activities for which a hearing need not be held, except in the case of an application for a resource consent that has been previously determined by a hearing, in which case a hearing will be held unless after consultation with the Chairperson, or in his or her absence, the Deputy Chairperson, of the Hearings Committee, that person agreed that the matter should be dealt with under delegated authority.
- b. grant or decline applications for non-complying activities where notification is not required or a hearing is not needed.

9.2 Relocated and reconstructed dwellings

9.2.1 The Planning and Regulatory Manager may approve routine straightforward, non-notified applications for dwelling relocation/reconstruction, either not requiring deposit or bond or requiring maximum deposit or bond, up to \$50,000.

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9.3 Revocation of health licence registration

9.3.1 The Hearing Panel and Chief Executive are the Council's nominated representatives for attending health licence revocation hearings. In the absence of the Chief Executive, the Planning and Regulatory Manager will replace the Chief Executive, in all cases with the power to act.

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9.4 Approve applications to lay pesticides

9.4.1 Authority is granted to the Planning and Regulatory Manager to consider applications from Greater Wellington and the Department of Conservation for consent to lay pesticides for control of Bovine Tuberculosis. Any such approval is subject to the approval of the Medical Officer of Health.

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9.5 Hawkers licences

9.5.1 The Planning and Regulatory Manager is given delegated authority to issue hawkers licences and, in his absence, the Environmental Health Officer. If any conditions pertaining to such licences are breached, approval is withdrawn immediately.

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10 ROADING

10.1 Road closures where objections are received

10.1.1 The Chair of the Infrastructure and Services Committee is given delegated authority to decide upon road closures in the event of objections being received.

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10.2 Stock grazing

10.2.1 The bylaws pertaining to the grazing of stock on residential land shall be enforced as they read with a permit being required from Council to keep stock on such land.

10.2.2 Further the Planning and Regulatory Manager is given delegated authority to grant such permits imposing such conditions as applicable to the application.

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10.2.3 The Planning and Regulatory Manager is authorised to sub-delegate this authority to the Animal Control Officer.

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11 WATER

11.1 Water restrictions

11.1.1 The Operations Manager, in consultation with the Chief Executive, has delegated authority to impose water restrictions when and as required.



15 November 2016

Chief Executive's Report

1 PURPOSE OF THE REPORT

To inform Council of officers' activities since the previous meeting.

2 PLANNING AND REGULATORY SERVICES

2.1 General

Last month saw International Accreditation New Zealand (IANZ) undertake an audit of the Building Consent Authority (BCA). The audit was conducted over three days at the end of October. The BCA has made vast improvements in the last 6 months, demonstrated by the confidence IANZ has to not return until late 2018.

The outcome is due to the officers of the BCA and their positive attitude toward embracing ongoing internal audits and reviews of their policies, procedures, decisions and the drive for continual improvement.

2.2 Building Services

The Council has continued its commitment to the national programme of BCA alignment through the GoShift programme (along with 23 other lower North Island and top of the South Island Councils). The building team has streamlined the way consents are being processed and by mid-November all building consents will be processed electronically. This does not involve any changes to how applications are received but allows for more efficient and consistent consent processing and data storage.

The table below shows building consent statistics for September and October 2016 compared with the corresponding period last year. The value of building work continues to show huge increases (120% increase per value of consent for October) and although total consent numbers have comparatively increased, the increases cannot explain the large differences in monetary value. The changes in value can only be attributed to increases in complexity of the average consent. Greater complexity in proposed building work demands more time in processing and typically, a greater number of on-site inspections.

Building Type	Number of Consents	Value of building works	Number of Consents	Value of building works
	September 2015	September 2015	September 2016	September 2016
New residential units	2	705,000	5	1,503,000
New Education Bldgs – other	0	0	1	100,000
New Other Buildings	1	15,000	0	0
Dwellings – Alterations & Additions	3	126,000	4	370,000
Domestic Fireplaces	6	23,392	3	11,293
Resited Houses	0	0	1	50,000
Domestic only – Garages	2	36,200	0	0
Other outbuildings eg shed, workshop, sleepout	2	60,194	8	267,000
Education Buildings	1	200,000	2	220,000
Shops, restaurants – Alteration & Additions	0	0	1	100,000
TOTAL	17	1,165,786	26	2,621,293

Building Type	Number of Consents	Value of building works	Number of Consents	Value of building works
	October 2015	October 2015	October 2016	October 2016
New residential units	3	730,000	10	2,250,000
New Farm Bldgs – other	2	64,000	0	0
New Other Buildings	0	0	1	22,000
Dwellings – Alterations & Additions	2	31,700	4	300,000
Domestic Fireplaces	3	9,400	1	5,000
Resited Houses	1	35,000	1	190,000
Domestic only – Garages	2	29,500	1	45,000
Other outbuildings eg shed, workshop, sleepout	3	131,000	3	78,000
Other buildings – alterations & additions	1	80,000	0	0
Other Construction eg signs, pergolas etc	1	9,000	0	0
TOTAL	18	1,119,600	21	2,890,000

2.3 Planning Services

A search for a replacement for the senior planner has been unsuccessful and with present workloads may prove to be unnecessary. A continual monitoring of the workload is in place with an option of contractual arrangements for large pieces of work if required.

During the months of September and October 2016, eleven resource consent applications were received. Of those, 7 consents have been granted and 4 remain active and are currently being processed.

A course of action has been agreed for undertaking the urban growth plan and the planning and regulatory team will work alongside Boffa Miskel in gathering information to formulate options. Initial stages of data gathering are now underway.

Assistance is being provided to the Operations team on the water supply consent renewal.

2.4 Asset Management and GIS projects

There are currently two main GIS projects, one is the re-drawing of water races to reflect their actual locations for the Carrington and Taratahi water races and the other is the manipulation of the cemetery data ready for depiction on the public GIS web-site.

The aerial imaging company AAM NZ Ltd has been assigned the task of updating the digital photography with the flyover weather dependent but predicted to be around December/January.

2.5 Animal Control

There were 35 service requests for September and October involving animal control.

An agreement has been put in place for the co-use of animal control backup with Masterton District Council and the new animal control officer has been supplied with a CDC warrant. He will be able to provide cover for future illness and leave.

2.6 Noise Control

During the months of September and October 21 callouts were undertaken. Two excessive noise directions were served on non-compliant households in September and six were served in October.

2.7 Environmental Health

We hosted a workshop run by the Ministry of Primary Industries to discuss with the Wairarapa-wide food suppliers' transitional processes for the new Food Act 2014. All three Wairarapa Councils were represented along with a large number of food outlet operators.

2.8 Liquor Licensing

'Tis the season for liquor license renewal and special licenses applications. 19 applications have been received and are being processed. Nine of these are special license applications; one is for a new license with the remainder renewal of existing.

3 OPERATIONS

3.1 Renewals and replacements

Water and sewer main renewals for High Street South and Waingawa have been out to tender. A decision on the awarding of the contract is a separate item on the Council's agenda.

We are working with Capital Journeys regarding the sewer main replacement High Street North. Capital Journeys are looking at major road works of this area and we are waiting for costing for the sewer main replacement in conjunction with the road upgrade.

3.2 Wastewater irrigation

The irrigator has been serviced and we are waiting for suitable fine weather to start the season.

3.3 Solid waste

The weighbridge has just had its annual certification carried out.

3.4 November 14th earthquake

Four staff members responded to power failures after the earthquake in the early hours of 14 November to check on the water supply, wastewater plant and wastewater pumping stations. The water supply was on the underground supply at the time and with the power failure the standby generator had started up. It was very pleasing to see the commitment from these staff members.

4 COMMUNITY FACILITIES

4.1 Swimming Pool

We have been working at preparing the pool for opening on the 26th November. With free admittance leading to increased use and associated health and safety issues raised with the increase in bathers, we have been working to ensure that we provide a safe environment, in compliance with the Health and Safety at Work Act 2015.

We have replaced a faulty pump which now means we can increase the circulation of the water which will assist with increased bather load. We are also awaiting the delivery of a new ramp which will allow people to walk into the pool instead of having to enter and exit by climbing the ladders. We have new ladders on order also.

The trip hazards e.g. broken concrete, have been repaired with new maintenance hole covers installed where required. Shade sails have been installed providing more protection from the sun. New life saving equipment has been ordered. CDC Health and Safety representatives have been to check out the pool for hazards and are working with the contractor in regards to his health and safety plans.

4.2 Railway Station

Brian McWilliams has been working alongside the Railway Restoration group who manage the heritage railway station and its environs, to resolve a couple of issues. For Council information the Railway Station, the men's amenity and the car park at front of station is owned by Greater Wellington Regional Council and leased to CDC. We have a 20 year lease arrangement with GWRC which commenced in 2013.

It should be noted that the Railway Station is also an historic building.

The land on which the tracks are located and the neighbouring grassed areas and stock yards are owned by KiwiRail. This is leased to the Railway Restoration Group.

During winter, a storm began lifting the roofing iron. The Railway Restoration Group contacted the Council and we set about looking at how to deal with this. As part of the contract we are responsible to maintain the exterior of the building. A cheap option would have been to just nail the roof back down again but this would more than likely re-occur during next storms. We contacted a couple of roofing contractors to provide quotes for de-nailing the roof and then screwing the roof down providing us with a more secure roof. The best quote came in as \$3,200. To share the costs of this project I spoke with the local Railway Restoration group and the National Railway Restoration group who have agreed with equally sharing this cost between us.

Brian is also working with the local Railway Restoration Group to finalise their lease arrangement with KiwiRail. We are awaiting further information from KiwiRail in regards to the lease arrangement.

5 COMMUNITY DEVELOPMENT

5.1 Food Bank

The annual Wairarapa Food Bank Drive is on Wednesday 16th November. We are supporting the Carterton Food Bank ahead of the drive. It is anticipated that the Food Drive will replenish stock numbers exhausted during the winter months in preparation for the Christmas/holiday period when many families face financial difficulties.

Below are the numbers of people benefitting from the Food Bank over the past five months.

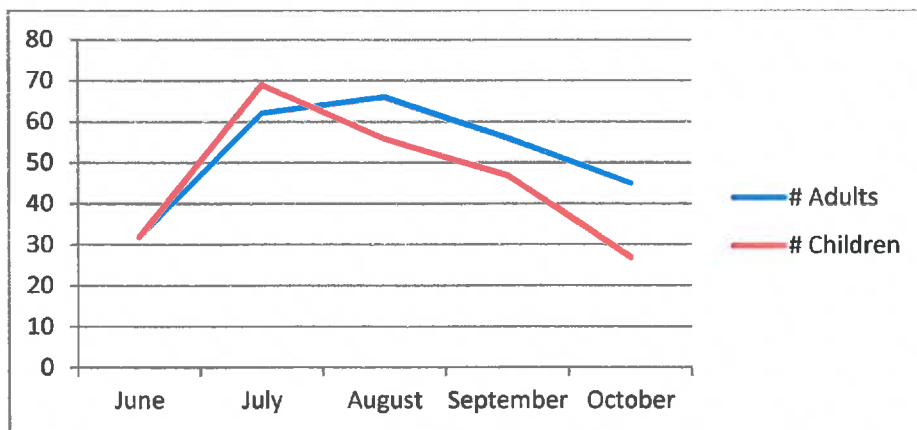


Figure 1 Carterton Food Bank – Number of people provided for in food parcel

5.2 Citizenship ceremony

A citizenship ceremony was held on the 27th of October. While all these ceremonies are special, this one was especially special as our own Anne Hughes became a citizen of New Zealand as part of the ceremony.

The next ceremony is to be held at 12.00pm Wednesday 22 February 2016.

5.3 White Ribbon Day

Recent family violence statistics show that during the six months from 3/2/16 – 3/8/16, Police attended 538 incidents in Wairarapa, of which 59 were in Carterton (approx. 10 per month). As it is believed that only 20% of all family violence is reported to Police, it is

estimated that the more accurate number of incidents happening in Carterton is 50 per month.

White Ribbon celebrates the many men willing to show leadership and commitment to promoting safe, healthy relationships within families and encourages men to challenge each other on attitudes and behaviours that are abusive. For this reason, male Carterton District Councillors and staff are being encouraged to don heels to enter the 'Walk a Mile in Her Shoes' event being held in Masterton on 25th November.

5.4 Community Funding

Local organisations are being actively encouraged to apply for the Department of Internal Affairs' Lottery Community Fund. There is a minimal amount of funding currently being received by the Carterton community. In the first round of the Fund, 89 recipients from the Wellington region received over \$1.4m. This included six recipients from Wairarapa organisations. However none of these were Carterton-based. Likewise, the 2016 Community Organisation Grants Scheme (COGS) provided over \$180k in funding to 81 Wairarapa organisations however only three were from Carterton.

5.5 Events Centre 5th birthday

A two-page spread will be placed into the Midweek for the 16th November celebrating the Events centre turning five! A press release has also been issued to the Wairarapa News and the Carterton Crier.

5.6 Marketing and Communications

Areas of focus over the past month included:

Branding

- Business Cards - business cards have been redesigned and have been ordered by employees who required new card. Feedback has been great.
- Website – is in draft stages with management. A Development site has started and is being implemented by Nectarine. The process is going incredibly well, and new website should be complete by Christmas.
- Communications Guidelines – initial discussions have started regarding process and implementation of communication guidelines.

Marketing

- Rural Road Spring Clean campaign - initiative created to help clean up rural roads. Fliers were created and have been distributed to RD addresses via NZ Post. One rubbish bag has been supplied per house hold with extras available from the Council. Operations crew will pick up from drop off locations on Monday 21 November.
- Email banner – a Christmas email banner will be available to use from 1st December for CDC staff.

Advertising

- A 12 month advertising schedule for the Events Centre and the Council is almost complete.
- Communications staff from all three Wairarapa councils have been meeting to discuss combined advertising plans with radio and print competitors. This is to make sure we have continuity across the board and pricing is in line.

Social Media

- Facebook pages for Carterton District Council and Mayor John Booth have been published and have great following. These are updated 2-3 times per week, and have had great feedback.

5.7 EVANZ Small Venue Awards

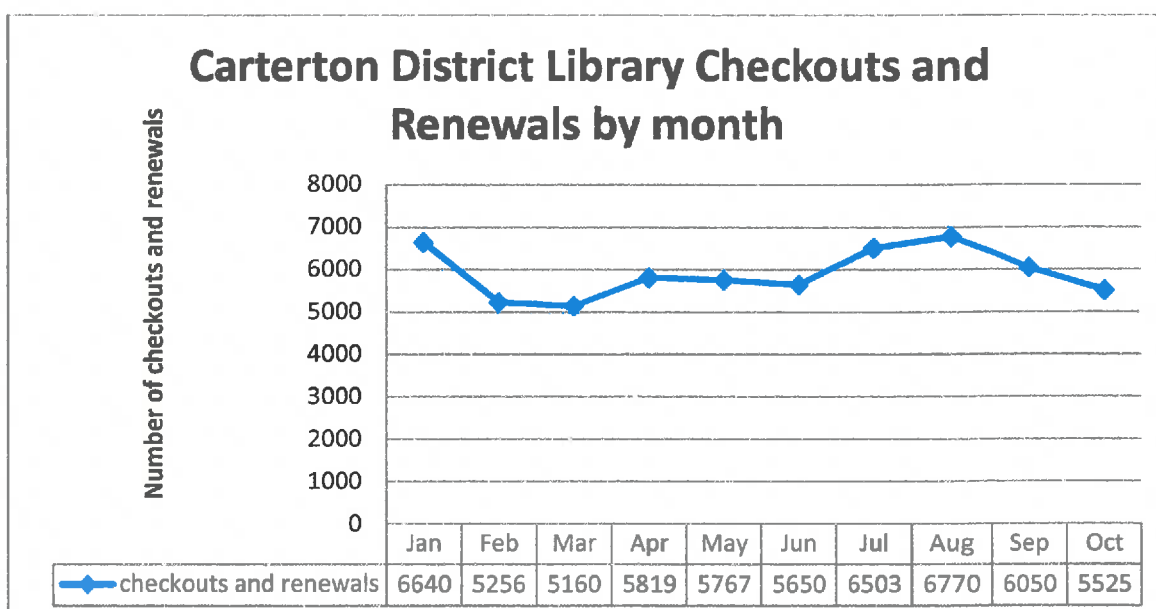
The Events Centre team put together an application to the EVANZ Small Venue of the Year Awards which will be held in Hamilton in early December. The Events Centre has been named as a finalist. This is a very prestigious award to become a finalist for and to win would be fantastic recognition for the events centre, and huge reward for the committed and long term staff.

5.8 Library Monthly Report for October 2016

Statistics

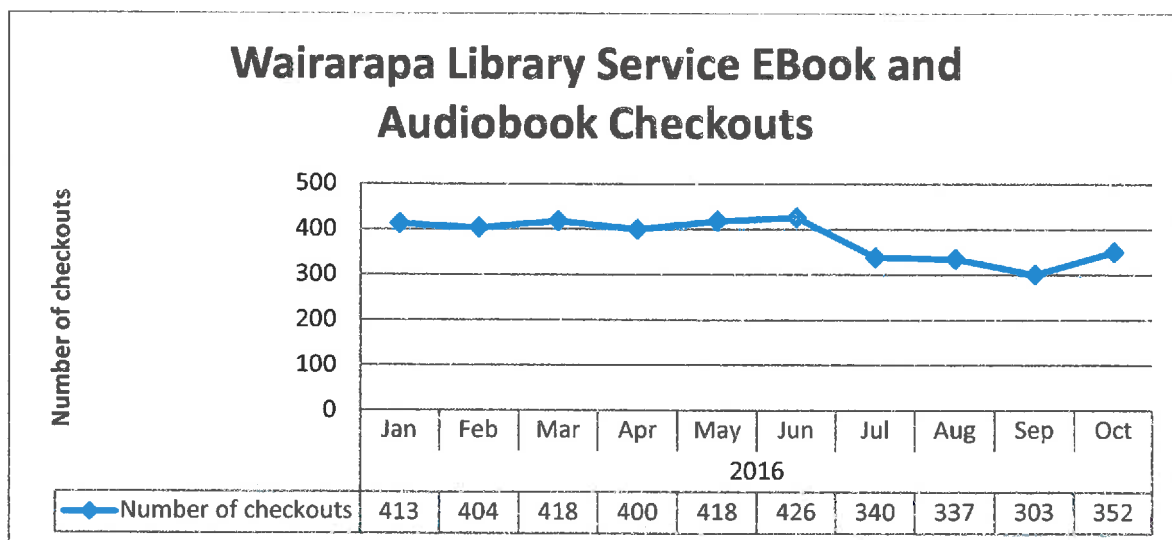
Issues and renewals

Number of issues and renewals for October	Carterton	Wairarapa Library Service
	5,525	14,050



E-books and Audiobooks

There were 248 Ebooks and 104 audiobook issues for the entire Wairarapa Library Service in October, a total of 352.



Computer and Wi-Fi access

Public Computer Use	Oct 2016
APNK Public Access PCs	895
Wireless usage	805
Unique Devices (laptops, tablets, smart phones etc) used in the library to access wireless facility)	435

There has been a large increase in the number of computer and Wi-Fi uses throughout October. This may have been due to the school holidays, school pet days (when schools often have an earlier than normal finishing time) and a 'teacher's only' day occurring this month.

Displays

Adult Displays	Junior Displays
Genre: thrillers, science fiction, historical novels	Boredom busters
Connect with nature	Where's Wally
Let's get cooking	

Events

- During the second week of the school holidays the library hosted some of the workshops run by the Carterton District Council school holiday programme.
- The library conducted a colouring competition in the second week of the school holidays.
- For New Zealand Book Week the library held both an adult and junior Storytime Evening.

- The monthly book club membership has been steadily increasing. This month there were 18 attendees.
- Anne gave a talk to WOOPs on library services to older customers.

Other initiatives

The library has initiated a teen book club. It started on the 22 October with a workshop on creating blackout poetry and will be hosted monthly.

5.9 Information Centre

Statistics

Local: 273 Out of Town: 65 Phone: 47

Events Enquiries 74

Social Services 12

General Enquiries 54

Meetings 25

Other 184

The statistics do not appear to reflect the true numbers this month which is affected by the counter staff being so busy dealing with ticketing/visitors and general business. The school holiday programme occurred over this time as well with many of the staff giving priority to customer service rather than to recording data.

Chinese tourist workshops

Cheryl has been attending workshops with Destination Wairarapa regarding their push for the Chinese market and although this is not our core business at the Events Centre, we feel this is important to the Information Centre especially if DW are successful in their push to attract more Chinese tourists into the Wairarapa.

Radio show

7th October Corrine from Heart of the Arts ran the programme; Friday 14th Rachel and Bridget interviewed Pam Torrington with her history of archaeological digs around the world followed by Sandra Debney and the Little Jewels exhibition at Aratoi. The following week 21st October Rob & Val Weaver interviewed Ian Osland regarding Neighbourhood Support and Diane Edwards from the local historical society. Lastly there was an interview of Jane Mills, Emergency Response, GWRC who talked about community preparedness and Georgie Osborne about the Scarecrow Fair.

Facebook and Twitter

There are 906 followers on the Information Centre Facebook at present, so we are getting excited at the thought we will pass the 1,000 mark soon! For a small district we appear to get good coverage and following from the local community.

We are up to 363 followers on Twitter. This is a much slower social media increase than usual so we may have to look at the difference in the markets.

Art Sales

We have sold Sandra Wong's last print and have asked her to bring in some more and we have Jacqueline Hocquard's prints on site as well as a selection of postcards and cards by local artists.

Ticketing

It has been a busy month for ticketing. The local ballet schools have utilised Eventfinda for their shows. We have also had a large number of events on in the Wairarapa and upcoming ones at the Events Centre including: Ho Ho Ho Comedy Show; Sue Nicholson – Answers from the Other Side; The Lady Killers – Live and Kicking and Grease (which has sold out already).

5.10 Social Services

The majority of the enquiries around social services relate to the Foodbank and legal enquiries which are referred on to the Wairarapa Community Law Centre.

There has been a small rise in people concerned about some of our elderly (that are directly related to them). We have referred them on to the appropriate services such as Age Concern to provide them with information on the various clubs and activities in the local area etc. or organise mobility assessments. This appears to be reflective of the large number of 'retirees' settling in to Carterton.

We are planning to welcome new residents coming up in December can only be a positive.

6 FINANCIAL

This short report provides summary information on the financial results for the Council for the financial year to 30 September 2016. Full financial statements are available.

Budgets used are those from the Annual Plan and any changes approved by Council.

6.1 Key financial measures

The Council has recorded an operating surplus of \$23,126 for the three-month period to 30 September 2016. This compares with the budgeted deficit of \$7,933, a favourable variance of \$31,059.

Overall operating revenue was \$3,610,263, over budget by \$61,933. Revenue was over budget for regulatory fees, particularly building consent fees (\$80,082) and infrastructure contributions (\$99,382). These are mostly permanent differences. The over-recovery was offset by negative timing variances for NZTA roading subsidies (\$190,515) and Waingawa water fees \$28,752.

Overall operating expenditure was \$3,577,994, under budget by \$1,332. Expenditure included a number of unplanned items including sewerage activity consultancies and materials (\$58,939), building inspection consultancy fees (\$35,528) and health and safety

legislative changes (\$14,466). This was partly offset by positive timing variances for community grants (\$85,432) and bad debts (\$10,002).

Total capital expenditure this year to date was \$570,545, which excludes \$333,329 work-in-progress balance brought forward from the previous year. The full-year budget in the Annual Plan is \$6,110,139. Council has approved a further \$651,325 mostly to complete capital items brought forward from the previous year, and Chief Executive has approved a further \$77,046 under delegated authority for emergency capital expenditure. Expenditure for the eleven months to date is 51 percent of the revised total of \$5,703,527.

Currently the Council has twelve term loans held with the Bank of New Zealand totalling \$8,311,908, and five finance leases totalling \$86,411.

6.2 Unbudgeted expenditure

Additional expenditure beyond the budget can be approved by Council. The following unbudgeted expenditure has been approved by Council in the year to date:

Item	Amount	Approved
Carry-forward of uncompleted capital projects	\$ 731,125	5 October 2016
Footpath resurfacing	\$ 25,000	5 October 2016
Subsidised roading renewals	\$ 63,200	5 October 2016
Minor works Stubbs Lane	\$ 40,000	5 October 2016
Norman Avenue infrastructure extension	(\$ 400,000)	5 October 2016
High Street South water mains	\$ 192,000	5 October 2016
Total to date	\$ 651,325	
Operating revenue		
Holiday Park	\$ 93,500	5 October 2016
Total to date	\$ 93,500	
Operating expenditure		
Holiday Park	\$ 41,000	5 October 2016
Emergency road reinstatement	\$130,000	5 October 2016
Total to date	\$ 171,000	

No unbudgeted expenditure has been approved by the Chief Executive this financial year under delegated authority for emergency expenditure.

7 HEALTH AND SAFETY

Since reporting to the last meeting of the Audit and Risk Committee, the organisation's Health and Safety Committee have been meeting every two weeks and have:

- Reviewed progress on the health and safety work plan.
- Rolled out forms for recording and reporting near misses, accidents, incidents and hazards.

- Developed flow charts for hazard reporting and assessment plus incident, accident and notifiable event reporting and investigation process.
- Placed suggestion boxes in office, events centre and yard.
- Reviewed all near misses and accidents during the period and undertaken and completed two investigations.
- Reviewed, investigated and developed controls to mitigate risk associated with each hazard.
- Attended the monthly Wairarapa Health and Safety Forum meetings.
- Developed initiatives for encouraging our people to talk about health and safety and report what is happening. It is pleasing to note that reporting of near misses and accidents is on the increase and our staff seem comfortable with the processes that have been implemented. The more that staff tell us about these situations the more information we have on possible risks and how to manage them and keep our people healthy and safe.

Before the end of the year the Health and Safety Committee hope to achieve the following new processes and procedures:

- Develop, investigate and finalise the hazard register for the swimming pool complex, including site evacuation procedures.
- Develop, investigate and finalise the hazard register for the Holiday Park including site evacuation procedures.

8 RECOMMENDATIONS

That the Council:

1. **Receives** the report.

Jane Davis
Chief Executive

The Minutes of the Inaugural Meeting of the Carterton District Council held in the Carterton Events Centre, Holloway Street, Carterton on Wednesday 26 October 2016 at 11.00am

Present	Mayor J Booth Crs M Ashby, R Carter, J Greathead, R Keys, G Lang, T O’Callaghan, and R Vergunst
In Attendance	P J Devonshire (Kaumātua) Lou Cook (Kaumātua) J Davis (Chief Executive) M Sebire (Corporate Services Manager) D Gittings (Planning and Regulatory Manager) B McWilliams (Parks and Reserves Manager) G Baker (Operations Manager) K Jurlina (Marketing and Communications Co-ordinator) M Hautler (Electoral Officer)

The Pōwhiri

The new Councillors gathered on the courtyard in front of the Events Centre. Families, friends, Hurunui o Rangi Marae, and Council staff waited inside in Te Mahau foyer.

The karanga rang forth from Nanny Lou Cook calling the councillors in, and a karanga in response was performed by Nanny Frances Smith. “Ko Wairarapa” then “Tōia mai” added to the fervour with Carterton School “hauling the new waka ashore”.

Karakia were spoken by Nanny Mihi Namana, clearing the way for speeches.

Matua PJ Devonshire spoke on behalf of the tangata whenua (the hosts ie Hurunui o Rangi Marae and Council staff). The tangata whenua stood in support and sang a waiata.

Matua Marty Sebire replied on behalf of the manuhiri (the guests ie the new councillors). The councillors’ families and friends joined Carterton School in a waiata of support.

The tangata whenua then invited the manuhiri to come forward to harirū (shake hands) and hongī (press noses and share breath) to express the joining together of tangata whenua and manuhiri.

The new councillors then moved to the Hurunui o Rangi meeting room and took their place at the table, with the Chief Executive presiding.

Nanny Mihi Namana performed the opening prayer for the inaugural meeting.

The Chief Executive then opened the formal business part of the meeting by welcoming the Mayor- and Council-elect and members of the public to the Inaugural Meeting for the 2016–2019 triennium.

1. Apologies

There were no apologies.

2. Declaration by elected members

Mayoral declaration

The Chief Executive invited Mayor John Booth to read and sign the declaration for the Office of Mayor. The Chief Executive signed as witness.

Mayor John Booth assumed the chair at 11.32am.

Councillors' declaration

His Worship the Mayor invited each councillor in turn to read and sign their declaration. The Mayor signed each in turn as witness.

3. Voting procedures for the election of Deputy Mayor and other elections

The Chief Executive advised that the Local Government Act 2002 requires a Council to elect one of its members to be its deputy mayor. The deputy mayor is to perform the responsibilities and duties of the mayor during the temporary absence of the mayor, or while there is a vacancy in the office of the mayor. She can also represent the mayor when requested to do so by the mayor.

The same procedures are also required by legislation for the appointment of the chairperson and deputy chairperson of any committee, and also for the appointment of representatives of the council on another body.

The Council's Standing Orders requires that the deputy mayor be elected by voting System A or System B as decided by the Council.

System A requires the successful candidate to receive the votes of the majority of the members present and voting. There is a first round of voting. If no candidate is successful, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and so on.

System B requires the successful candidate to receive more votes than any other candidate. There is only one round of voting under this system.

Both voting systems require a resolution by 'lot' if two candidates receive an equal number of votes and no one else is elected. The most common procedure is for the names of the candidates with the same number of votes to be placed in a container and the name of the person drawn out by an independent person is deemed the winner i.e. elected or not excluded from the next round. It is recommended that this process be used in the event that there is a tie between candidates.

Moved

That voting system B be used to determine the election of the Deputy Mayor, the chairperson and deputy chairperson of any committee, and the appointment of representatives of the council on other organisations during this triennium.

Crs Greathead / Ashby
CARRIED

4. Election of Deputy Mayor

Mayor Booth called for nominations of councillors for the role of Deputy Mayor.

Mayor Booth nominated Cr Keys. The nomination was seconded by Cr Ashby.

There being no other nominations, Mayor Booth declared Cr Keys to be Deputy Mayor.

5. Local Authority Triennial Elections 2016

The Electoral Officer presented a report on the conduct of the 2016 local body elections

Moved:

That Council receives the report.

Crs Lang / Carter
CARRIED

6. Invitation to Hurunui o Rangi Marae to sit at the Council table

The Chief Executive introduced her report to Council to consider inviting representatives of the mana whenua, Hurunui o Rangi Marae, to sit at the Council table for the 2016–2019 term.

Mayor Booth spoke of the importance of Hurunui o Rangi in our District and the desire to further develop the relationship between the Marae and Council.

Moved

That Council receives the report.

That Council notes the important relationship that exists between the Council and Hurunui o Rangi Marae.

Crs Ashby / Deller
CARRIED

That Council agrees to invite the Marae to have two representatives sit at the Council table with full speaking, but not voting, rights.

Crs Carter / Lang
CARRIED

The meeting was adjourned for lunch at 11.50am

The meeting resumed at 12.40pm

7. Laws affecting elected members

The Chief Executive advised that the Local Government Act 2002 requires her, at the first meeting of the Council following a triennial general election, to give or arrange for a general explanation of certain laws affecting elected members.

Ms Davis provided a report on the key elements of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, and members' obligations under the following Acts:

- Secret Commissions Act 1910;
- Crimes Act 1961;
- Local Authorities (Members' Interests) Act 1968;
- Financial Markets Conduct Act 2013;
- Health and Safety at Work Act 2015; and
- Public Records Act 2005.

Moved

That Council receives the report.

That Council notes the laws and obligations affecting elected representatives.

Crs Keys / Greathead
CARRIED

8. Appointments to Greater Wellington Regional Council committees

The Greater Wellington Regional Council is seeking nominations for appointees to its regional committees.

Moved

That Council receives the report.

That Council nominates members to the following Greater Wellington Regional Council committees:

Committee	Nominee for member	Nominee for alternate
Regional Transport	Mayor Booth	Deputy Mayor Keys
Wellington Regional Strategy	Mayor Patterson	Mayor Booth
Ruamahanga Whaitua	Cr Ashby	n/a
Te Kauru Upper Ruamahanga River Floodplain Management Sub-committee	Cr Deller	Cr Ashby
Wairarapa Water Use Project Governance Group	Mayor Booth	n/a

Crs Greathead / O'Callaghan
CARRIED

9. Annual Report for the year ended 30 June 2016

The Corporate Services Manager presented the annual report for the year ended 30 June 2016, seeking adoption by the new Council. The draft report had been endorsed by the outgoing Council, who recommended the incoming Council adopt the report after any amendments agreed with the auditors.

Mr Sebire explained that the auditors had not yet provided an annual report. However, the report presented reflected any comments that the auditors had made to date.

Moved

That the Council adopt the Carterton District Council annual report for the year ended 30 June 2016.

Crs Carter / Ashby
CARRIED

Moved

That the Council delegates to the Mayor and Chief Executive authority to approve any final editorial changes.

Crs Keys / Ashby
CARRIED

10. Meeting date for the first ordinary Council meeting

The purpose of the report was to set the date for the first ordinary meeting of the Council for the 2016–2019 triennium. A meeting schedule for the year will be decided later, after the committee structure is agreed.

Moved

That the Council receives the report.

That the Council notes that a full schedule of meetings for the remainder of 2016 and for 2017 will be agreed at the first ordinary meeting of the Council.

Crs Greathead / Lang
CARRIED

Moved

That the first ordinary meeting of the 2016–2019 Council term be held on Wednesday
23 November 2016.

Crs Carter / Deller
CARRIED

The meeting concluded at 1.00pm

Minutes confirmed.....

Date.....