

Notice is hereby given that an ordinary meeting of the Horowhenua District Council will be held on:

Date: Wednesday 1 February 2017
Time: 4.00 pm
Meeting Room: Council Chambers
Venue: 126-148 Oxford St
Levin

Council OPEN AGENDA

MEMBERSHIP

Mayor	Mr Michael Feyen
Deputy Mayor	Mr Wayne Bishop
Councillors	Mr Ross Brannigan
	Mr Ross Campbell
	Mr Neville Gimblett
	Mr Barry Judd
	Mrs Victoria Kaye-Simmons
	Mrs Jo Mason
	Mrs Christine Mitchell
	Ms Piri-Hira Tukapua
	Mr Bernie Wanden
Reporting Officer	Mr David Clapperton
Meeting Secretary	Mrs Karen Corkill
	Ms Sharon Bowling

Contact Telephone: 06 366 0999
Postal Address: Private Bag 4002, Levin 5540
Email: enquiries@horowhenua.govt.nz
Website: www.horowhenua.govt.nz

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www.horowhenua.govt.nz

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and Te Takere/Library, Bath Street, Levin

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1 Apologies

2 Public Speaking Rights

Notification to speak is required by 12 noon on the day of the meeting. Further information is available on www.horowhenua.govt.nz or by phoning 06 366 0999.

3 Late Items

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

4 Declaration of Interest

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

5 Confirmation of Minutes

5.1 Meeting minutes Council - 7 December 2016

6 Matters Arising

7 Leave of Absence

8 Announcements

File No.: 16/598

Adoption of Standing Orders

1. Purpose

The purpose of this report is for the Horowhenua District Council to adopt Standing Orders for the conduct of its meetings and committees.

2. Executive Summary

2.1 Council is required to adopt a set of standing orders for the conduct of its meetings and those of its committees.

2.2 Standing Orders are important in that they provide Councils with a framework of rules for open, transparent and fair decision-making.

3. Recommendation

3.1. That Report 16/570 Adoption of Standing Orders be received.

3.2. That this decision is recognised as not significant in terms of S76 of the Local Government Act

3.3 That in accordance with clause 27, Schedule 7 of the Local Government Act 2002, with effect from 1 February 2017 the Horowhenua District Council, its Committees and Subcommittees adopts the **attached** Standing Orders.

4. Background / Previous Council Decisions

4.1 Council has traditionally adopted Model Standing Orders NZS 9202:2003 published by Standards New Zealand, with some amendments. These Model Standing Orders were cumbersome and the language used had become outdated. They were also copyright which posed some issues when it came to wider publication without significant cost.

4.2 In 2016 a working party of Governance Administrators from various Councils, under the auspices of Local Government New Zealand, in partnership with EquiP (its Centre of Excellence) undertook a review of Model Standing Orders.

4.3 Following the review, LGNZ has made available to interested Councils an updated version of Standing Orders. These are not only fully compliant with legislation and best practice in the conduct of meetings, they are also easy to use and can be tailored to meet each Council's specific requirements.

5. Discussion

5.1 The Council is required to adopt a set of standing orders for the conduct of its meetings and those of its committees.

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

- 5.3 The updated Standing Orders fulfil the requirements of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, and reflect current best practice with regard to the conduct of meetings.
- 5.4 His Worship the Mayor and Councillors have participated in a workshop around Standing Orders and the attached document to be adopted reflects this discussion.
- 5.5 Adoption of and/or any change to Standing Orders requires the support of not less than 75% of the members present.

6. Options

Council is required to adopt the standing orders as circulated unless there is not less than 75% support by the members present to amend or replace the Standing Orders.

6.1 Cost

There are no cost considerations.

6.1.1 Rate Impact

There are no rate impact considerations.

6.2 Community Well Being

There are no community wellbeing considerations.

6.3 Consenting Issues

There are no consenting issues for consideration.

6.4 LTP Integration

There are no LTP integration considerations.

7. Consultation

Consultation on the adoption of Standing Orders is not required.

8. Legal Considerations

There are no legal considerations.

9. Financial Considerations

There are no financial considerations.

10. Other Considerations

There are no other considerations.


11. Next Steps

If the recommendations are accepted in accordance with Section 27, Schedule 7, Part 1 of the Local Government Act 2002, with effect from 1 February 2017 the Horowhenua District

Council, its Committees and Subcommittees will operate under the Standing Orders **attached** to this report.

8. Appendices

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Author(s)	Monique Davidson Group Manager - Customer and Community Services	
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Approved by	Monique Davidson Acting Chief Executive	
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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 Orders 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 is not physically present at the place of the meeting.

Audio visual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is 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 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 contains at least 20 signatures.

Powhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A 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 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 have not been subsequently released by the local authority;

- any other information which 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.)

Secunder 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 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 seven (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 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 Mayor or 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 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 Mayor from office in accordance with cl.18 of Schedule 7 LGA 2002.

5. Appointments and elections

5.1 Mayoral appointment of deputy Mayor, committee chairs and members

A Mayor may appoint the 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 Mayor, a Chairperson or a member of a committee appointed by the Mayor. Any decision by the territorial authority to discharge a deputy Mayor shall follow the procedure in Standing Order 5.5.

If the Mayor declines to appoint a 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 Mayors and 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 Chairperson of a regional council;
- the deputy Mayor;

- the Chairperson and deputy Chairperson of a committee; and
- a representative of a local authority.

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

cl. 25 Schedule 7, LGA 2002.

5.5 Removal of a deputy Mayor

A 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 Mayors and committee chairs

When electing a regional council chair, a 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.

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 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.

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

The order of business for Council, its Committees and the Foxton Community Board shall be:

Procedural

1. Apologies
2. Public Participation
3. Late Items
4. Declarations of Interest
5. Confirmation of Minutes
6. Matters Arising
7. Announcements

Proceedings of Committees

Reports

In Committee

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.

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

The chairperson of any meeting may include on the agenda for that meeting a chairperson's recommendation regarding any item brought before the meeting. Where a Chairperson's

recommendation varies significantly from an officer's recommendation the reason for the variation must be explained in the Agenda.

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 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 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, mihi whakatau, or powhiri 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 are open to the public. Any recording of meetings must be notified to the Chairperson at 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.

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 chair or a member who is physically present.

cl. 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 Mayor/chair must act as Chairperson. If the deputy Mayor/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 Chairperson (if any) will act as Chairperson. If the 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 Participation

14.1 Requests to speak to Agenda items

There is the opportunity for people to speak to items on a Council or Foxton Community Board Agenda. A request must be lodged with the Chairperson, Chief Executive or other appropriate officer of Council, or via email public.participation@horowhenua.govt.nz by close of business on the day prior to the meeting and must identify the specific item to which a person wishes to speak. Requests will not be accepted for:

- matters that do not appear on a meeting agenda;
- proceedings of committees that do not have a substantive resolution for adoption;
- procedural items and reports which are for information only;

14.2 Approval by Chairperson

In all cases the request to speak shall be referred to the Chairperson of the meeting to confirm acceptance.

14.3 Applicant Advised of Outcome

The person requesting to speak shall be advised whether or not their request has been accepted. If declined the applicant shall be advised of the reasons why. The author of any report to which there are requests to speak shall also be advised.

14.2 Time Limits

Unless the meeting determines otherwise, a limit of five (5) minutes is placed on each speaker.

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. 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 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 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.

18.4 Method of voting and calling for a division

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.

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.

18.5 Request to have votes recorded

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

18.6 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 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 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 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 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. An amendment cannot be a direct negative to the motion or the amended motion.

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 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 the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which 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 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:

- (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 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 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, in the opinion of the Chairperson, 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, 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.

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

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 tapu; or
 - (d) Protect information which 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 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:

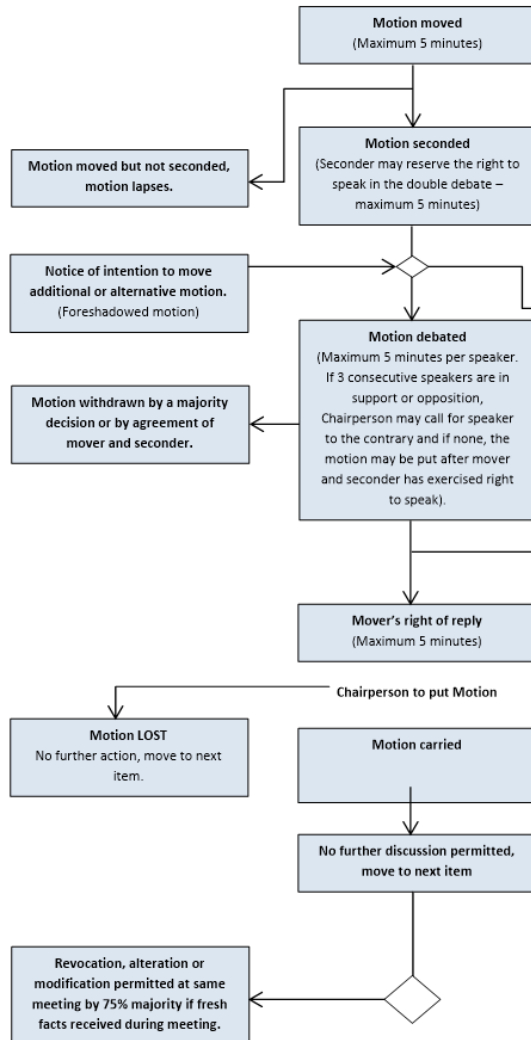
Item No	Interest
	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
	Protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a))
	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 waahi tapu (Schedule 7(2)(ba))
	Protect information which 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))

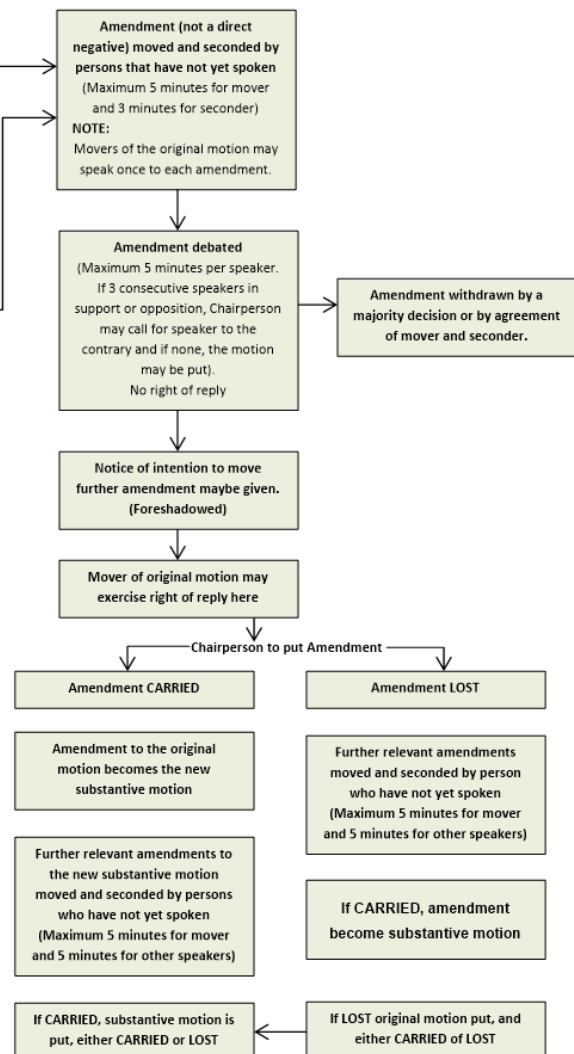
THAT XXXX be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of XXXX. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX.

Appendix 3: Motions and amendments (option A)

Motions without amendments



Motions with amendments



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"	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	

place"											
(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. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained in the Agenda.

Chairperson's voting

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.

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:

- (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 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 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 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 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

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

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

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

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

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

The Chairperson may permit members to leave their place while speaking.

Priority of speakers

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes

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.

Questions of speakers

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

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

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

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

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

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 undertaken by the deputy 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 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 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 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 Chairperson, or deputy Mayor from office.
2. If a Chairperson, deputy Chairperson, or deputy mayor is removed from office at that meeting, the territorial authority or regional council may elect a new Chairperson, deputy Chairperson, or deputy mayor at that meeting.
3. A meeting to remove a Chairperson, deputy Chairperson, or 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 Chairperson, or deputy Mayor is removed from office, a new Chairperson, deputy Chairperson, or 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 Chairperson, or 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 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.

File No.: 16/597

Adoption of Code of Conduct

1. Purpose

The purpose of this report is for Council to adopt its Code of Conduct, and to identify any areas for amendment at the beginning of the new triennium.

2. Executive Summary

- 2.1 Council is required under Clause 15 of Schedule 7 of the Local Government Act 2002 to adopt a Code of Conduct for its members as soon as practical after the commencement of this Act.
- 2.2 Local Government New Zealand has designed a new Code of Conduct template to incorporate recent legislative changes, new approaches to good governance and provide better advice for having to deal with alleged breaches. More importantly the focus has been widened from controlling poor behaviour to promoting an inclusive and positive governance culture, therefore removing some of the factors that can result in behavioural issues.
- 2.3 It is proposed that Council consider adopting the LGNZ updated Code of Conduct attached.

3. Recommendation

- 3.1. That Report 16/569 Code of Conduct be received.
- 3.2. That this decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3. That Council adopts the Code of Conduct.
- 3.4. That on adoption the Code of Conduct is recommended to the Foxton Community Board for adoption.

4. Background / Previous Council Decisions

- 4.1 Clause 15 of Schedule 7 of the Local Government Act 2002 requires a local authority to adopt a Code of Conduct for its members "as soon as practicable after the commencement of this Act".
- 4.2 The Code of Conduct may not be revoked without replacement.
- 4.3 Any amendment to, or a replacement of, the Code of Conduct requires a vote in support by 75% of the members present.
- 4.4 There is no statutory requirement for review or confirmation following an election, but given changes in the membership of Council, and changes to the Local Government Act 2002 and various amendments, it is considered timely to consider adopting a version more aligned to current best practice.

- 4.5 The key elements of the Code of Conduct are details of understanding and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in the capacity as members, including behaviour towards one another, staff and their public, and disclosure of information, including the provision of any document to elected members, and a general explanation of the Local Government Official Information & Meetings Act and any other enactment or rule of law applicable to members.
- 4.9 A copy of the Code of Conduct 2016-2019 is attached.

5. Discussion

- 5.1 The Code of Conduct attached (the Code) sets out the standards of behavior 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.

The above purpose is given effect through the values, roles, responsibilities and specific behaviors documented in Code.

- 5.2 The Code has been adopted in accordance with clause 15 of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of community boards that have agreed to adopt it. The Code is designed to deal with the behavior of members towards:
- each other;
 - the chief executive and staff;
 - the media; and
 - the general public.
- 5.3 The Code 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.
- 5.4 As above the Code can only be amended 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.
- 5.5 It is important to note that Part 7 of the Local Government Official Information and Meetings Act applies to all meetings of the Council and Community Boards, as well as to committees and sub-committees of those bodies. For that reason it is considered appropriate that once approved by Council the Code be referred to the Foxton Community Board for consideration and adoption.

6. Options

Council is required to confirm the Code of Conduct as soon as practical under Clause 15 of Schedule 7 of the Local Government Act 2002.

6.1. Cost

There are no cost implications to consider.

6.1.1. Rate Impact

There are no rate impacts to consider.

6.2. Community Well Being

There are no Community Wellbeing impacts to consider.

6.3. Consenting Issues

There are no consenting issues to consider.

6.4. LTP Integration

There are no LTP integration issues to consider.

7. Consultation

The Code of Conduct is not a policy that requires consultation.

8. Legal Considerations

Legal Considerations are set out in the Code of Conduct.

9. Financial Considerations

There are no financial considerations.

10. Other Considerations


There are no other considerations.

11. Next Steps

If the recommendations are accepted the Code of Conduct 2016-2019 will become immediately operable and replace the existing Code of Conduct October 2013.

12. Appendices

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Author(s)	Monique Davidson Group Manager - Customer and Community Services	
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Approved by	Monique Davidson Acting Chief Executive	
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Code of Conduct 2016-2019

Adopted February 2017

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1. Introduction

This Code of Conduct (the Code) sets out the standards of behavior 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 behaviors agreed in this Code.

2. Scope

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any local boards as well as the members of any community boards that have agreed to adopt it. 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 behavior.
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 city, district or region;
- 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.

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.

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/chair or the chairperson of the chief executive performance review committee (however described);
- 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 local authority.

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 or chairperson is the first point of contact for an official view on any issue, unless delegations state otherwise. Where the mayor/chair is absent requests for comment will be referred to the deputy mayor/chair or relevant committee chairperson or portfolio holder;
- the mayor/chair 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/chair.

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. Information

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

7.1 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.

7.2 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.

8. 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 (see Appendix A). In the event of a conviction, elected members can be ousted from office.

9. Register of Interests

Members shall annually make a declaration of interest. These declarations are recorded in a Register of Interests maintained by the council. 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.

10. 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 \$100.00 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.

10.1 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.

11. 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.¹
- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfill their Declaration of Office and contribute to the good governance of the city, district or region.

12. Breaches of the Code

Members must comply with the provisions of this Code (LGA 2002, schedule 7, s. 15(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.

12.1 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.

12.2 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.²

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

12.3 Investigation, advice and decision

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

12.4 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.

13. 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.

13.1 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:

² On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as EquiP.

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 (such as attendance at conferences);
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.

13.2 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.44 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).

14. 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: Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at www.legislation.govt.nz

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- a person, or spouse or partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- a person, or their spouse or partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members' family trust and the council.

Determining whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." (OAG, 2001)

In deciding whether you have a pecuniary interest, members should consider the following factors.

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the mayor/chair or other person to determine if they should discuss or vote on an issue but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the council's Standing Orders.)

The contracting rule

A member is disqualified from office if he or she is "concerned or interested" in contracts with their council if the total payments made, or to be made, by or on behalf of the council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the council (or committee of the council) while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members should focus be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

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 that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of elected members is the fact that the chairperson 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; or
- use offensive language about the council, other members, any employee of the council or any member of the public.

See Standing Orders for more detail.

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 two years, and/or fines up to \$1,000. A conviction would therefore trigger the ouster provisions of the LGA 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; and
- use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will automatically cease to be members.

Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously 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.

The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles. Provisions directly relevant to this Code include:

Personal liability of members

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s.44 LGA 2002, it is found that one of the following applies:

- a) money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
- c) a liability has been unlawfully incurred by the local authority; or
- d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) without the member's knowledge;
- b) with the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) contrary to the manner in which the member voted on the issue; and
- d) in circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (s.47 LGA 2002).

Appendix B: 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 selected from a panel agreed at the start of the triennium. 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 Chairperson or 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. Committees should be established at the start of a triennium with a majority of members selected from the community through either an application process or by invitation.

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 defense. 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.

Committee Structure and Elected Member Appointments

File No.: 17/21

1. Purpose

To receive the committees His Worship the Mayor has decided to establish for the 2016-2019 triennium and make appointments to these committees and to seek the adoption of the Terms of Reference and Delegations for these committees

2. Executive Summary

- 2.1 Following each triennial election the Mayor establishes the committee structure for Council and appoints the Chairs of these committees.
- 2.2 Council is required to agree on the membership of each committee, apart from the Chair, approve the meeting schedule for the following year, and make appointments to Statutory Bodies, Community Groups/Associations, and other organisations.
- 2.3 These appointments are generally for the three year term of Council unless more specifically stated as to the actual term of appointment.
- 2.4 Terms of Reference and Delegations for these committees require adoption also.
- 2.5 The Mayor and Council participated in a workshop regarding this topic prior to Christmas and again in January. The content of that discussion is reflected in this report to Council.

3. Recommendation

- 3.1 That Report 17/21 Committee Structure and Elected Member Appointments be received.
- 3.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 3.3 That Council notes His Worship the Mayor's intention to establish the following committee structure under powers pursuant to Section 41A of the Local Government Act 2002 Amendment Act 2012:
 - Hearings Committee;
 - Finance, Audit & Risk Subcommittee;
 - Strategy Committee;
 - Chief Executive's Performance Agreement Review Committee;
 - Community Recognition & Funding Committee;
 - Tenders Committee;
 - Creative New Zealand Funding Allocation Committee & Community Wellbeing Committee.
- 3.4 That Council notes the Committee structure as outlined in Appendix A of this report, pursuant to His Worship the Mayor's powers.
- 3.5 That the appointments of Chair, Deputy Chair and members of all committees be adopted as outlined in Appendix B of this report.
- 3.6 That the Terms of Reference and Delegations for these committees be adopted as outlined in Appendix C of this report.
- 3.7 That the Committee Structure and membership be reviewed in 12 month.
- 3.8 That further work related to form, function and structure of Community Forums take place and a report return to the March 2017 Council meeting.

4. Discussion

4.1 Section 41A of the Local Government Act 2002 Amendment Act 2012 sets out Mayoral powers by which the Mayor can now:

- 3(b) establish committees of the territorial authority;
- 3(c) appoint the Chairperson of each committee.

Following discussion with elected members the Mayor has exercised this power.

4.2 The rationale behind the committee structure is on the one hand to separate Council's regulatory functions from its non-regulatory functions, and to improve Council's decision making processes through the use of committees focusing on specific areas of Council's function on the other. Through the use of delegations to these committees, Council is able to effect an efficient and robust decision-making process. A copy of this Committee Structure is outlined in Appendix A of this report. Membership of these committees, including Chair and Deputy Chair, are outlined in Appendix B of this report.

4.3 Likewise Terms of Reference and Delegations for committees require a resolution of Council. Terms of Reference and Delegations for committees have been prepared and are outlined in Appendix C of this report.

4.4 Within the Committee Structure outlined in Appendix A, the establishment of Community Forums is identified. Further work on the structure, form and function of these Forums will be carried out in February and a report will come to the March 2017 Council meeting following further discussion between the Mayor and Chief Executive. The forum establishment would support the Mayor's desire to see more interaction between community and Council, including a larger focus on iwi partnership.

4.5 Expressions of interest will be sought for the Mayor to make his decision on appointment of the Chair of the Finance, Audit & Risk Subcommittee. Until that appointment is made Cr Judd will be Interim Chair.

4.6 It should be noted that the Community Wellbeing Executive and network groups that report to the Community Wellbeing Executive remain as per Council Resolution in July 2016. The Community Wellbeing Strategy and Terms of Reference are attached in Appendix D.

Attachments



No.	Title	Page
A	Council Committee Structure - 2017 - 2019	112
B	Appointments to Committee Structure	113
C	Terms of Reference - Council Committees - 2017-2019	114
D	Community Wellbeing Strategy Terms of Reference	138

Confirmation of statutory compliance

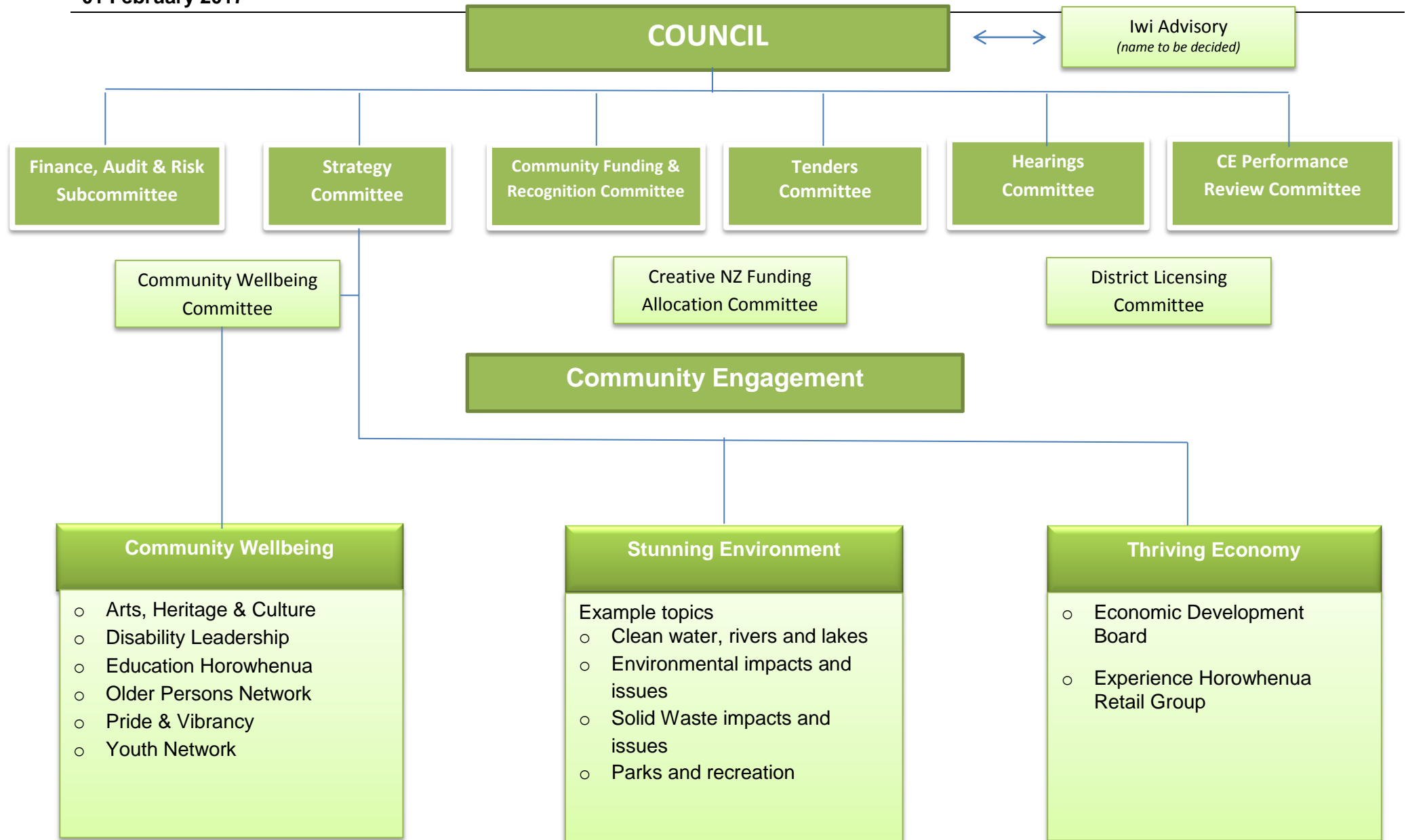
In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Signatories

Author(s)	Monique Davidson Group Manager - Customer and Community Services	
Approved by	Monique Davidson Acting Chief Executive	

Horowhenua District Council Committee Structure 2017 - 19



Proposed Committee Membership – 2017 - 19

Committee	Members	Chair	Deputy Chair
Hearings Committee	Cr Bernie Wanden	Cr Jo Mason	Cr Piri-Hira Tukapua
Finance, Audit and Risk Subcommittee	Full Council	Independent Chair	Cr Barry Judd
Strategy Committee	Full Council	Mayor Michael Feyen	Cr Victoria Kaye Simmons
Chief Executive's Performance Agreement Review Committee	Full Council	Mayor Michael Feyen	Deputy Mayor Wayne Bishop
Community Recognition & Funding Committee	Cr Bernie Wanden Cr Jo Mason	Cr Neville Gimblett	Cr Ross Campbell
Tenders Committee	Cr Ross Brannigan Cr Neville Gimblett Cr Christine Mitchell	Deputy Mayor Wayne Bishop	Cr Ross Campbell
Creative New Zealand Funding Allocation Committee	Cr Victoria Kaye Simmons Cr Ross Brannigan	To be appointed by Committee	
Community Wellbeing Committee	-	Cr Jo Mason	Cr Barry Judd
Economic Portfolio	Cr Bernie Wanden Deputy Wayne Bishop		
Environmental Portfolio	Cr Christine Mitchell Cr Neville Gimblett		
Cultural Portfolio	Mayor Michael Feyen Cr Piri Hira Tukapua Cr Ross Campbell		
District Licensing Committee	-	Cr Ross Brannigan	Cr Neville Gimblett



Council and Committee Terms of Reference 2017 - 2019

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1. Introduction

This document sets out the Terms of Reference for Horowhenua District Council and its committees.

These Terms of Reference set out the principal areas for which Council maintains overall responsibility. They also set out the delegations of council functions, duties and powers to Council committees. The Terms of Reference allow Council to ensure that its powers and functions are exercised with efficiency and effectiveness in order for good decision-making to take place.

2. Establishment of Committees

Under section 41A of the Local Government Act 2002 the Mayor has the power to establish the committees of the governing body and appoint the chairperson of each committee of the governing body before the other members of the committees are determined.

Committee includes, in relation to the Council:-

1. A committee comprising all the members of the Council;
2. A standing committee or special committee appointed by the Council;
3. A standing committee or special committee appointed by the Mayor;
4. A joint committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002;
5. Any subcommittee of a committee described in items (a) (b), (c) or (d) of this definition; and
6. A subordinate decision-making body, including Subcommittees and Forums.

The terms of reference and delegations to Committees and Subcommittees are set out in full in this document.

3. Quorum

The terms of reference for each committee or subcommittee contain the quorum required. Generally (unless otherwise specified) a quorum is the presence of half of the members if the

number of members is even, and a majority of members if the number of members is odd. Vacancies are not included in calculating the quorum.

Appointed members are included in calculating the quorum and are counted towards the quorum when present. This reflects the expectation that appointed members will attend those committees to which they are appointed.

Ex officio members are not included in calculating the quorum but are counted towards the quorum when present. This reflects the expectation that ex officio members will not always be able to attend all committees and forums but have full voting rights when present.

4. Community Engagement Forums

Community Engagement Forums operate under separate Terms of Reference as approved by Council. Their role is to give advice and feedback to Council and provide a conduit to wider community views. The forums are part of Council's governance structure and processes and report to Council.

5. Terms of Reference

COUNCIL

Membership	11
Meeting Frequency	Meets on a six weekly basis Extraordinary Meetings can be called following a resolution of Council, or on the requisition of the Chair or one third of the total membership of Council
Quorum	6

Terms of Reference

The Council's terms of reference include the following powers which cannot be delegated to committees, officers or any other subordinate decision making body.

The power to:

1. make a rate
2. make a bylaw
3. borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan
4. adopt a Long Term Plan or Annual Plan and Annual Report
5. appoint a Chief Executive
6. adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the Governance Statement
7. adopt a remuneration and employment policy
8. approve or amend Council's Standing Orders
9. approve or amend the Code of Conduct for elected members
10. appoint and discharge members of committees
11. establish a joint committee with another local authority or other public body

In addition, Council can:

-
1. approve a proposed plan under the Resource Management Act 1991
 2. approve Council policy and strategy
 3. remove chairpersons of committees, subcommittees and Community Engagement Forums
 4. approve Council's recommendation to the Remuneration Authority for the remuneration of elected members
 5. approve the Triennial Agreement
 6. approve the Local Governance Statement
 7. make decisions on representation reviews
 8. appoint or remove trustees, directors or office holders to Council CCOs or COs
 9. approve the recommendation of a hearings commissioner on a proposed plan, plan change or variation (including private plan change) and
 10. approve a proposed plan or a change to a district plan under clause 17 of the First Schedule

FINANCE, AUDIT & RISK SUBCOMMITTEE

Membership	12 (full Council, one independent)
Meeting Frequency	Meets on a bi-monthly basis
Quorum	6
Reports to	Council

Purpose

The Finance, Audit and Risk Subcommittee provide objective advice and recommendations regarding the results of Council's financial processes, risk management, control and governance frameworks and processes. It is responsible for exercising active oversight of all areas of the Council's control and accountability in an integrated and systematic way.

The Finance, Audit and Risk Subcommittee ensure Council takes responsibility for:

- the robustness of the internal control framework and financial management practices
- the integrity and appropriateness of internal and external reporting and accountability arrangements
- the robustness of risk management systems, processes and practices
- the independence and adequacy of internal and external audit functions
- compliance and applicable laws, regulations, standards and best practice guidelines
- the establishment, maintenance and effectiveness of controls to safeguard the Council's financial and non-financial assets

Terms of Reference

The Finance, Audit and Risk Subcommittee assist Council to fulfil its responsibilities by:

1. Undertaking the administration of all statutory functions, powers and duties within its terms of reference, other than those specifically delegated to any other committee or subcommittee, or retained by Council.

- a. reviewing asset management plans
- b. monitoring Council's investments and debt portfolio
- c. monitoring debt recovery and recommending write offs as appropriate.

2. Internal Control Framework

- a. review whether management's approach to maintaining an effective internal control framework is sound and effective
- b. review whether management has taken steps to embed a culture that is committed to probity and ethical behaviour
- c. review whether management has in place relevant policies and procedures and how these are reviewed and monitored
- d. review whether there are appropriate systems, processes and controls in place to prevent, detect and effectively investigate fraud.

3. Internal Reporting

- a. regularly review Council's performance against budget, Financial Strategy parameters and service level performance targets set out in the relevant Long Term Plan and/or Annual Plan
- b. regularly review Council's performance against the benchmarks set under the Local Government (Financial Reporting and Prudence) Regulations 2014 and any subsequent amendments
- c. consider the processes for ensuring the completeness and quality of financial and operational information being provided to the Council
- d. seek advice from internal and external auditors regarding the completeness and quality of financial operational information that is provided to Council.

4. External Reporting and Accountability

-
- a. review and recommend to the Council for adoption, the Council's Annual Report, and the Financial and service performance reporting aspects of the Long Term Plan (including the Financial Strategy and Infrastructural Strategy) and Annual Plans
 - b. agree the appropriateness's of the Council's existing accounting policies and principles and any proposed change
 - c. satisfy itself that the financial statements and statements of service performance are supported by appropriate management signoff in relation to significant estimates and judgements and the adequacy of the systems of internal control.
5. Risk Management
- a. review whether management has in place a current, comprehensive and effective risk management framework and associated procedures for effective identification and management of Council's significant risks
 - b. consider whether appropriate action is being taken by Management to mitigate Council's significant risks.
6. Internal Audit
- a. review and approve the internal audit coverage and annual work plans, ensuring these plans are based on the Council's risk profile
 - b. review the adequacy of management's implementation of internal audit recommendations
 - c. review the internal audit charter to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place.
7. External Audit
- a. prior to the commencement of each audit, confirm the terms of the engagement, including the nature and scope of the audit, timetable and fees, with the external auditor
 - b. at the completion of each audit receive the external audit management report and review and monitor the resolution of the action(s) to be undertaken by management on significant issues and recommendations
 - c. if so desired, host a members-only session with the external auditor to raise / discuss any matters that either side wishes to bring to the other's attention.

8. Compliance with Legislation, Standards and Best Practice Guidelines
 - a. review the effectiveness of the system for monitoring the Council's compliance with laws including governance legislation, regulations and associated government policies, with Council's own standards, and best practice guidelines as applicable.

STRATEGY COMMITTEE

Membership	11 (full Council)
Meeting Frequency	Meets on a monthly basis
Quorum	6
Reports to	Council

Purpose

The purpose of the Strategy Committee is to set the vision and direction for the Horowhenua District. In order to achieve this, the committee will determine specific outcomes that need to be met to deliver on the vision, and set in place the strategies, policies and work programmes to achieve set goals and targets.

Terms of Reference

The Strategy Committee is responsible for:

Strategy and Policy

- a. developing and recommending strategies, plans and policies to Council that advance the Council's vision and goals, and comply with the purpose of the Local Government Act
- b. monitoring the implementation and effectiveness of strategies, plans and policies
- c. general coordination of Council policy and decisions
- d. provide and set topics for the agenda for Community Engagement Forums and receive feedback and status reports from Community Engagement Forums
- e. responding to government legislation proposals and policy issues.

Significant Projects and Monitoring and Reporting

- a. monitoring and oversight of significant projects
- b. review business cases and agree next steps on significant projects
- c. receive and consider reports on the Council's performance against the Long Term Plan and Annual Plan.

Community Consultation and Engagement

- a. receive reports from the Council's Community Engagement Forums and monitor engagement with the community
- b. review annually and agree upon the model for Community Engagement Forums to ensure ongoing effectiveness from Council and community perspective.

COMMUNITY FUNDING AND RECOGNITION COMMITTEE

Membership	5
Meeting Frequency	Meets as required (anticipated to be up to six (6) times per annum)
Quorum	3
Reports to	Council

TERMS OF REFERENCE

The Community Funding and Recognition Committee are responsible for the following areas:

Community Grants and Funding

- a. to consider the allocation of community grants in line with the relevant grants criteria and priorities for:
- Community Development Grant
 - Community Consultation Grant
 - Rural Halls Grant
 - Vibrant Communities Grant

To consider the Community Wellbeing Strategy and the associated Action Plan priorities (Positive Ageing, Youth, Arts, Culture, History and Heritage*, Pride and Vibrancy* and Disability*) when making funding recommendations. (*Action Plans currently under review)

- b. to make recommendations to Council for endorsement of funding allocations to specified applicants
- c. the criteria and focus areas for community grants funds will be reviewed by Council officers with the Community Funding and Recognition Committee each triennium and recommendations regarding any significant changes will be made to Council during each three (3) year term.

Civic Honours and Special Awards

The Committee has the delegated responsibility to make decisions on behalf of Council with all decisions to be reported to Council.

a. to assess and consider applications for the following awards:

- Certificate of Recognition
- Civic Honour
- Mayoral Award
- Service Award

The criteria and focus areas for Civic Honours and Special Awards will be reviewed by Council officers with the Community Funding and Recognition Committee each triennium and recommendations regarding any significant changes will be made to Council during each three (3) year term.

Youth Scholarships

- a. to assess and consider applications for Youth Scholarships and award in line with criteria and budget allocation
- b. to make recommendations to Council (In Committee) for endorsement of funding to specified applicants

The criteria and focus areas for Youth Scholarships will be reviewed by Council officers with the Community Funding and Recognition Committee each triennium and recommendations regarding any significant changes will be made to Council during each three (3) year term.

Tertiary Scholarships

Tertiary Scholarship recipients are selected in conjunction with the sponsoring Council Manager for which the Scholarship recipient will be required to be supervised by.

One member of the Community Funding & Recognition Committee and a Council Manager from the Group in which the scholarship applicant has applied to work will:

- a. assess and consider applications for Tertiary Scholarships and award in line with criteria and budget allocation.

The committee will:

- a. review the scholarship criteria and make recommendations to Council each triennium.

All recommendations are reported to Council for endorsement.

International Representation Grant

International Representation Grants are awarded on an ad-hoc basis throughout the year as individuals are offered opportunities for international representation. Grants are awarded within the allocated budget and in line with the grant criteria.

As individual applications are received, a Council officer will prepare a summary report and make a recommendation. This will be circulated to Committee members by email along with a copy of the application. Committee Members will:

- a. assess and consider applications and award in line with criteria and budget allocation
- b. make decisions on behalf of Council. Due to tight timeframes, it is not always practical to report to Council prior to awarding a grant
- c. All decisions will be reported to Council

The criteria and focus areas for International Representation Grants will be reviewed by Council officers with the Community Funding and Recognition Committee each triennium and recommendations regarding any significant changes will be made to Council during each three (3) year term.

In fulfilling their role, all members shall be impartial and independent at all times.

TENDERS COMMITTEE

Membership 6

Meeting Frequency Meets as required

Quorum 3

Reports to Council

Terms of Reference

The Tenders Committee is responsible for assisting Council in its general overview of procurement and tender activity. The committee will accept and consider tenders which exceed the Chief's Executive's delegated authority to approve, for projects approved by Council through an Annual Plan or Long Term Plan.

The committee is able to provide oversight and direction to officers on tendering processes in general and/or relating to a particular project.

The Tenders Committee will make a recommendation to Council on the outcome of a tender process for resolution when above delegations.

The Tenders Committee has delegation to approve or award contracts beyond the Chief Executive's delegated authority within parameters of approved AP/LTP Budgets up to \$2 million.

HEARINGS COMMITTEE

Membership	4 or 5
Meeting Frequency	Meets as required
Quorum	3
Reports to	Council

Purpose

The Hearings Committee will consider and determine matters under these acts:

- Resource Management Act 1991
- Dog Control Act 1996

Delegations

Specific Delegations to the Hearings Committee are as stated in Part D of the Horowhenua District Council Delegations Register (RM8 D16/66721).

Terms of Reference

The Hearings Committee has responsibility for and authority to:

1. approve Council's list of Hearings Commissioners under the Resource Management Act 1991 (comprising qualified Councillors sitting as Hearings Commissioners and independent Commissioners)
2. review and agree the Council's guidelines for composition of hearings panels
3. conduct statutory hearings on regulatory matters and undertake and make decisions on those hearings (excluding Resource Management Act 1991)
4. hear and determine submissions and objections in relation to proposed changes to the operative District Plan

-
5. hear and determine submissions and objections in relation to any proposed District Plan or variation thereof
 6. hear and determine any objections made under S 357 of the Resource Management Act (under which applicants may object to certain resource consent decisions made by officers under delegated authority)
 7. hear and consider matters requiring a decision as a result of the special consultative process having been undertaken and make any decisions needed as a consequence, except the actual adoption, pertaining to the formulation and review of Policy and Bylaws.
 8. determine matters under any other legislation where a hearing process is necessary.

CHIEF EXECUTIVE PERFORMANCE REVIEW COMMITTEE

Membership	11
Meeting Frequency	Twice yearly
Quorum	6
Reports to	Council

Purpose

The Chief Executive Performance Review Committee has responsibility for the effective monitoring of the Chief Executive's performance and has the authority to undertake the annual remuneration review.

The Committee also has the role of undertaking any recruitment and selection process, for recommendation to Council.

Terms of Reference

The Chief Executive Performance Review Committee will have responsibility and authority to:

1. agree with the Chief Executive the performance objectives for the financial year
2. undertake a six monthly review to assess progress against the performance objectives, provide constructive feedback and agree to any amendments to the objectives with the Chief Executive
3. conduct a review at the end of the financial year to assess progress against the performance objectives and provide constructive feedback
4. undertake the annual remuneration review and make decisions regarding remuneration.

Creative NZ Funding Allocation Committee

Membership	9
Meeting Frequency	Twice yearly
Quorum	5
Reports to	Council

Purpose

Horowhenua District Council administers the Creative Communities NZ Scheme on behalf of Creative New Zealand. Creative New Zealand allocates the Horowhenua District an annual amount of funding to administer.

Members include Councillors and community representatives from performing arts, fine arts, music and cultural arts backgrounds. Committee members serve for a fixed period of up to three years and may serve for only two consecutive periods.

Terms of Reference

To allocate funding provided from Creative New Zealand on a twice yearly basis under the criteria set by Creative New Zealand.

The Special Committee meet twice a year to consider applications received under the respective grant rounds and to allocate funding to qualifying applicants.

District Licensing Committee

Membership	2x Council appointees (Chairperson and Deputy Chairperson) 5x external appointees
Meeting Frequency	Meets as required
Quorum	A Chairperson plus two members

Purpose

The Sale and Supply of Alcohol Act 2012 (the Act) requires Council to appoint a District Licensing Committee to deal with licensing matters.

The District Licensing Committee is appointed to administer the Council's alcohol licensing framework, as determined by the Act.

Terms of Reference

The functions of the District Licensing Committee are specified by the Act and include:

1. to consider and determine applications for licenses and manager's certificates
2. to consider and determine applications for renewal of licenses and manager's certificates
3. to consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136 of the Act
4. to consider and determine applications for the variation, suspension, or cancellation of special licenses
5. to consider and determine applications for the variation of licenses (other than special licenses) unless the application is brought under section 280 of the Act (Note: section 280 relates to applications by constables or inspectors to the Alcohol Regulatory Licensing Authority (ARLA) for the variation, suspension or cancellation of a licence, other than a special licence)
6. with the leave of the Chairperson for the licensing authority (ARLA), to refer applications to the licensing authority
7. to conduct inquiries and to make reports as may be required of it by the licensing authority under section 175 of the Act

-
8. any other functions conferred on licensing committees by or under the Act or any other enactment.

Reporting to Council

An annual report on the proceedings and operations of the District Licensing Committee will be prepared and submitted to Council.

Foxton Community Board

Membership	5 plus 1x Council appointee
Meeting Frequency	To be determined by the Board
Quorum	3
Reports to	Council

Purpose

The role of the Foxton Community Board is to:

- represent and act as an advocate for the interests of its community
- consider and report on matters referred to it by Council
- maintain an overview of services provided by Council within the community
- prepare an annual submission to Horizons Regional Council and Horowhenua District Council for expenditure within the community
- communicate and liaise with community organisations and special interest groups within the community on matters of interest and concern

Terms of Reference

The Community Board shall:

- facilitate the Council's consultation with local residents and community groups on local issues including input into the Long Term Plan, Annual Plan and policies that impact on the Community Board area
- engage with Council Officers on local issues and levels of service, including infrastructure, parks and recreation, and community services matters.

Council will consult with the Board on all issues that impact on the Board's area and allow enough time for the Board's feedback to be considered before a decision is made.

The Community Board has responsibility for and authority to:

1. as a board, make submissions to any organisation, including submissions on resource consents notified by Horowhenua District Council or Horizons Regional Council, relating to

matters of interest within the Board's area. A copy of any submissions made should be copied to the Chief Executive

2. Represent the interests of the community at Council, Committee or Subcommittee meetings when a motion under debate relates to a matter that the Board considers to be of particular interest to residents within its area
3. Consider matters referred to it by Officers, Council or committees, including reports relating to the provision of council services within the Board's area, and make submissions or recommendations in response to those matters as appropriate. This includes:
 - a. monitoring and keeping the Council informed of community aspirations
 - b. keeping Council informed about the level of satisfaction with services provided
 - c. providing input to proposed District Plan changes that may impact on the Board's area
 - d. providing input into strategies, policies and plans
 - e. providing input to bylaw changes that impact on the Board's area
4. Provide input and feedback to Council Officers on the following matters:
 - a. local road work priorities
 - b. traffic management issues such as traffic safety, pedestrian crossings and street lighting
 - c. application of the Resource Management Act (including notification of decisions) within the Board's area
 - d. the Emergency Management needs of the area

This input and feedback can be provided from the full Board or from a subcommittee of the Board.

Note: the final decision on matters in No. 4, will be made by Council Officers acting under their delegated authority.



Community Wellbeing Strategy with Terms of Reference

2016 - 2019





Community Wellbeing Strategy Vision Statement

*“Everyone in Horowhenua
district is thriving”*

Introduction

This Strategy with Terms of Reference has been developed and confirmed by the collaborative that comprises Horowhenua District Council's Community Wellbeing Executive and has been endorsed by Horowhenua District Council.

This Strategy is intended to provide a disciplined results-based approach directed at achieving community wellbeing through collective impact over the next 3 years, 2016-2019.

Community well-being is not easy to "measure". Community wellbeing is related to people feeling a positive sense of place and belonging in their community. A strong community gives people this sense of belonging, is adaptable and able to respond to adversity, has capable leadership, and promotes social trust, participation and mutual responsibility.

There is strong evidence that the networks and the strength of relationships between individuals and families, in a neighbourhood and a community, all contribute to community wellbeing and resilience. Individual wellbeing, whether it is sought through work, leisure, family life or volunteering, is achieved within the context of community. People's choices and actions influence the wellbeing of others, and collectively they shape the overall trajectory of a community's development and the overall community's wellbeing.

Individuals and families cannot meet all their needs and achieve the level of wellbeing they strive for on their own. On the other hand, a strong community can meet the needs of individuals and families. People who feel socially connected contribute towards building communities and society.

Communities are drawn together around common histories and interests, and the wish to improve circumstances so that their members have a chance for a better life.

Horowhenua is building a strong community with the social infrastructure to enable people to develop their own capabilities and resilience, to overcome disadvantage, to cope with change and adversity, reduce social problems and to grasp opportunities to advance themselves and their respective communities.

Communities are the 'place' in everyday life where all sectors meet and interact. To achieve the best social outcomes Horowhenua requires the involvement of local government, iwi, central government and community organisations' to take a collective approach to local problems and, in turn, this will contribute to building this community's ability to respond to challenges and adversity now and in the future.

This rationale sits behind the Horowhenua Community Wellbeing Strategy and the Terms of Reference for the Community Wellbeing Executive.



History

Horowhenua District Council, with a number of government and community partners, initially promoted community wellbeing through its "Joint Health and Transport Subcommittee".

In 2010, Horowhenua District Council dis-established this subcommittee and replaced it with the Community Wellbeing Committee. The Community Wellbeing Committee is made up of Councillor, agency and community representation, and operates as an official subcommittee of Council to provide effective leadership and strategic vision within the Community Wellbeing area, within which community services are located. In July 2013, Horowhenua District Council adopted the initial "Community Wellbeing Strategy". In 2016 the Community Wellbeing Strategy has been revised along with the Terms of Reference and membership of the Community Wellbeing Executive.

The Community Wellbeing Executive is chaired by the Mayor of Horowhenua District Council or his delegate. Council staff provide the backbone support to the Executive as well as for several of the community forums that report to the Executive.

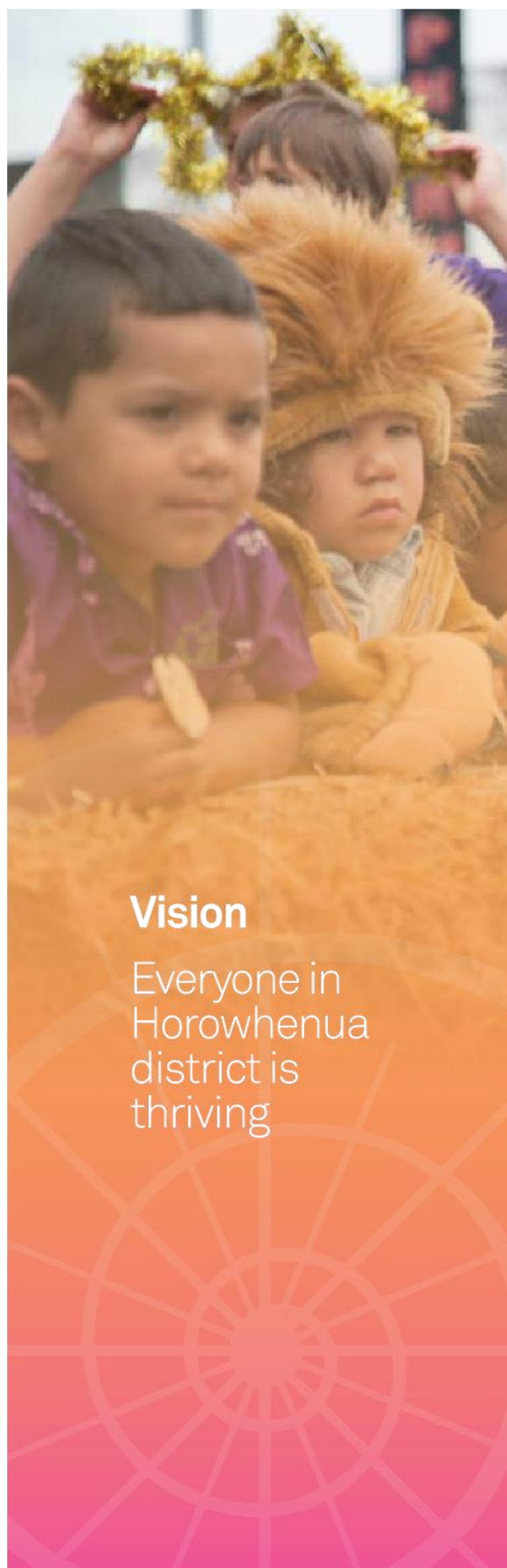
Purpose

The key purpose of the Community Wellbeing Strategy and therefore the Community Wellbeing Executive is to ensure that every person thrives by improving the quality of life for the population of the Horowhenua district.

(No single agency, group, organisation or programme can achieve wellbeing for the whole community of Horowhenua. It takes the unique contributions of a range of organisations and groups and programmes. While no single agency can improve a whole population's results; individual agencies and specific programmes and initiatives, by working collectively and collaboratively, can contribute to a population result through the impact on their respective clients/customers/ members.)

Timeframe

This Strategy has a three-year life span, and will be reviewed when this time is complete. Over this time period, different initiatives and projects will be implemented that relate to Community Wellbeing; through the Council facilitated action plans and agency and community group activities. Council Officers and agencies will report to the Community Wellbeing Executive on the progress made, as well as keeping the wider community updated on progress towards the results sought across the Horowhenua district.





Linkages with the Horowhenua District Council Long Term Plan

The Horowhenua District Council Long Term Plan, 2015-2025, has the following outcomes for the community:

1. A healthy, local economy and a District that is growing
2. A sustainable environment
3. A community of knowledge, culture and diversity where people are proud to live
4. Safe, resilient and healthy communities
5. Positive leadership and effective partnerships

All outcomes contribute to community wellbeing, but the outcomes that most directly relate include:

1. A safe, resilient and healthy Horowhenua community;
3. A proud Horowhenua community of knowledge, culture and diversity;
5. Positive leadership and effective partnerships

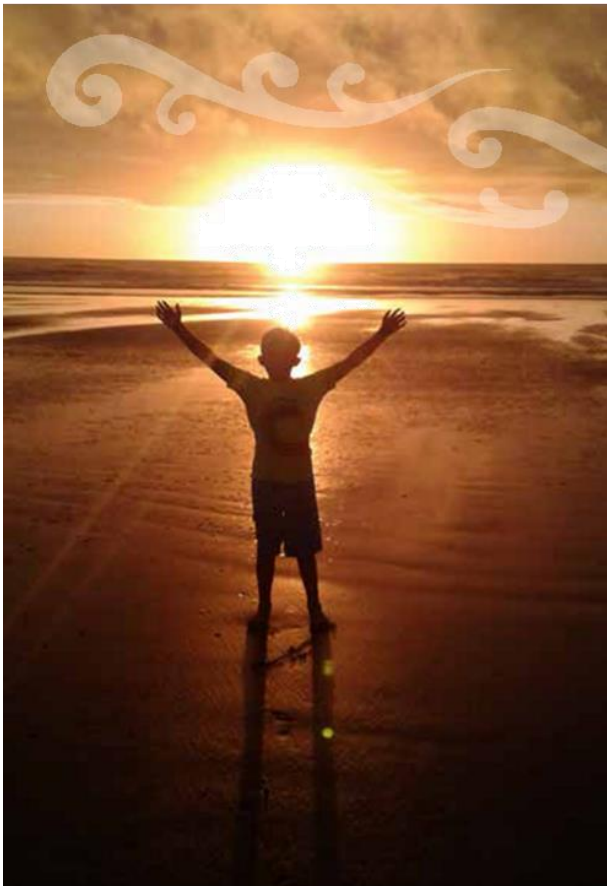
Within the Long Term Plan outcomes, the following goals directly relate to community wellbeing include:

- Our community has access to health, social and recreation facilities (and services)
- Our older people have access to opportunities
- Our young people live in a safe and supportive environment and are empowered
- All sectors are encouraged to work together
- Our communities have a "sense of place"
- We invest in the knowledge and skills of our people
- We are proud of our heritage and diversity
- All our people and communities have opportunity to participate in local decision-making
- We provide strong leadership

What would community wellbeing look like in Horowhenua?

Neighbours all know each other. People look out for each other and there is no violence and abuse. People are kind and caring to each other.

When bad things happen people respond, rally together and support each other to recover. There are lots of people walking around the street at night because they feel safe to do so. As you walk down the street people are smiling and friendly. There are plenty of different clubs and groups with lots of members. There are enough jobs for anyone who wants one. There are lots of opportunities for fun, both organised and spontaneous. People are actively involved in their communities and volunteerism is high. Everyone has somewhere to live and where they live is warm and safe. Families have enough to eat. People know where to go to get the services and supports they need. Everyone is committed to protecting and practically assisting those individuals with a lot of needs. Households are able to manage their money. People are listened to and have opportunities to have a voice in planning and doing things in their community. People talk about their district with pride.



6

Community Wellbeing Strategy with Terms of Reference 2016-2019

The Role of the Horowhenua Community Wellbeing Executive

There already exists a range of agencies and initiatives delivering programmes within Horowhenua District.

The Executive brings together the various forums and key related action plans as well as key individual agencies to plan together and collectively monitor impact. The Executive will focus on population level results and indicators (rather than specific programme deliverables or client level results). The role of the Executive is to monitor population level results and encourage responses at an operational level. It is not intended that the Executive deliver the operational responses. Nor is it intended that the Executive do the doing, but rather to monitor the impact and inform and guide the doing to be done.

Their role includes:

- Determining the key population level results and indicators for the next 3 years;
- Monitoring the population level results;
- Receiving bi - monthly reports from HDC Community Services Team that summarises target population group activity by Council and Council working groups;
- Receiving 6 monthly reports from all member agencies regarding activity directed at target population groups and provision of data that relates to specified Strategy indicators;
- Actively encouraging coordination of members and their activities;
- Fostering strategic collaborations and partnerships;
- Providing advice to Council officers on matters of community wellbeing in relation to specific target populations;
- Seeking to collectively influence relevant public policy;
- Communicating with the public on Executive information;
- Educating the public and community on wellbeing matters;
- Actively seeking individual agency performance improvement, as well as "community wide" improvement;
- Encouraging community based local solutions to local problems.
- Keeping the wider community updated on progress towards the results sought across the Horowhenua district.

Key Indicators



Key Indicators for neighbourhoods and communities:

- Number and % of people who have not felt lonely in the last 4 weeks (Manawatu – Wanganui; 2008 – 67.3%, 2010 – 75.5%, 2012 – 71.4%), (by gender, age, ethnicity), New Zealand General Social Survey, Department of Statistics - two yearly. HDC will investigate ways to measure.
- Number and % of people with access to support in a crisis from another household (Manawatu – Wanganui; 2008 – 96.7%, 2010 – 97.6%, 2013 – 96.6%), (by gender, age, ethnicity), New Zealand General Social Survey, Department of Statistics- two yearly. HDC will include in its annual Residents Survey.
- Number and % of people who report belonging to community club, group or organisation (by gender, age, ethnicity) New Zealand General Social Survey, Department of Statistics- two yearly. HDC will include in its annual Residents Survey.
- The annual Lake Horowhenua Report Card provides evidence of positive/ negative change in the health of the lake, Horizons Regional Council and Lake Accord.

These key indicators contribute to measuring and monitoring that neighbourhoods and all communities in the Horowhenua district are resilient, connected and thrive. (This result is aligned with the State Services Commission better public service priority result and target of reducing crime)



Key Indicators for families with children:

- Rate of family violence offences per 10,000 people; New Zealand Police.
- Number and % of children (0-5 years) participating / enrolled with a licensed early childhood education provider, (ethnicity); Ministry of Education.
- Number and % of Child Youth and Family notification rates that require further action (ethnicity) Child, Youth and Family.
- Number and % of working age population who are receiving jobseeker benefit (ethnicity, age, duration); Work and Income.
- Number and % of children (0-4 years) with ambulatory sensitive hospital admissions (ASH) (ethnicity); Mid Central District Health Board.

These key indicators contribute to measuring and monitoring that all children/ tamariki in the Horowhenua district are well cared for and thrive. (This result is aligned with the State Services Commission better public service priority result and target of supporting vulnerable children. This result is also aligned with the goal of "Our young people live in a safe and supportive environment" contained in the Long Term Plan).



Key Indicators for young people:

- Number and % of young people achieving NCEA level 2 or higher at or by the age of 18 years; (ethnicity) – Ministry of Education
- Number and % of young people (7-14 years and 15-24 years) with ambulatory sensitive hospital admissions; (ethnicity) (ASH)- Mid Central District Health Board
- Number and % of Horowhenua 'Youth' clients (18-24; 18-20 and 21-24) of Work and Income (by benefit type, benefit duration, ethnicity and gender); Work and Income
- % of 18-24 year old young people as a percentage of overall beneficiaries (by benefit type) for the district and nationally; Work and Income.

These key indicators contribute to measuring and monitoring that all young people/ rangitahi in the Horowhenua district are on a positive pathway and thrive. (This result is aligned with the State Services Commission better public service priority results and targets of boosting skills and employment as well as reducing crime. This result is also aligned with the goal of "Our young people live in a safe and supportive environment and are empowered" contained in the Long Term Plan).



Key Indicators for older people and people with disabilities:

- Number and % of older adults (people aged 65 years over) with ambulatory sensitive hospital admissions (ASH) (ethnicity); Mid Central District Health Board
- Number of people on the "Total Mobility" scheme in Horowhenua and number of new applications received (frequency of use and satisfaction data to be included in time); Horizons Regional Council.
- Number of substantiated incidents of elder abuse reported within Horowhenua (by type - psychological, financial, physical, self-neglect, sexual and institutional); Age Concern.

These key indicators contribute to measuring and monitoring that all older people / kaumatua and people with disabilities in the Horowhenua district live meaningful lives, play an active role in community life and thrive. (This result is aligned with the goal of "Our older people have access to opportunities" contained in the Long Term Plan)

The Approach

The approach described in the Community Wellbeing Strategy, including the role of the Community Wellbeing Executive and the meeting structure, combines a collective impact approach within a results-based accountability framework.

The conditions of collective impact are reinforced through the Strategy itself and meeting structure. Within the Strategy, expected results are clearly articulated as is the expectation with results based accountability. The Executive will gather data and report to assess whether specified population results have been achieved.

Collective Impact describes a model of operating that achieves large-scale social change through broad cross-sector co-ordination. There are five required conditions within this model; i) a common vision and agenda (a common understanding of the problem to be addressed and a joined up approach to solving it); ii) shared measurement systems (collecting data and measuring results consistently on a short list of indicators at the population level); iii) mutually reinforcing activities (diverse group of agencies and programmes and initiatives working towards common goals; not requiring all participants to do the same thing, but encouraging and supporting each agency and initiative to undertake the specific set of activities it does well); iv) continuous communication (often involving regular meetings over long periods of time) that builds on mutual experience, common understanding and motivation behind the different agencies and initiatives; and v) an organisation prepared to provide backbone support.

Results based accountability encourages collaboration, clearly articulates expected results and all activity is directly aligned with articulated results. Results are end conditions for populations in a geographic area: children, adults, families and communities. RBA uses data (indicators and performance measures) to gauge success or failure against a baseline. RBA keeps accountability for populations separate from accountability for individual programmes and agencies.

The Executive will focus on the population of Horowhenua district while participating member agencies and initiatives individually focus much of their work on accountability for specific individual services or programmes and particular target populations.

Evaluation and Reporting

Bi-monthly meetings will provide specific member agencies and initiatives an opportunity to report to the Executive on what their programme has achieved as well as identify challenges and opportunities facing their particular programme.

Agencies / initiatives will be invited to present reports at least annually. These reports will be at a summary programme level and will focus on RBA measures of; how much (how many clients); how well (quality of the intervention / performance); and what change has resulted for clients from the programme / initiative/ intervention).

Annual planning and reporting - Annually, the Council will prepare a collated report for the Executive using data provided by agencies, on what has been achieved at a population level. This annual report will include a summary of agency reports. The report will align with key result areas and the population measures within the Strategy. Based on this report, the Executive will determine whether the measures are progressing well, whether particular population measures need to have increased attention or whether particular measures need to change. An annual report will be shared with the public.

Meeting Cycle

Meetings will be held:

- Not less than five (5) times a year, for up to three (3) hours;
- Special meetings may be called from time to time as deemed necessary.

Meeting Structure

The meeting structure will follow the legal requirements in terms of Council meetings, as the Executive is a standing committee of Council.

The meeting will be held in accordance with current legislative requirements and council policy. At the time of writing the Executive meeting will have the right to exclude members of the public from all or part of an Executive meeting. By resolution, the public may be excluded from the whole or part of any Executive meeting on one or more of the following grounds:

- The matters under discussion may result in disclosure of information for which there is good reason for withholding
- Due to matters under discussion, the conduct of the meeting might result in information being disclosed that could constitute contempt of Court
- That relevant parts of the meeting require deliberation by Executive to occur in private in making its decisions or recommendations in relation to above

The resolution to exclude the public will be put in the part of the meeting that the public can attend. The text of the motion will be available to any member of the public that is present. The resolution is what is recorded in the minutes. It is possible for specified persons to remain / attend after the public has been excluded if these persons have knowledge that will assist the deliberations / decisions.

"It is noted that the introduction of Ministry for Vulnerable Children will change the membership for the central government agencies of CYF and Community Investment as well as Children's Action Plan membership.

"It is noted that both these groups with their associated action plans are currently under review. The structure and form of the groups and action plans in the future may change as a result. The expectation is there will be a groups that include focus on arts and culture, history and heritage, recreation and leisure and sustainability.

Membership

Horowhenua District Council



Mayor



Councillor



Councillor



Muauopoko



Raukawa

Iwi

Central Government Agency



Work and Income - MSD*



Community Investment - MSD*



NZ Police



Child, Youth and Family - MSD*



Horowhenua Learning Centre



Ministry of Education



MCDHB x 2



PHO

Community and Community Sector



Children's Action Plan (targets vulnerable children)*



Community sector/ NGO representative Forum (from ex Strengthening Families Meeting Group or a similar forum) targets all children & families



Primary Schools and Education Horowhenua (Education Horowhenua Action Plan Horowhenua Youth Action Plan) targets children



Secondary Schools and Education Horowhenua (Education Horowhenua Action Plan Horowhenua Youth Action Plan) targets all youth



Community member from Older Persons Network (Positive Ageing Action Plan) targets older people



Community member from Disability Sector (Horowhenua Disability Action Plan) targets all people with disabilities



Community sector/ NGO representative from Family Violence Sector targets vulnerable families with children and their community



Community member from Pride and Vibrancy Group** (Pride and Vibrancy Action Plan) targets Horowhenua community



Community member from Horowhenua Arts, Culture, History and Heritage Group** (Action Plan) targets Horowhenua community

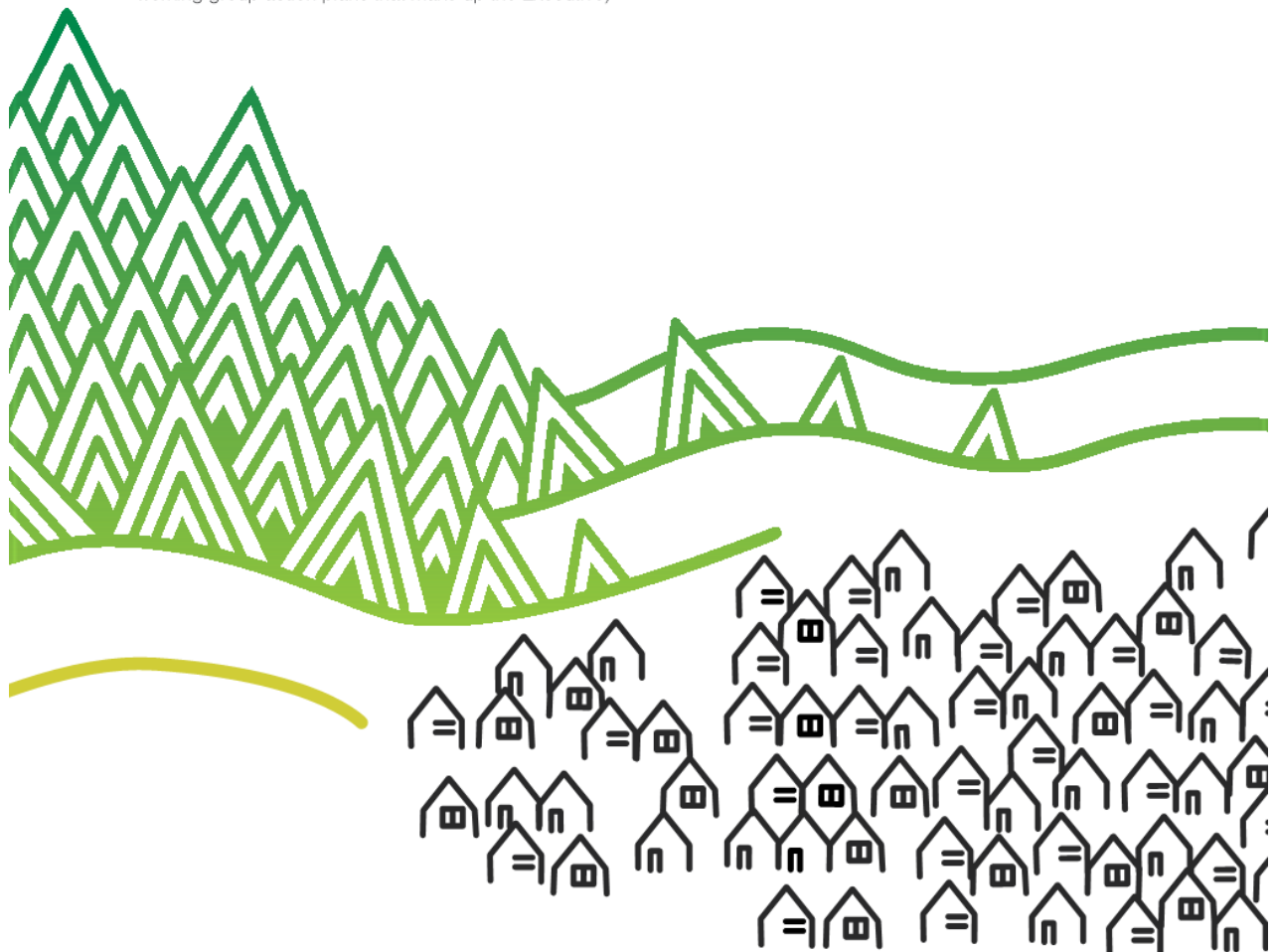
Attachment One Annual Population Reporting Template

For the Executive Annual Report

RBA Result Card Template This template is based on the examples in the book, *Trying Hard Is Not Good Enough* (Friedman, 2005).

Population Accountability

- 1. Quality of Life (Population) Results:**
(Population Results as specified in Strategy)
- 2. How Are We Doing? (Graphed Population Indicators)**
(Show key population measures / indicators in the form of baseline graphs, with preferably three years of historical data related to each population result area)
- 3. The Story behind the Baselines**
(Brief explanation, about the influencers and causes behind the indicator baseline data above)
- 4. Partners Engaged To Help Do Better**
(List identified government, non-government and community member partners / forums and initiatives working together or contributing individually to turning the curves on the indicator baselines associated with each result area. List the current member agencies / initiatives as well as identified key contributors away from the table)
- 5. Action Plan To Do Better – Including Data Development**
(A summary of the key actions/ initiatives underway through the respective agencies, cross -sectoral initiatives and working group action plans that make up the Executive)



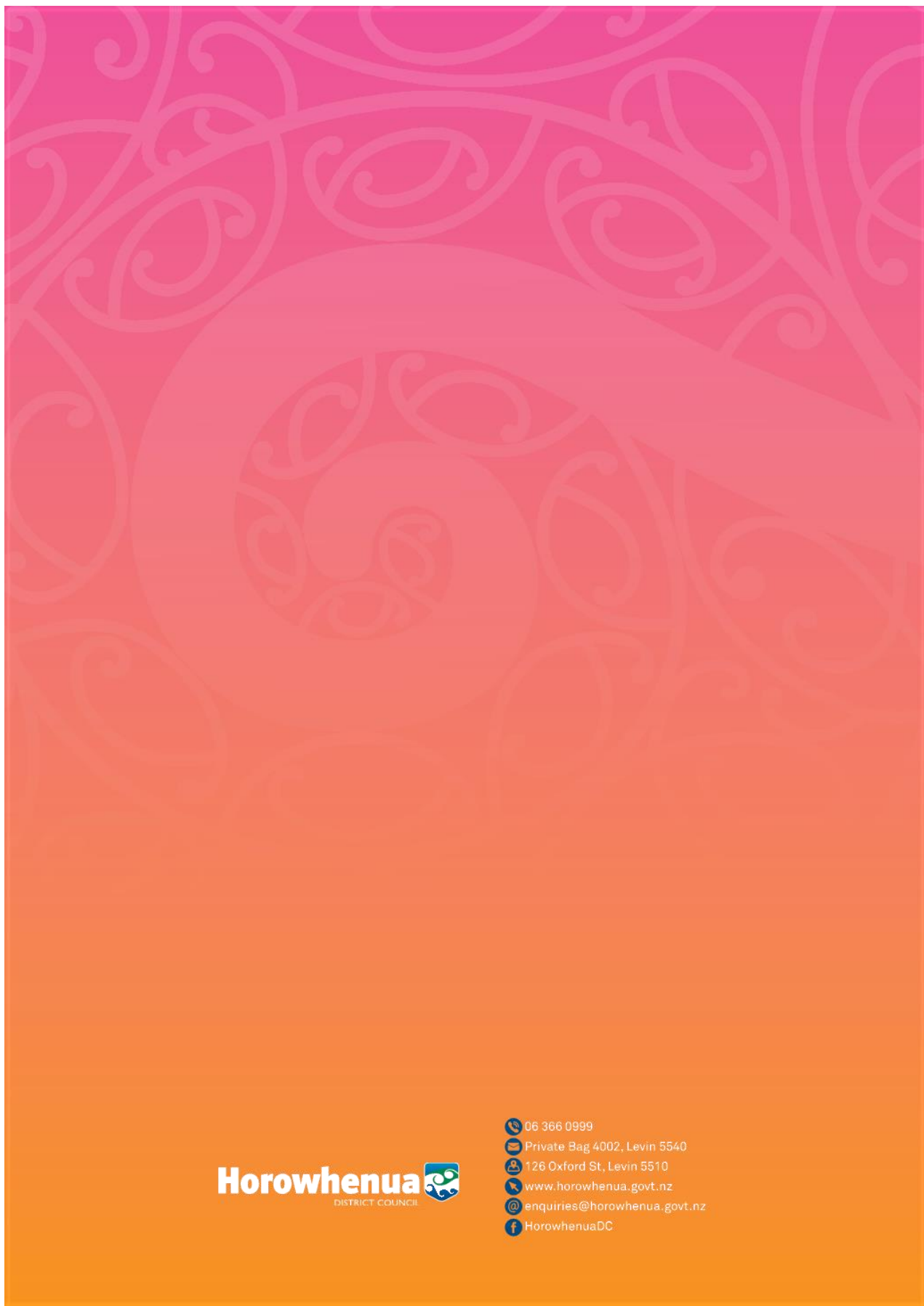
Attachment Two Programme Level Reporting Template

For the Six Monthly Agency / Initiative Reporting

Performance Accountability

- 1. Programme / Service**
(The name of the programme / service and a brief description of services provided).
- 2. Population Result and Indicators contributed to**
(Brief summary of how the programme / service contribute to the specified result and indicators)
- 3. Service / Programme Performance**
(3-5 important performance measures and how they are tracking).
- 4. Story Behind the Performance Baselines**
(Briefly explain, the story behind current performance for the last period, as well as emerging trends and challenges)
- 5. Actions Underway to Improve Performance / Client Results**
(Summary of planned policy changes if relevant, key actions, and expected results)
- 6. Recommendations to Executive**
(Recommendations to Community Wellbeing Executive for consideration, deliberation or decision)





Horowhenua
DISTRICT COUNCIL

- ☎ 06 366 0999
- ✉ Private Bag 4002, Levin 5540
- 👤 126 Oxford St, Levin 5510
- 🌐 www.horowhenua.govt.nz
- ✉ enquiries@horowhenua.govt.nz
- 📘 HorowhenuaDC

File No.: 17/1

Horowhenua District Council Meeting Schedule for 2017

1. Purpose

To seek Council's approval of the proposed meeting schedule of the Council and its committees for the period from February to December 2017.

2. Executive Summary

Council is required to hold meetings as outlined in Schedule 7, Clause 19(1) of the Local Government Act 2002. This report outlines the proposed meeting schedule for 2017.

3. Recommendation

- 3.1 That Report 17/1 Horowhenua District Council Meeting Schedule for 2017 be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act
- 3.3 That Council adopts the schedule of meetings for the committees of Council for the period January to December 2017 (Attachment 1)
- 3.4 That Council notes that additional ordinary, extraordinary and multi-day meetings may be scheduled from time to time in consultation with the Mayor and Chief Executive.
- 3.5 That it is noted that meeting times for other committees and subcommittees will be formally notified when they are required in accordance with the Local Government Official Information and Meetings Act 1987 and Local Government Act 2002.

4. Meeting Schedule

- 4.1 As outlined in Schedule 7, Clause 19(1) of Local Government Act 2002, Horowhenua District Council must hold meetings that are necessary for the good governance of Horowhenua District.
- 4.2 It is good practice for Council to adopt a schedule of meetings for the following calendar year. This will allow the business of the Council to be conducted in an orderly and transparent manner, thus enabling an open democratic process, and to allow public notification of meetings to be given in compliance with the Local Government Official Information and Meetings Act 1987.
- 4.3 A schedule also allows for elected members to plan their commitments over the year.
- 4.4 The yearly meeting schedule is based on the new governance structure comprising committees of which Council, Finance, Audit & Risk Subcommittee and the Strategy Committee will operate on a six (6) weekly cycle.
- 4.5 Attached in Appendix 1 is the meeting schedule to be adopted.

<u>Confirmation of statutory compliance</u>

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

5. Appendices

No.	Title	Page
A	Horowhenua District Council - Council & Committee Meeting Schedule - 2017 - February Council Report.DOCX	153

Author(s)	Monique Davidson Group Manager - Customer and Community Services	
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Approved by	Monique Davidson Acting Chief Executive	
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	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Council Frequency: 6 weekly 4:00pm		01	15	26	-	07	19	30	-	11	22	-
Council for Annual Plan Purposes Frequency: as required Start times to be confirmed	-	-	01 Adoption of Consultation Document	-	03, 04 Hearings 24, 25 Deliberations	21 Adoption of Annual Plan	-	-	-	-	-	-

Committees of Council

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Finance, Audit & Risk Subcommittee Frequency: 6 weekly 5:00pm	-	22	-	05	There are no meetings in May due to Annual Plan focus-	28	-	09	20		01	13-
Strategy Committee Frequency: 6 weekly 7:00pm	-	22		05		28		09	20		01	13

Monitoring Report to 1 February 2017

File No.: 17/4

1. Purpose

To present to Council the updated monitoring report covering requested actions from previous meetings of Council.

2. Recommendation

- 2.1 That Report 17/4 Monitoring Report to 1 February 2017 be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

Attachments

No.	Title	Page
A	Horowhenua District Council Monitoring Report from 2012	156

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Signatories

Author(s)	Monique Davidson Acting Chief Executive	
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Approved by	Monique Davidson Acting Chief Executive	
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MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL

Meeting Date	Item No.	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
4 July 2012	Report 12/347	North Eastern Quadrant Stormwater	<i>THAT the stormwater review is progressed in 2012 – 2014.</i>	G O'Neill	April 2015	Progressing and on track	<p>This is a multi-year project through to the next LTP.</p> <p>The project expected completion date is June 2017</p> <p>HDC intend to lodge a consent application with HRC to increase the discharge to the stream before the end of January 2017.</p> <p>Two Tenders and an alternative Tender have been received for the works in Kennedy Drive and Fairfield Road. These tenders are currently being evaluated.</p>
4 May 2016	16/221	North East Levin Stormwater Improvement Project	<i>THAT officers proceed with the implementation of the development project to mitigate flooding in the North East Levin area whilst taking into account the need for enabling residential growth as defined in the district plan.</i>				
3 August 2015							
7 Dec 2016							

MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL

Meeting Date	Item No.	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
2 July 2014	14/585	District Plan: Plan Change Timing	<p><i>THAT the preparation and processing by officers of the following plan changes to the District Plan be postponed from the 2014/15 financial year and be undertaken within 2015/16 financial year:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Sites of Cultural Significance <input type="checkbox"/> Historic Heritage <input type="checkbox"/> Dunefields Assessment <input type="checkbox"/> Coastal Hazards. 	D McCorkindale	July 2015		<p>Officers are working with Heritage experts to assess the nominated non-residential buildings, structures and sites and identify those that will form part of a formal plan change to the District plan. Plan Change is to be presented to Council's October 2016 meeting, which will propose to include additional buildings, structures and sites to the District Plan Heritage Schedule.</p> <p>Research is continuing on the Sites of Cultural Significance.</p> <p>A Dunefields Assessment has been undertaken.</p> <p>Consideration is being given to the most appropriate District Plan response to the assessment findings.</p>
6 July 2016			Inclusion of the Shannon Conscientious Objectors' Camps				

MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL

Meeting Date	Item No.	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
5 Oct 2016							<p>The Whitaunui Military Defaulter's Camp was nominated and a formal heritage assessment is currently being undertaken.</p> <p>Historic Heritage Plan Change report withdrawn. Report is anticipated to be presented to Council early 2017 following a workshop with the new Council.</p>
3 Dec 2014	14/890	Extension of N5 Part B Water and Wastewater Services Contract	<p><i>THAT the Horowhenua District Council accepts the proposal from Downer to extend the current contract for another 24 months;</i></p> <ul style="list-style-type: none"> - <i>During this period (24 months) review the existing work schedule and</i> - <i>Develop a new contract arrangement</i> 	P Gaydon	1 July 2015	Ongoing	It has been decided to tender the 3 Waters O&M Contract. The new Contract will be on the alliance model.

MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL

Meeting Date	Item No.	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<p><i>with a duration of 8 years with a 4 year plus a 2 x 2 year extension</i></p> <p><i>THAT the Horowhenua District Council works jointly with Downer to develop a new contract arrangement, to go to Council for approval by 1 January 2017, and if acceptable to Council the new contract will commence 1 July 2017.</i></p>				
4 Nov 2015	15/.648	Finance, Audit & Risk Subcommittee	<p><i>THAT the Finance, Audit and Risk Subcommittee charter be reviewed after the 2016 triennial election.</i></p>	D Clapperton	November 2016	1 Feb 2017	<p>This will be completed early 2017.</p> <p>New Terms of Reference included in Feb '17 agenda.</p>
6 July 2016	16/342	Adoption of Growth Targets	<p><i>THAT the Horowhenua District Council utilises the following growth assumptions from 1 July 2016 in informing and setting a platform for future work programmes,</i></p>	S Grainger	Ongoing		<p>Officers are utilising the targets to inform Council's Growth Response programme.</p>

MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL

Meeting Date	Item No.	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<p><i>planning, evaluation and analysis leading towards the updating of the 2018-2028 Long Term Plan:</i></p> <p><i>2016-2036 Growth Forecasts:</i> <i>Population + 8,600</i> <i>Households + 4,900</i> <i>Jobs + 3,000</i></p> <p><i>THAT the Horowhenua District Council endorses the full pursuit of the following actions to realise and maximise the projected growth assumptions:</i></p> <p><i>A. Strengthening and leveraging the District's competitive advantage platform, including:</i></p> <p><i>(i) Comparatively low cost land (residential and industrial)</i></p> <p><i>(ii) Comparatively</i></p>				

MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL

Meeting Date	Item No.	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<p><i>low cost operating/low cost living environment</i></p> <p><i>(iii) Greater business productivity through proximity to Wellington (including customers, infrastructure, and labour market reach).</i></p> <p><i>B. Ensuring infrastructure, policy provision and planning is in place to enable the District to fully leverage its competitive and comparative advantages.</i></p> <p><i>C. Attracting business investment and new industry to drive job</i></p>				

MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL

Meeting Date	Item No.	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<p><i>growth and to broaden the economic base of the District.</i></p> <p><i>D. Fostering more intensive co-operation with neighbouring districts.</i></p> <p><i>E. Lifting firms' and households' openness to change and development.</i></p>				
7 Dec 2016	16/636	Removal of Deputy Mayor from Office	Ruling to be sought from a higher authority as to Mayoral ability to appoint Deputy Mayor	D Clapperton	31 Dec 2016	23 Dec 2016	<p>Advice received from Council's Legal Services confirmed that correct process was followed during the December 2016 Council Meeting.</p> <p>The removal of Cr Campbell from the Deputy Mayor position and appointment of Cr Bishop stands.</p>

Chief Executive's Report to 1 February 2017

File No.: 16/648

1. Purpose

For the Chief Executive to update Councillors, or seek endorsement on, a number of matters being dealt with.

2. Recommendation

- 2.1 That Report 16/648 Chief Executive's Report to 1 February 2017 be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the Horowhenua District Council adopts the Triennial Agreement for the Manawatu-Wanganui Region effective from 1 March 2017 until such time as the Agreement is either amended with the agreement of all parties or is renewed following the 2019 local authority elections and before 1 March 2020.
- 2.4 That the Horowhenua District Council confirms to Horizons Regional Council its continued support for He Hokioi Rerenga Tahī / Lake Horowhenua Accord and the specific Lake Horowhenua Clean-Up Fund projects being undertaken including constructing a fish pass, establishment of a sediment trap and undertaking lake weed harvesting (including establishing the infrastructure for this)."

3. Chief Executive Updates

3.1 Horizons Regional Council – Triennial Agreement

- Under the Local Government Act 2002 a Triennial Agreement is required to be entered into, and signed, by all local authorities in the Manawatu-Wanganui Region by 1 March 2017. Attached is a copy of the Agreement received from Horizons for Council's consideration. This agreement is very similar to the agreement for the previous triennium with amendments noted in blue.

3.2 Progress Report on Chief Executive's Key Performance Indicators

<u>Task</u>	<u>Progress</u>
Growth Response	<p>The Growth Response Programme was established and largely implemented by December 2017. Outcomes of Growth Response Programme (working draft(s) Horowhenua 2030 Growth Strategy, Town Centre Strategy, etc) complete and to be considered by Council in early 2017.</p> <p>Periodic updates are provided to Council via Council briefings.</p> <p>An initial review of the Growth Response Programme is currently underway. The updated programme is to be provided to Council in February 2017. The intent is for the Growth Response to be embedded in normal Council operations by June 2017.</p>
Shared Services	<p>HDC has continued to lead New Zealand in the Civica/Authority User Group under the CE's guidance during 2016. With David Clapperton</p>

standing down as Chair, Nicki Brady (Senior Manager Business Services) was elected to take over the chair position for 2017 onwards. This is a positive for HDC retaining the chair position and also for the wider Councils utilising the Authority product to ensure the momentum gained in 2016 is maintained. Council is now into the second year of its shared service arrangement with the shared employment of a Business Analyst across 11 of the Authority software Councils. The role is hosted at HDC and continues to provide value to the group.

A significant achievement was the creation of a New Zealand Authority User Conference which was hosted here in the Horowhenua late last year with exceptional attendance from Council officers from across New Zealand. The conference was a huge success with overwhelming positive feedback from those in attendance.

Risk Management

As at December 2016 all milestones for this project have been met. The risk management appetite statement, policy and framework have been developed, tested and adopted. A risk management toolkit for staff, inclusive of guides and templates, has also been completed and is available to all staff via Council's intranet page and records management system.

The milestones articulated above sees these key KPIs complete. The most important phase is the coming 12 months as officers mature with the framework.

The next steps from here are:

- Work with each unit of the business to identify the activity's key risks and what controls are currently in place (down the track the effectiveness of the controls will need to be tested)
- Identify any new risks
- Create a process for review of Council's risk register (frequency, responsibilities etc)
- Establish a reporting framework to ensure risk management is covered in future reports to management/Council

The first bullet point regarding the work with each business unit will be a substantial amount of work as there are areas of the business at various levels of maturity when it comes to how well our risk information has been captured to date. For some areas it will be a matter of collating information and developing standard process for future management. For others it will be a matter of almost starting from scratch as while risks may be known within officers' knowledge, it is not necessarily documented anywhere or detailed in relation to the raw risk and residual risk as a result of controls in place.

Some work will also be required with Councillors to ensure their requirements are clearly understood and in some ways re-establish what risk information Councillors want to see presented in the committee and Council forums.

Business Excellence Programme -

The Business Excellence team work programme for 2016/2017 was defined in three areas: LGNZ Excellence Programme; SOLGM/PWC Operational Effectiveness Survey and Financial Business Process Mapping.

- The LGNZ Excellence Programme was completed in September 2016; however work will span into early 2017 as follow up is expected to our initial engagement.
- The SOLGM/PWC Operational Effectiveness Survey was carried out during October 2016 with final submission signed off in November 2016. HDC was commended for the caliber of its submission and quality of its data. Receipt of the first cut of Council's report from the survey findings is expected early 2017;
- Progress on Council's financial business process mapping commenced in August 2016 upon the employment of Sudhir Simson, Council's Process Analyst. 72 financial processes were identified for review and mapping. In four months Sudhir has completed 34 (47%) of those processes. Progress is ahead of expectations and continues to track well.

Bolster Socio-economic Performance - The 2030 Strategic Plan will be presented to Council early in 2017.

3.3 He Hokioi Rerenga Tahi / Horowhenua Lake Accord

Following the last year's election process, Horizons Regional Council is now seeking from its Lake Accord partners an indication of their continuing support for the work being undertaken and the specific projects that Horizons is leading through the Lake Horowhenua Clean-up Fund.

As part of the work on the Clean-Up Fund projects, Horizons is seeking to establish a fish pass on the Hokio Weir, installation a sediment trap and undertaking lake weed harvesting (including establishing the infrastructure for this).

It is proposed that the Horowhenua District Council passes a resolution confirming its continued support for the Lake Accord and the specific Lake Horowhenua Clean-Up Fund projects, as follows:

"That the Horowhenua District Council confirms to Horizons Regional Council its continued support for He Hokioi Rerenga Tahi / Lake Horowhenua Accord and the specific Lake Horowhenua Clean-Up Fund projects being undertaken including constructing a fish pass, establishment of a sediment trap and undertaking lake weed harvesting (including establishing the infrastructure for this)."

3.4 Communications Update December 2016

Media

Media Releases: 9

Media enquiry responses: 33

• Social Media

- Instagram is our new platform and we have 52 followers. We will work on building this over the coming months.
- Twitter: 182 Followers
- HDC Facebook: 2,393 likes

- Aquatics Facebook: 945 likes
- Te Awahou Nieuwe Stroom: 379 likes

• **Design Support**

- Libraries Horowhenua and Te Takere
 - Youth Space young parent coffee group
 - Te Takere website redevelopment
 - Christmas Message
 - Fusion FM radio workshop
 - Holiday opening hours
 - Little Dog Barking Theatre Company Library events
 - Name Badges
 - Stringbean puppets
 - Travelling Tuataras
 - Teddy Bear's picnic
 - Seed Swap Day
- Aquatics:
 - Get Fit and Give
 - AquaRehab
 - Swim School Term 1 2017
 - Name Badges
- Christmas Cards
- Graduate Programme certificates
- Staff Award certificates
- Turn off tap sign
- HDC holiday operating hours
- Camping Permit
- Impounded vehicle signs
- Quarterly events calendar
- No littering signs
- Water Restriction posters

• **Communications Support**

- Earthquake and Civil Defence Awareness
- Creative Communities Committee nominations
- Placemaking project funding
- Second rates instalments due
- Population Growth
- Foxton and Foxton Beach public drinking water taps
- Civic Honours
- Foxton Beach reserves consultation
- Council meeting
- Foxton Main Street upgrade
- Christmas Carnival
- Peace in 10,000 Hands

Website

Top 10 Pages Visited

1. Home
2. Rating Information

3. Waste Transfer and Recycling Stations
4. Cemetery Search
5. Contact Us
6. Online Maps
7. Rubbish and Recycling
8. Services
9. Jobs Listing
10. Public Notice – Temporary Road Closures for Levin Christmas Parade

Visitor Overview

8,954 Users
14,247 Sessions
00:01:58 Avg. Session Duration

Our News

- News: <http://www.horowhenua.govt.nz/News>
- Elderberries: <http://www.horowhenua.govt.nz/Community/Positive-Ageing/Elderberries>
- Community Connection: <http://www.horowhenua.govt.nz/Community/Community-Engagement/Community-Connection>

3.6 Long Term Plan 2015-2025 Monitoring Report

The Monitoring Report prepared for those items raised by submitters during the 2015/2025 Long Term Plan submission process, in ensuing discussion or passed by way of resolution, is **attached**, with completed items having been removed.

Attachments

No.	Title	Page
A	Triennial Agreement for the Manawatu-Wanganui Region January 2017	169
C	Long Term Plan 2015-2025 - Monitoring Report - February 2017 Update	181

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Signatories

Author(s)	David Clapperton Chief Executive	
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Approved by	David Clapperton Chief Executive	
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Triennial Agreement for the Manawatu-Wanganui Region

January 2017

MANAWATU-WANGANUI REGION TRIENNIAL AGREEMENT

PURPOSE

This Triennial Agreement (Agreement) is established under section 15 of the Local Government Act 2002 (LGA) (but also has relationships with sections 14 and 16). The purpose of this Agreement is to give effect to the principles of local government through the establishment of protocols for communication and coordination between the local authorities of the Manawatu-Wanganui Region. The Agreement gives particular effect to the promotion of desired community and local authority outcomes and objectives in such a way as to achieve sustainable development and promote the interests of the Region's communities. The Agreement also establishes the process for consultation on proposals for new Regional Council activities.

The Agreement is effective from 1 March 2017 until such time as the Agreement is either amended by the agreement of all parties or is renewed following the 2019 local authority elections and before 1 March 2020.

PARTIES

The signatories to this agreement are:

Principal Signatories:

(those local authorities whose boundaries are completely or primarily encompassed within the Manawatu-Wanganui Region and who primarily identify with that Region).

1. *Horizons Regional Council (Manawatu-Wanganui Regional Council)*
2. *Horowhenua District Council*
3. *Manawatu District Council*
4. *Palmerston North City Council*
5. *Rangitikei District Council*
6. *Ruapehu District Council*
7. *Tararua District Council*
8. *Whanganui District Council*

Non-primary Signatories:

(those local authorities whose boundaries bisect the Manawatu-Wanganui Region but whose principal identification is with another Region).

1. *Taupo District Council*
2. *Waitomo District Council*
3. *Stratford District Council*

This Triennial Agreement is binding on all local authorities of the Manawatu-Wanganui Region. It is recognised that for Non-primary Signatories, the degree of involvement in the actions required under "B. Communication and Coordination" and "D. Form" will be in proportion to the degree to which these parties are affected by decisions, issues, proposals or other matters, as determined by the Non-primary Signatories.

AGREEMENT

A. General

Signatories to this Agreement agree to work together in good faith for the good governance of their localities and the Region.

Signatories to this Agreement recognise that:

- The communities within the Region are diverse and encompass a range of desired outcomes and objectives.
- Collaboration and cooperation between local authorities of the Region can more effectively promote social, economic, and cultural interests of communities in the Region, and maintenance and enhancement of the Region's environment.
- Collaboration and cooperation between local authorities of the Region can bring efficiencies in terms of planning, administration costs and consideration of decision-making and consultation requirements, increases available resources and promotes cooperative approaches in taking strategic judgements about the allocation of resources.
- Although collaboration and cooperation are outcomes that should be strived for, each local authority has the legislative mandate to govern their own area as appropriate.
- Collaboration and cooperation between local authorities of the Region can more effectively grow the region's economy for the benefit of its communities.

B. Communication and Coordination

Signatories to this agreement will:

1. Hold a meeting of Mayors, regional Chairperson and their Chief Executive Officers every six months to review the performance of the Agreement as outlined under section D(1) of this Agreement;
2. Work together to develop a common process for promoting or achieving priorities and community outcomes, and making efficient use of resources, in accordance with section 14(e) LGA;
3. Develop joint approaches as required.
4. Provide for early notification (through the appropriate council or officer forum) of, and participation in, decisions that may affect other local authorities in the Region in accordance with the requirements of sections 77-89 LGA (decision-making and consultation). This will include distribution of draft documentation of major policy discussions and the development of consultation policies;
5. Apply a 'no surprises' policy whereby early notice will be given over disagreements between local authorities concerning policy or programmes before critical public announcements are made;
6. Use existing structures to pursue greater collaboration within the Region (refer to Appendix One);
7. Consider joint community consultation for issues affecting more than one authority.

8. Provide opportunities for other local authorities, whether party to this agreement or not, to work jointly on the development of strategies and plans for the achievement of identified outcomes and priorities.
9. Work together to achieve regional economic growth and development (refer to Appendix Two).

C. Regional Co-operation

1. The parties note that there is value, in the appropriate circumstances, in working together to take a regional approach to issues and opportunities of mutual benefit.
2. In this triennium the parties note that areas of regional focus include developing regional growth and prosperity (e.g. through Accelerate25) and identifying regionally significant facilities (e.g. sports and recreation facilities).
3. Other areas of regional focus may arise during the triennium and will be considered by mutual agreement including any matters relevant to section 15(2)(c) LGA.
4. The parties are committed to ongoing and open discussions about how they best work together to develop opportunities that are regionally as well as locally significant.

D. Proposals for New Regional Council Activities

1. New Activities

New activities for Horizons Regional Council may be proposed either by the Regional Council itself or by one or more constituent territorial authorities when they see an opportunity for the Regional Council to pick up new activities. The process for consultation on proposals for such activities shall be as follows:

- a. The affected parties agree to discuss the issues involved at one or more of the existing forums, and to provide early drafts of proposals to affected councils for early comment in accordance with the requirements of sections 77-89 LGA (decision-making and consultation).
- b. The Regional Council will inform all territorial authorities within the Region of:
 - the nature of the activity proposed to be undertaken;
 - the scope of the proposal (including size, districts covered and why); and
 - the reasons for the proposal.
- c. Territorial authorities will be given a reasonable period of time, but no less than 40 working days, to respond to any such proposal. The Regional Council agrees to fully consider any submissions and representations on the proposal made by territorial authorities within the Region.
- d. Final decisions (including considerations leading to the specific decision) will be communicated to the next available Regional Chiefs' meeting.

2. **Significant New Activities proposed by Horizons Regional Council**

If the Regional Council or a Regional Council controlled organisation proposes to undertake a significant new activity, and these activities are already undertaken or proposed to be undertaken by one or more territorial authorities within the Region, section 16 of the LGA will apply.

However, in the spirit of this agreement, the parties agree to an expanded consultation and communication process. The parties agree to discuss the issues involved at one or more of the existing forums, and to provide early drafts of proposals to affected councils for early comment in accordance with the requirements of sections 77-89 LGA (decision-making and consultation).

The parties also agree that prior to implementing the formal provisions of section 16 (2 and 3):

- a. The Regional Council will inform all territorial authorities within the Region of:
 - the nature of the activity proposed to be undertaken;
 - the scope of the proposal (including size, districts covered, and why); and
 - the reasons for the proposal.
- b. Territorial authorities will be given a reasonable period of time, but no less than 40 working days, to respond to any such proposal. The Regional Council agrees to fully consider any submissions and representations on the proposal made by territorial authorities within the Region.

Should the mediation processes outlined in section 16(4) be initiated, the parties agree to the following process. If no agreement on a mediator is forthcoming a mediator will be appointed by the president of the Manawatu District Law Society. If mediation is unsuccessful, any of the local authorities affected may ask the Minister of Local Government to make a binding decision on the proposal. The cost of mediation will be met equally by the parties that have agreed to the mediation.

E. Form

Consultation in relation to this agreement will take one or more of the following forms:

1. A meeting of Mayors, regional Chairperson and their Chief Executive Officers will occur at least once every six months to review the performance of the agreement and discuss outstanding issues. This meeting will occur as part of the regular Regional Chiefs' meetings and minutes of the review discussions will be distributed to each council within the Region. This does not preclude meetings being coordinated by councils on request. All public communications from these meetings shall be approved by all participants prior to their release.
2. Existing regional and sub-regional forums, such as Regional Chiefs' meeting.

3. Meetings between councils and meetings between staff as necessary to achieve communication and coordination on issues identified in the Agreement.
4. An annual report (July to June) provided to all interested local authority members within the Region at the Regional Chiefs' meeting scheduled during or about September each year.

F. Agreement to Review

The parties agree to review the terms of this Agreement within 40 working days of a request by one of the parties being made in writing to the local authority with delegated responsibility to service the Agreement. Such a request will be accompanied by a Statement of Proposal including outcomes sought and reasons for the proposal, and engage all affected parties in consultation.

G. Consultation in Relation to Resource Management Act 1991 (RMA) Policy and Plans

The following consultation process will apply to the preparation of a new, or change, variation, or review of an existing, Regional Policy Statement, regional plan or district plan by a local authority in the Region:

1. The Regional Council will seek the input of territorial authorities, and vice-versa, for the preparation or review of the Regional Policy Statement, or regional or district plan.
2. For the Regional Policy Statement or a regional plan, the Regional Council will make the draft version available to all territorial authorities in the Region for discussion and development.
3. The parties to this agreement acknowledge their obligation to act in accordance with the principles of consultation set out in Section 82 LGA.

H. Resolving Disagreement

In the event of a disagreement over the actions taken to give effect to this agreement that cannot be successfully resolved by affected parties, the parties agree to refer the issue of disagreement to mediation.

I. Servicing

Signatories agree that responsibility for servicing this agreement shall be carried out by Horizons Regional Council. Servicing involves:

- Providing those secretarial services required; and
- Acting as a media and communications contact (including the provision of information to the public on request) in relation to matters covered in the Agreement on a case by case basis and in a format agreed by affected parties.

J. Statutory Requirements

This document is deemed to duly constitute fulfilment of section 14e, 15 and 16 of the LGA, and [Schedule 1 Clause 3A\(1\) of the RMA](#).

Section 15 of the LGA requires that:

1. Not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement containing protocols for communication and coordination among them during the period until the next triennial general election of members.
2. Each agreement must include a statement of the process for consultation on proposals for new Regional Council activities.
3. After the date specified in subsection (1), but before the next triennial general election of members, all local authorities within each region may meet and agree to amendments to the protocols.
4. An agreement remains in force until replaced by another agreement.

In addition, other sections of the Act also require collaboration:

Section 14(e)

1. A local authority should collaborate and cooperate 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.

Section 16 – (summarised)

1. If a Regional Council, or a Regional Council-controlled organisation, proposes to undertake a significant new activity, the Regional Council must advise all the territorial authorities within its Region and the Minister of Local Government of the proposal, include it in the draft Long Term Plan, and go through mediation if agreement is not reached.

Schedule 1 Clause 3A(1) of the RMA requires that:

A triennial agreement entered into under section 15(1) of the LGA must include an agreement on the consultation process to be used by the affected local authorities in the course of—

- (a) preparing a proposed policy statement or a variation to a proposed policy statement; and
- (b) preparing a change to a policy statement; and
- (c) reviewing a policy statement.

AUTHORITY

This Agreement is signed by the following on behalf of their respective authorities.

Council		Signature
Horizons Regional Council	Bruce Gordon Chairperson	_____ Date:
Horowhenua District Council	Michael Feyen Mayor	_____ Date:
Manawatu District Council	Helen Worboys Mayor	_____ Date:
Palmerston North City Council	Grant Smith Mayor	_____ Date:
Rangitikei District Council	Andy Watson Mayor	_____ Date:
Ruapehu District Council	Don Cameron Mayor	_____ Date:
Stratford District Council	Neil Volzke Mayor	_____ Date:
Tararua District Council	Tracey Collis Mayor	_____ Date:
Taupo District Council	David Trewavas Mayor	_____ Date:
Waitomo District Council	Brian Hanna Mayor	_____ Date:
Whanganui District Council	Hamish McDouall Mayor	_____ Date:

APPENDIX ONE

Existing structures that promote communication and collaboration include, but are not limited to:

Forum	Members	Comments
Regional Chiefs	<i>Horizons RC Horowhenua DC Manawatu DC Palmerston North CC Rangitikei DC Ruapehu DC Tararua DC Whanganui DC</i>	
SOLGM – Society of Local Government Managers		
LGNZ Zone and sector meetings		
LAPRN Local Authorities Public Relations Network	Public Relations/ Communications practitioners from Manawatu-Wanganui Region	
	Planners from local authorities in Manawatu-Wanganui Region	COGS meetings coordinate with Regional Chiefs meeting dates.
	Meeting of revenue and rating managers from Manawatu-Wanganui Region	
	Meeting of electoral officers from Councils in this Region	
IPWEA (Institute of Public Works Engineering Australasia)		http://www.ipwea.asn.au/
Civil Defence and Emergency Management Group		
ALGIM – Association of Local Government Information Management		Mission is to provide leadership to Local Government in Information Management and Information Processes. http://www.algim.org.nz/
MW LASS Ltd – Manawatu-Wanganui Local Authority Shared Services Limited	<i>Horizons RC Horowhenua DC Manawatu DC Rangitikei DC Ruapehu DC Tararua DC Whanganui DC</i>	

Forum	Members	Comments
Manawatu District and Palmerston North City Joint Strategic Planning Committee	<i>Manawatu DC Palmerston North CC</i>	

APPENDIX TWO

Collaboration and Co-operation for Regional Economic Development

The purpose of this Appendix is to describe how the district, city and regional councils (the Councils) in the Horizons (Manawatu-Wanganui) region will work together to achieve economic growth and development.

This Appendix is a demonstration of the Councils' shared vision which is

To work collaboratively to grow the region's economy for the benefit of its communities.

The agreement

Notwithstanding the requirements of Sections 16 and 77-89 of the LGA, the parties agree:

- To use the Regional Chiefs Forum as a mechanism to formally discuss any issue relating to Economic Development.
- To work collaboratively to enhance opportunities for growth and development in the region.
- That the principle of a regional approach benefits all parties.
- To communicate openly about opportunities for growth whilst respecting commercial confidentiality.
- To make economic growth and development a priority and a standing item at their regular meetings, termed 'Meetings of the Regional Chiefs'.
- To review proposed works on an annual basis. Additional items may be added to this Appendix at any stage with the agreement of all parties.

Works proposed this triennium

In the 2015-16 financial year the parties will work collaboratively to implement the opportunities identified in the Manawatu-Wanganui Regional Growth Study released by central Government on 13 July 2015.

The work may include:

- Providing feedback on implementation from the Regional Chiefs to the Lead Team. (The Lead Team would likely consist of; 2 Mayors/ Chairs, 2 iwi representatives, 2 business representatives, 1 Central Government representative and 1 Chair who holds a non-voting position)
- Engaging both governance and staff in project teams that will be charged with identifying and implementing actions arising from the Regional Growth Study.
- Working with iwi and business leaders to aid implementation of the Regional Growth Study.

	Completed
	In Progress
	Off Track
	Transfer to 2016/17

MONITORING REPORT Long Term Plan 2015 - 25					
Item	Resolved	Responsible Officer	Action Date	Status	Officer Comment
13.	THAT officers' carry out investigation and action options in 2015/2016 financial year to improve pedestrian and vehicle safety at the intersection of service lanes and Bath St, as planned.	Kevin Peel	30 Mar		Designs are being finalised and physical work will be completed this financial year.
15.	THAT alternative treatment options surrounding the Tokomaru underpass fence will be investigated and actions from the investigation programmed into the 2015/2016 financial year.	Kevin Peel			Discussed this with NZTA. The underpass (and the road corridor) is NZTA's and they are looking at the issue.
16.	THAT feasibility studies of the proposed work in relation to Foxton/ Foxton beach including, Bond Street, Signal St, Roundabout at Park St/Ladys Mile/Robinson Rd Intersection, Seabury/Linklater Intersection and widening of Andresen St are completed for consideration by the Foxton Community Board into the 2015/2016 financial year.	Kevin Peel	30 June		Initial investigation has placed a priority on the Roundabout at Park St/Ladys Mile/Robinson Rd Intersection and as such it was put into the 2017/18 Minor Improvement programme. Design work has been completed and the roundabout priced.
22.	THAT the programme of works for roading as identified in the Infrastructure Strategy be implemented and that officers continue to work closely with NZTA on the RONS project to ensure the best outcome for the Horowhenua community.	Kevin Peel	Ongoing		The RoNS work will be ongoing for several years.
26.	THAT the programme of	Kevin Peel	30 June		This project is

MONITORING REPORT
Long Term Plan 2015 - 25

Item	Resolved	Responsible Officer	Action Date	Status	Officer Comment
	works for roading as identified in the Infrastructure Strategy be implemented and Council carry out work in Foxton Main Street as planned, with a communications plan, regarding the design and construction time frame, being prepared.				underway. Delays to the project mean all works will not be completed this financial year and capital funds will be carried forward.
30.	THAT Council requests a joint Business Case from the Levin Waitarere Surf Life Saving Club and Council officers to allow Council to consider options for supporting fundraising efforts for the new clubroom.	Monique Davidson	1 Jul 2015		Ongoing liaison with group occurs. Awaiting completion of land accretion process to enable the designation to be given effect.
42.	THAT current work programmes that enable children and young people to participate in sport and recreational activities are continued and strengthened.	Denise Kidd	Ongoing		Ongoing – Council officers have delivered as well as practically assisted with the delivery of a range of sport and recreational events that have targeted children and young people.
43.	THAT Officers work with the Foxton Community Board during planning for Te Awahou-Nieuwe Stroom to discuss opportunities for marketing and promoting the Foxton and Foxton Beach area.	Kathy Mitchell	Ongoing		Ongoing dialogue and action continues on improving marketing the district.
44.	THAT Officers review the 2001 SunSmart Policy within the next 12 months, including consideration of its relevance, impact and financial implications on the delivery of Council services. Following the review, that a report be presented to the Community Wellbeing Executive for consideration.	Denise Kidd	30 June 2016		Sunsmart Policy has been reviewed. 2017 draft Policy to be presented to February Community Wellbeing Executive February meeting for endorsement. has been reviewed and a report will be included in the Community

MONITORING REPORT Long Term Plan 2015 - 25					
Item	Resolved	Responsible Officer	Action Date	Status	Officer Comment
48.	THAT the Council acknowledges the submission from the Foxton Community Board and recommends that Officers carry out further research into the Foxton Aquatic Centre, in conjunction with the current ventilation project, with any recommendations for Capital Expenditure to be reviewed for the 2016/2017 Annual Plan.	Denise Kidd	February 2017		Wellbeing Executive February 2017 Agenda. Report on Future Use Options for Foxton Pool to be provided to Foxton Community Board February meeting. An extended season with Foxton Pool has just concluded. Data and customer feedback was obtained to inform a report being prepared for Council in new year re future facility use. A building assessment related to Foxton Pool in terms of its long term requirements is being concluded in November to inform this report. Ventilation work is currently being carried out for 2016 /2017 season.
53.	THAT Council allocate \$1,000,000 (\$100,000 per annum) from the Foxton Beach Freeholding Account towards parks and reserves in Foxton Beach over 2015-2025.	Caitlin O'Shea	Ongoing		The proposed investment plan has been publicly notified and consultation closes 3 February. A community input session was held on the 18 January at the Holben Pavilion.
56.	THAT Council acknowledges, with thanks, the submission from Tokomaru Village and Residents Association and confirms that officers will be undertaking a district wide review of sports field	Arthur Nelson	1 Jul 2015		Sports field review has commenced but will require additional work in 2016-2017.

MONITORING REPORT
Long Term Plan 2015 - 25

Item	Resolved	Responsible Officer	Action Date	Status	Officer Comment
67.	provision during the 2015/2016 financial year. THAT Council officers review the existing Reserve Management Plan for Waitarere Beach foreshore reserve as a priority with a view to identifying a current and integrated approach to management of the area.	Arthur Nelson	1 Nov 2015		The RMP is being drafted
68.	THAT Council acknowledges the submission from Mr Hine, and updates its Reserve Management Plans for Waitarere Domain and Beach foreshore, and prepare one for the Wairarawa stream reserve.	Arthur Nelson	1 Nov 2015		The RMP is being drafted
72.	THAT Council acknowledges, with thanks, the submission from Mr & Mrs Thomas and will undertake a review of sportsfield provision in 2015/2016. Successive reviews of reserves may follow thereafter.	Arthur Nelson	Ongoing		Sports field review has commenced but is unlikely to be completed prior to June 2017.
73.	THAT Council does not consider the sale of Tokomaru Domain at this time but works with the group to define their leisure and recreation requirements including whether the establishment of a new domain closer to the village is achievable and sustainable.	Arthur Nelson	Ongoing		Officers have been attending Tokomaru Village and Community Association Meetings and in consultation with that group are considering options to improve access and maintenance of the Domain.
74.	THAT Council agree in principle to looking at options to establish a stop-over site in Foxton for self-contained vehicles and that Officers will investigate options on the basis that any such site not be in an area	Arthur Nelson	1 Nov 2015		No further update at this stage. Site has been visited with FCB initial proposals are Victoria Park or the Foxton Loop.

MONITORING REPORT					
Long Term Plan 2015 - 25					
Item	Resolved	Responsible Officer	Action Date	Status	Officer Comment
	zoned for commercial or industrial development unless on a temporary basis.				
77.	THAT Council Officers prioritise an updated Reserve Management Plan for Foxton Beach foreshore.	Arthur Nelson	1 Dec 2015		Ongoing
78.	THAT Council Officers consider further beautification works at Target Reserve in the context of other Community and Council driven initiatives, and an overall Reserve Management Plan for the site.	Arthur Nelson	Aug 2015		Beautification works will be undertaken as part of overall development of the Reserve
79.	THAT Council will continue to evaluate options for the velodrome/cycle-track at the Levin Domain.	Arthur Nelson	Jan 2016		Minor repairs have been undertaken on the track to facilitate the current years use.
81.	THAT Council acknowledges, with thanks, the submission from Mr Murdoch on behalf of both SoRT and that \$32,500 funding is allocated for the first year of the LTP and Council Officers work with SoRT with regard to projects funded by that allocation.	Monique Davidson	Ongoing		Resource Consent has been granted.
85.	THAT Council supports Sport Manawatu in developing a regional sports facility plan.	Monique Davidson	1 Mar 2016		The project is well-established with delivery of the final report programmed for 2016-2017.
86.	THAT Council Officers discuss wider community access to the proposed new surf club facility at Waitarere Beach as part of the lease negotiations with the Surf Club.	Arthur Nelson	Ongoing		Outline consent granted. No further work required at this stage by officers.
87.	THAT Council Officers continue to develop a Property Strategy and will	Arthur Nelson	1 Dec 2015		Property Strategy adopted. Regular liaison ongoing with

MONITORING REPORT Long Term Plan 2015 - 25					
Item	Resolved	Responsible Officer	Action Date	Status	Officer Comment
	liaise with the Waitarere Beach Progressive Ratepayers Association on this matter.				the Progressive Association
99.	THAT Officers will continue to work with key stakeholders in relation to the District Plan Rules to understand the most effective way forward and the extent of any changes that may be considered necessary to the District Plan. It is possible that a future plan change to the District Plan may be justified following further investigations and allowing time for the implementation of the new rules to be monitored.	David McCorkindale	Ongoing		Initial meetings with key stakeholders have taken place and will continue to explore possible future plan changes. Consideration is currently being given to the proposed RMA reforms which could address some of the areas identified for attention. Consideration is also being given to Growth Response programme and District Plan provisions that might require changing to address the anticipated growth pressures.
102	THAT Council continues to support the Economic Development Activity area as proposed in the Draft Long Term Plan 2015-2025.	Shanon Grainger	Ongoing		This is ongoing.
105	THAT Council acknowledges the submission from the Tokomaru Village and Community Association and recommends that the Tokomaru Community be retained in the work plan for the development of a Community Response Plan.	Denise Kidd	1 Jul		EMO continuing to work with Tokomaru Village and Community Association to strengthen local response arrangements, improve local coordination and increase community awareness of disasters.
107	THAT Council accepts in principle the proposed to	Gallo Saidy	30 Nov		Report completed and Council was

MONITORING REPORT					
Long Term Plan 2015 - 25					
Item	Resolved	Responsible Officer	Action Date	Status	Officer Comment
Emergency Management & Rural Fire	introduce the use of water tanks for new urban residential homes.				Briefed in March 2016 meeting. Report is not yet ready for adoption
	108 THAT Council requests Officers to prepare a full business case for the use of water tanks for new and existing urban residential homes by 30 Nov 2015 before a final decision is made by Council.	Gallo Saidy	30 Nov		Report including business case completed and Council briefed in March 2016 meeting.
	109 THAT the programme of works related to water, wastewater and stormwater services identified in the Infrastructure Strategy be implemented.	Gallo Saidy			Ongoing
	110 THAT officers continue to investigate a solution for the water discolouration issue in Foxton and Foxton Beach by Jun 2016.	Gallo Saidy	30 Jun 2016		Investigation underway.
	111 THAT Council does not consider changing the fundamental business model for the 3 waters services delivery.	Gallo Saidy			Ongoing
Three Waters	112 THAT Officers examine the policy of reading meters on restricted supplies and charging for volumes used in excess of the 1,000 litres/day, and report back to Council with a recommendation for either maintaining or changing the charging policy by Nov 2015.	Gallo Saidy	30 Nov 2015		Identified 108 high water users. Discussion show only a very few could have restrictors put in place as they do not have storage tanks or pressure pumps. report to Council in August 2016
	118 THAT the Council prepares and lodges an application for resource consent renewal for Waitarere Beach Wastewater Disposal by Dec 2016.	Gallo Saidy	Dec 2016		The application is being prepared.
	119 THAT Officers provide submitters of the proposed funding for Waitarere Beach	Gallo Saidy	30 Oct 2015		Funding allocation of \$30,000 is provided for these works.

MONITORING REPORT
Long Term Plan 2015 - 25

Item	Resolved	Responsible Officer	Action Date	Status	Officer Comment
120	Stormwater works. THAT Officers liaise and work with Horizons' officers in the implementation of stormwater projects to get the best value from both Councils' projects.	Gallo Saidy	Ongoing		Complete Liaise with Horizons on implementation of relevant projects
121	THAT Officers provide the submitter in relation to Okarito Avenue Stormwater with clarification of the programmed works in the Long Term Plan.	Gallo Saidy	30 Apr 2016		North East Levin Workshop for with submitters on going.
123	THAT Officers review the costs of the solid waste services within the next 12 months to ensure the services Council provide are cost effective.	Gallo Saidy	30 Jun 2016		Review services and ensure they are cost effective – currently under review
124	THAT within 12 months Council undertakes some analysis to better compare the Enviroschools programme and the Zero Waste Education programme, and alternative methods of delivering waste minimisation education, and determine which programme better suits the community's needs.	Gallo Saidy	30 May 2016		The Enviroschools has not been reviewed in detail, however the contract expires in June 2019 when a complete review will be done in conjunction with the Waste Minimisation Plan which needs to be completed by June 2018
130	THAT the Council retains the Financial Strategy and its objectives of: 1. balancing the budget in three years; 2. ensuring that debt is used solely to fund -level of service and growth capital projects from year 3; 3. that depreciation funding is used to fund renewals from year 3; 4. that debt is paid off from year 7;	Doug Law	1 Jul		Ongoing - this requires constant monitoring and reporting to ensure we remain on track

MONITORING REPORT Long Term Plan 2015 - 25					
Item	Resolved	Responsible Officer	Action Date	Statu s	Officer Comment
	5. that debt does not breach the 175% of operating income threshold.				

Documents Executed and Electronic Transactions Authorities Signed

File No.: 16/644

1. Purpose

To present to Council the documents that have been executed, Electronic Transactions Authorities and Contracts that have been signed by two elected Councillors, which now need ratification.

2. Recommendation

- 2.1 That Report 16/644 Documents Executed and Electronic Transactions Authorities Signed be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the Horowhenua District Council hereby ratifies the signing of documents and Electronic Transaction Authorities as scheduled:
 - (a) Bond binding Burnell Developments Limited to Horowhenua District Council in the sum of Sixteen Thousand Dollars (\$16,000) to comply with conditions SUB/502/2015/3659 relating to the site described as Lot 2 DP 404299 comprised in Certificate of Title 414841 with an area of 7.4599 hectares more or less, 106 Gladstone Road, Levin.
 - (b) Electronic Transaction Authority relating to sale of 25 Oxnam Place, Foxton Beach to Raymond Sebert Andrews and Denise Marie Andrews (for Dr Andrews Trust), contained in Certificate of Title 399501.
 - (c) Electronic Transaction Authority relating to sale of 3 Oxnam Place, Foxton Beach to Valerie Joan Marshall contained in Certificate of Title 399490.
 - (d) Electronic Transaction Authority relating to sale of 23 Forbes Road, Foxton Beach to Daniel James Pond and Jaime Marie Pond contained in Certificate of Title 399461.
 - (e) Electronic Transaction Authority relating to sale of 26 Forbes Road, Foxton Beach to Maxwell Raymond Broadbent and Ann Shirley Broadbent contained in Certificate of Title 399510.
 - (f) Electronic Transaction Authority relating to sale of 2 Story Street, Foxton Beach to Clinton Barclay Gunn, Wendy Anne Gunn and Brett John Rex Davey contained in Certificate of Title 399483.
 - (g) Electronic Transaction Authority relating to sale of 16 Forbes Road, Foxton Beach to Barrie Stuart Hoseason and Merle Gloria Hoseason contained in Certificate of Title 399515.
 - (h) Electronic Transaction Authority relating to sale of 12 Oxnam Place, Foxton Beach to Paul Griffen and Carolyn Griffen contained in Certificate of Title 399504.
 - (i) Electronic Transaction Authority relating to sale of 15 Forbes Road, Foxton Beach to Howard Thomas Edwards and Jacqueline Morris Mann Edwards contained in Certificate of Title 399457.
 - (j) Electronic Transaction Authority relating to sale of 8 Oxnam Place, Foxton Beach to Robert Sebert Andrews and Denise Marie Andrews as trustees for Doctor Andrews Trust contained in Certificate of Title 399506.
 - (k) Electronic Transaction Authority relating to sale of 10 Story Street, Foxton Beach to

Christopher William Bell and Helen Claire Bell contained in Certificate of Title 399479.

- (l) Electronic Transaction Authority relating to sale of 21 Story Street, Foxton Beach to Haydn Michael McKinley and Gerdina Louise McKinley contained in Certificate of Title 399472.
- (m) Electronic Transaction Authority relating to sale of 4 Oxnam Place, Foxton Beach to Russell Ngaio Easton contained in Certificate of Title 399508.
- (n) Electronic Transaction Authority relating to sale of 10 Oxnam Place, Foxton Beach to Raymond Sebert Andrews and Denise Marie Andrews as trustees of Doctor Andrews Trust contained in Certificate of Title 399505.
- (o) Electronic Transaction Authority relating to sale of 19 Story Street, Foxton Beach to Susan Catherine Hoskin contained in Certificate of Title 399471.
- (p) Electronic Transaction Authority relating to sale of 19 Forbes Road, Foxton Beach to Elizabeth Margaret Maclean, Julian John Dennis McBrearty contained in Certificate of Title 399459.
- (q) Deed of Renewal and Variation of Lease with The Sovereign in Right of New Zealand acting by and through the Ministry of Social Development relating to Part Ground Floor, Corner Salisbury & Durham Streets, Levin for a right of renewal for a three year period from 1 November 2015 to 31 October 2018. An additional right of renewal for a term of three years, with the intent the final expiry date shall be 31 October 2024.
- (r) Deed of Lease of Commercial Premises with R Cheriton Ltd relating to part of the land situated at 120-122 Hokio Beach Road, Levin being the land described as Lot 1 on Deposited Plan 48902. The lease is for an initial term of six months commencing 1 December 2016.
- (s) Electronic Transaction Authority relating to the Freehold of 11 Linklater Avenue, Foxton Beach to Matene Ralph Love, Lorna Crabtree and John Richard Whitehead contained in Certificate of Title WN11A/1283. – NOTE: This Contract was terminated as the Purchasers could not obtain finance.

3. Issues for Consideration

This report provides a mechanism for notifying the execution of formal documents by two elected Councillors and signing of Electronic Transactions Authorities.

Attachments



There are no attachments for this report.

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Signatories

Author(s)	Monique Davidson Group Manager - Customer and Community Services	
Approved by	Monique Davidson Acting Chief Executive	

Health (Fluoridation of Drinking Water) Amendment Bill

File No.: 17/6

1. Purpose

To seek Council's support for the Local Government New Zealand's (LGNZ) submission on the Health (Fluoridation of Drinking Water) Amendment Bill and for Council to make its own submission supporting LGNZ's submission.

2. Recommendation

- 2.1 That Report 17/6 Health (Fluoridation of Drinking Water) Amendment Bill be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the Horowhenua District Council supports Local New Zealand's submission on the Health (Fluoridation of Drinking Water) Amendment Bill;
- 2.4 That the Horowhenua District Council makes its own submission supporting Local Government New Zealand's submission on the Health (Fluoridation of Drinking Water) Amendment Bill.

3. Issues for Consideration

- 3.1 Fluoridation can be a contentious issue with strong views held by proponents on either side of the debate.
- 3.2 The Health (Fluoridation of Drinking Water) Amendment Bill, as currently drafted, looks to give District Health Boards the power to make decisions and give directions about the fluoridation of local government drinking water supplies in their areas.
- 3.3 If passed in its current form territorial local authorities' decision-making responsibilities about fluoridation of drinking water would be replaced. Decision-making would be transferred to DHBs with the expectation that fluoridation coverage would be extended, which would improve the status of oral health in New Zealand.
- 3.4 In deciding whether to make a direction, DHBs would be required to consider scientific evidence and whether the benefits of adding fluoride to drinking water outweighs the financial costs, taking into account local oral health status, population numbers, and financial cost and savings.
- 3.5 The Bill would also provide two offence provisions, which would make it an offence for a local government drinking water supplier not to comply with DHB directions on whether a water supply should be fluoridated, and for a local government drinking water supplier to discontinue fluoridating their water where they are already doing so, unless directed not to by the relevant DHB.
- 3.6 Local Government New Zealand has drafted a submission on the Amendment Bill (attached as **Attachment A**). This sets out some concerns with the current way the Bill is drafted and suggests some amendments.
- 3.7 The points raised by LGNZ have been considered and are supported by Officers as covering areas that would be of concern to Council if the Bill was passed in its current form.
- 3.8 Council's support for the LGNZ submission is sought, as well as for Council to make its own supporting submission (attached as **Attachment B**).

Attachments


No.	Title	Page
A	Local Government New Zealand Draft Health (Fluoridation of Drinking Water) Amendment Bill Submission Bill	197
B	Submission on the Health (Fluoridation of Drinking Water) Amendment Bill	202


Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Signatories

Author(s)	Monique Davidson Group Manager - Customer and Community Services	
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Approved by	Monique Davidson Acting Chief Executive	
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SUBMISSION

**We are.
LGNZ.**



< Local
Councils play
an active role
in keeping our
communities
healthy. >

Health (Fluoridation of Drinking Water) Amendment Bill

Local Government New Zealand's submission to the New Zealand
Productivity Commission

22 December 2016

SUBMISSION

We are.
LGNZ.

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DRAFT 22 December 2016

SUBMISSION

**We are.
LGNZ.**

We are. LGNZ.

LGNZ is the national organisation of local authorities in New Zealand and all 78 councils are members. We represent the national interests of councils and lead best practice in the local government sector. LGNZ provides advocacy and policy services, business support, advice and training to our members to assist them to build successful communities throughout New Zealand. Our purpose is to deliver our sector's vision: "Local democracy powering community and national success."

This final submission was endorsed under delegated authority by Lawrence Yule, President, Local Government New Zealand.

We would like to be heard in relation to this submission.

Introduction

Thank you for this opportunity to submit on the Health (Fluoridation of Drinking Water) Amendment Bill.

This submission has been prepared on behalf of New Zealand's local authorities but it is the territorial authorities who have the leading role in this area.

LGNZ seeks the removal of the responsibility for making decisions on fluoridation in drinking water from territorial authorities, as per the Government's stated policy direction.

LGNZ has a strong mandate for this submission. At LGNZ's AGM in 2014 a remit was passed that "LGNZ urges the Government to amend the appropriate legislation so that the addition of fluoride to drinking water supplies is not a decision that is left to the local authority and instead should be made by the Director General of Health".

The passage of the remit, and the level of support it received, reflects the litigious environment confronting councils when determining whether or not to continue to fluoridate their water supplies or begin fluoridating them. Councils are increasingly being asked to make judgements on the validity or otherwise of complex scientific research concerning the value of fluoride to dental and general health, and evaluate claims about potential harm.

These are judgements best made at the national level as the Ministry of Health is one of the few organisations with the scientific capability to properly assess claims and counter-claims.

The Bill in its current form falls short of the remit endorsed by the membership of LGNZ, nor does it meet the Government's stated policy direction. Consequently LGNZ opposes the Bill as drafted.

Specific comments

The LGNZ remit seeks national leadership in relation to the fluoridation of drinking water. Shifting the decision-making from territorial authorities to District Health Boards (DHBs), and providing an opt out clause, does not achieve this and creates ambiguity and uncertainty about the role of city and district councils.

Decision-maker

The Bill empowers DHBs to introduce or cease fluoridation of drinking water, however, under the Bill DHBs are not required to consider fluoridation. Consequently, local authorities could remain the de-facto decision-makers on the issue should the relevant DHB elect not to use the Bill's new powers.

LGNZ draft submission – Health (Fluoridation of Drinking Water) Amendment Bill 3

SUBMISSION

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The Departmental Disclosure Statement accompanying the Bill makes the general policy statement that the Bill “replaces territorial authorities’ decision-making responsibilities about fluoridation of drinking water”. However, the proposed Bill does not make a full transfer of decision-making responsibility from territorial authorities to DHBs. Because the Bill empowers DHBs to direct territorial authorities to add fluoride to water supplies DHBs are not themselves required to consider the pros and cons of fluoridation. This will continue the current practice throughout New Zealand where some water supplies are fluoridated and some are not.

If the decision sits with the DHB and it chooses to consider the issue, as the Regulatory Impact Statement (RIS) acknowledges, DHBs will face exactly the same opposition to their fluoridation proposals as local authorities are currently facing. The RIS states:

“The boards of DHBs would face the same scrutiny that territorial authorities have experienced at election time, and the election of anti-fluoride advocates could lead to a stalemate or a reversal of fluoridation in some areas. Secondly, DHB decision-making would not rule out a series of locally-fought campaigns over fluoridation”.

This brings into question whether the stated policy objectives can be achieved by the Bill as currently drafted.

In order for the Government’s objectives for fluoride to be met the decision-maker on fluoride should be the Director General of Health. The Director General should be directed to consider the issue, not merely empowered. This would also enhance accountability as it would become very clear as to where responsibility actually sits. The Bill’s provisions create a “diffuse” form of accountability as councils may continue to be held responsible for fluoridation issues even though it would be DHBs that exercise the authority.

Costs

LGNZ acknowledges the costs of fluoridation of drinking water are not great, but they still have to be borne by ratepayers. The Bill creates situations where DHBs may not have to bear the costs of their decision, and where territorial authorities may be forced in those circumstances to pass on the costs of fluoridation of drinking water to ratepayers without having any control of the decision.

Furthermore, if the DHB decides not to use its new powers, territorial authorities will still be seen as the decision-makers on fluoridation.

LGNZ’s position is that the costs should be covered by the decision-maker. Territorial authorities will be a service provider. Any other position is inconsistent with one of the basic principles of public finance, namely that agencies that are responsible for the expenditure of public finance are also held accountable for that expenditure. Where accountability is unclear, or diffuse, a moral hazard problem is created as there are few incentives on the principal agency to make responsible allocation decisions.

Consultation

As drafted DHBs have no duty to either consult with affected communities prior to making a decision to fluoridate a water supply, or to inform them (and the relevant council) prior to a decision to fluoridate. Given community sensitivity to the issue, LGNZ recommends that the Bill is amended to provide a requirement for the Director General or the DHB (whichever is the decision-maker) to at least inform councils and communities that it is considering fluoridation and seek comments on any such proposal.

SUBMISSION

**We are.
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Conclusion

As drafted the Bill fails to meet LGNZ's and indeed the Government's stated objective to remove local government from any form of decision-making about whether or not to add fluoride to a drinking water supply. Without some form of duty on the decision-maker to actively consider the case the Bill creates a policy vacuum that may expose councils to ongoing pressure from interest groups to consider the fluoridation option.

LGNZ is happy to provide drafting to the Health Committee which reflects our recommendations.

Recommendations

1. Amend the Bill to remove any obligations for DHBs and instead require the Director General of Health to consider the issue of fluoridation of drinking water supplies.
2. Confirm that the costs of fluoridation will rest with the decision-maker.
3. Amend the Bill to require the decision-maker to at least inform councils and communities that it is considering fluoridation and seek comments on any such proposal.

DRAFT 22 December 2016

1 February 2017

The Health Committee
Wellington

Dear Sirs

Submission on the Health (Fluoridation of Drinking Water) Amendment Bill

Fluoridation of water supplies in the Horowhenua District has been raised regularly over a number of years but has been put in the “too hard” basket because of the competing and very strongly held views of those for and against the practice.

Whilst the Horowhenua District Council would like to support the shifting of the decision-making with regard to fluoridation of drinking water from territorial authorities, it opposes the Bill as it is currently drafted.

In that regard the Horowhenua District Council notes the associated issues raised by Local Government New Zealand and supports and reiterates those points in terms of seeking national leadership in relation to the fluoridation of drinking water:

- Shifting the decision-making from territorial authorities to District Health Boards, and providing an opt out clause, does not achieve national leadership in relation to fluoridation of drinking water. It creates ambiguity and uncertainty about the role of city and district councils;
- Whilst the Bill empowers DHBs to introduce or cease fluoridation of drinking water, it does not require DHBs to actually consider fluoridation, which will mean that some water supplies will be fluoridated and some will not so the stated policy objectives, particularly with regard to enabling “extended fluoridation coverage, which would improve the status of oral health in New Zealand”, may not be achieved;
- In order for the Government’s objectives for fluoride to be met and to enhance accountability, the decision-maker on fluoride should be the Director General of Health, who should be directed to consider the issue, not merely empowered to do so, which would make clear where the responsibility actually lies;
- DHBs would face the same issues faced by territorial authorities when it comes to the election of anti-fluoride advocates which could lead to a stalemate or a reversal of fluoridation in some areas. If the decision-maker was the Director-General of Health it could help prevent the election of single issue representatives and hopefully lead to a higher standard of governance overall;
- With regard to the costs of fluoridation, although these are not great, they would still sit with ratepayers. We support Local Government NZ’s position that these costs should be covered by the decision-maker as any other position would be inconsistent with one of the basic principles of public finance, namely that agencies that are responsible for the expenditure of public finance are also held accountable for that expenditure;

- As drafted there is no duty for DHBs to either consult with affected communities prior to making a decision to fluoridate a water supply, or to inform them (and the relevant council) prior to a decision to fluoridate. Given community sensitivity to the issue, it is recommended that the Bill is amended to provide a requirement for the Director General or the DHB (whichever is the decision-maker) to at least inform Councils and communities that it is considering fluoridation and seek comments on any such proposal.

As per the LGNZ submission, Horowhenua District Council recommends:

1. the Bill be amended to remove any obligations for DHBs and instead require the Director General of Health to consider the issue of fluoridation of drinking water supplies;
2. Confirm the costs of fluoridation will rest with the decision-maker;
3. Amend the Bill to require the decision-maker to at least inform councils and communities that it is considering fluoridation and seek comments on any such proposal.

We would request the opportunity to be heard in relation to this submission.

Yours faithfully

Michael Feyen
Mayor

David Clapperton
Chief Executive

File No.: 16/38

Amendment to Dog Control Policy & Bylaw 2015

1. Purpose

To propose amendments to Council's Dog Control Policy and Bylaw 2015.

2. Executive Summary

- 2.1 During the adoption of the Dog Control Policy & Bylaw 2015 a question was raised as to why there had been a change to areas where dogs were allowed/not allowed, and specifically at Waikawa Beach, between what was contained in the 2004 and the new 2015 Bylaw.
- 2.2 This matter has now been addressed and as a consequence there is a need to make the relevant amendments to the bylaw, hence this report. The opportunity has also been taken to review other areas where dogs are allowed/not allowed and these changes are also being proposed.

3. Recommendation

- 3.1 That Report 16/38 Amendment to Dog Control Policy & Bylaw 2015 be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That the schedule of amendments to the Dog Control Policy and Bylaw 2015, attached as Attachment B, be adopted effective 2 February 2017, and these replace the current Schedules attached to the 2015 Dog Policy and Dog Bylaw documents.

4. Background / Previous Council Decisions

- 4.1 The Dog Control Policy and Bylaw 2015 were adopted by Council at a meeting held on 5 August 2015. At that meeting a question was raised with regard to a change in the wording in respect of Waikawa Beach as to where dogs were allowed/not allowed when compared to the 2004 bylaw.
- 4.2 An undertaking was given to check the schedules attached to the bylaw and report back to Council. This has now been completed.

5. Discussion

- 5.1 In addition to the question raised in respect of the Waikawa Beach wording, there have also been changes to designations of Council parks and reserves and DOC has advised that it would like restrictions as it applies to Protected Wildlife and propose the inclusion of those restrictions that were contained in the earlier 2004 bylaw.
- 5.2 As a consequence a number of amendments are proposed to Schedule 1 of the Dog Control Policy 2015 and Schedule 1 and 2 of the Dog Bylaw 2015. Adoption of these changes will ensure both documents are accurate and consistent with other Council documents.
- 5.3 For ease of reference in respect of the proposed changes, attached are –
 - a. **Attachment A** – the current listing of where dogs are allowed/not allowed complete with tracked changes being proposed;

- b. **Attachment B** – a clean version of proposed changes that incorporates those changes indicated in Attachment A. This is the attachment that will replace the current schedules attached to the Dog Policy and Dog Bylaw – see recommendation 3.3.
- 5.4 Generally when making, amending or revoking a bylaw the Special Consultative Procedure of the Local Government Act 2002 is triggered. See Clause 7 of this Report for details pertaining to consultation.
- 5.5 However the LGA 2002 also allows that some form of amendments can be made to a bylaw by simple resolution of Council – specifically see clause 7.2 of this Report.
- 5.6 Despite the fact that on the face of it there are a number of amendments being proposed to the policy and bylaw, it is the writer's opinion that as they are-
- a. primarily to correct names of Council parks and reserves to ensure consistency across Council documents and information; and
 - b. in one instance correct an earlier error; and
 - c. that the changes have not impacted on the integrity of the policy and bylaw as the changes are restricted to locations where dogs are allowed or not allowed and this does not impact on the responsibilities outlined in the actual policy and bylaw; and
 - d. that whilst there are changes to locations where dogs are allowed the overall effect on the rights of people is generally unaffected:

therefore as a consequence Council should resolve the amendments by way of resolution and adopt the recommendations as stated in Clause 3. However if Council is of the opinion that the changes should be consulted on, a resolution to do so would be appropriate and officers instructed to bring a consultation report to the next meeting of Council.

6. Options

For accuracy reasons the only option is to adopt the recommendations, which is the preferred option; however note should be taken of Clause 5.6 above.

6.1 Cost

There are no costs associated with this matter.

6.1.1 Rate Impact

There will be no rate impact arising.

6.2 Community Wellbeing

There is no effect on Community Wellbeing matters associated with the proposed amendments.

6.3 Consenting Issues

There are no consents required or consenting issues arising.

6.4 LTP Integration

There is no LTP programme related to the options or proposals in this report and there are no special consultative processes required.

7. Consultation

- 7.1 Section 156 of the Local Government Act 2002 outlines consultation needs in respect of making a bylaw under that Act, or amending or revoking a bylaw made under that Act, that a local authority must comply with, sub section (1) stating –
- (a) use the special consultative procedure (as modified by section 86) if
 - (i) the bylaw concerns a matter identified in the local authority's policy under 76AA as being of significant interest to the public; or
 - (ii) the local authority considers that there is, or is likely to be, a significant impact on the public due to the proposed bylaw or changes to, or revocation of, the bylaw; and
 - (b) in any case in which paragraph (a) does not apply, consult in a manner that gives effect to the requirements of section 82 (which outlines the Special Consultative Procedure).
- 7.2 Despite the information in clause 7.1 above, in accordance with section 156(2) a local authority may, by resolution publicly notified –
- (a) make minor changes to, or correct errors in, a bylaw, but only if the changes or corrections do not affect -
 - (i) an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies, or
 - (ii) an existing status or capacity of any person to whom the bylaw applies.
 - (b) convert an imperial weight or measure specified in a bylaw into its metric equivalent or near metric equivalent.

8. Legal Considerations

There are no legal requirements or statutory obligations affecting options or proposals.

9. Financial Considerations

There is no financial impact.

10. Other Considerations

There are no other considerations – this matter is to ensure the policy and bylaw are accurate.

11. Next Steps

In the event the recommendations are adopted, the Dog Control Policy and Bylaw 2015 will be amended, the updated documents made available on our website, and public notice will be given.

12. Supporting Information

Strategic Fit/Strategic Outcome
Not Applicable
Decision Making
Not Applicable

Consistency with Existing Policy

Not Applicable

Funding

Not Applicable

Confirmation of statutory compliance


In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

13. Appendices

No.	Title	Page
A	Tracked Changes showing proposed amendments to Schedules	209
B	Clean Version of proposed Changes to Schedules	216

Author(s)	Mike Lepper Customer and Regulatory Services Manager	
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Approved by	Monique Davidson Group Manager - Customer and Community Services	
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SCHEDULE 1 Dog Control Bylaw 2015

DOG PROHIBITED AREAS

Description of Public Place

All land administered by the Department of Conservation (unless the dog owner has a permit from the Department of Conservation or there is Department of Conservation signage that identifies where a dog may be taken without a permit).

The area within three (3) metres of any children's playground whether or not the balance of the area is designated as a Dog Exercise Area or a Dog On-leash Area.

All sports ~~grounds fields~~, (Including bowling greens) and ~~including the whole of the grounds~~, the playing fields and their ~~immediate surrounds and their~~ car parks.

(Note: Most current sports grounds are listed in the Schedule below. In some cases, dogs are allowed on parts of the grounds but only in the areas not including the playing fields, for the purposes and under the conditions specified in relation to a particular sports ground).

All public place areas when being used exclusively for a sporting event or other community use

LEVIN TOWN (during shop trading hours)

The owner of any dog shall keep and prevent the same from being in that area of Levin Town defined as being the Oxford Street shopping area being all that public area including road, footpath, access way, reserve, and shopping mall entrance between the Durham Street intersection with Oxford Street and Stanley Street intersection with Oxford Street, being more particularly known as Oxford Street, Levin.

PROVIDED HOWEVER that exception to this provision is given to:

- (a) Police dogs present in the area in connection with Police work, or Dog Search Team work.
- (b) Dogs present in the area in connection with their function as Disability Assist Dogs.
- (b) Dogs otherwise authorised for specified purposes.

SHANNON URBAN AREA (during shop trading hours)

- i. Plimmer Terrace - Ballance Street to Grey Street.
- ii. Ballance Street - Plimmer Terrace to Venn Street.

PROVIDED HOWEVER that exception to this provision is given to:

- (a) Police dogs present in the area in connection with Police work or Dog Search Team work.
- (b) Dogs present in the area in connection with their function as Disability Assist Dogs.
- (c) Dogs otherwise authorised for specified purposes.

FOXTON TOWN (during shop trading hours)

"Town" defined as being the Main Street. ~~TRIM No: D15/5507~~

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"SHOPPING AREA" being all that public area including road, footpath, accessway, reserve shopping mall between the Ravensworth Street intersection with Main Street and the Union Street intersection with Main Street (including Flaxmill Reserve), being more particularly known as Main Street, Foxton,

PROVIDED HOWEVER that exception to this provision is given to:

Police dogs present in the area in connection with Police work or Dog Search Team work.

Dogs present in the area in connection with their function as Disability Assist Dogs.

(c) Dogs otherwise authorised for specified purposes.

RESERVES PARKS AND OTHER AREAS (AT ALL TIMES)

TOKOMARU

~~Tokomaru Domain during sporting or community usage times.
Horseshoe Bend Reserve~~

SHANNON

~~Shannon Domain
Hyde Park
Te Maire Park~~

FOXTON

~~Easton Park, including rugby grounds, swimming pool, and outdoor play area
Victoria Park sportsgrounds
Stuart Donnelly Park
Ihakara Gardens~~

FOXTON BEACH

Foxton Surf Beach (ramp to ramp) - during the period of Daylight Saving times.
~~Holben Parade Reserve (that area generally contained within Seabury Avenue,
Nash Parade and Holben Parade);
Bird Sanctuary area of Manawatu Estuary; Manawatu Rivermouth and Estuary
Ransar site.~~

WAITARERE

Waitarere Domain
Waitarere Beach (between flagged/patrolled area) - during the period of Daylight Saving times.
~~Rua Avenue Play Area
Waitarere Beach Motor Camp (except for Caretaker and Camp tenants but restrained—on-a-leash-at-all-times)
Holmwood Park~~

LEVIN

Parsons Avenue Reserve
~~Public Gardens, Remembrance Garden
Weraroa Reserve~~

~~Playford Park Motor Camp (except for Caretaker and Camp tenants but
restrained on a leash at all times)~~

Jubilee Park Play area

Donnelly Park Sportcgroundo

Levin Domain (Excluding Gladys Taylor Park)

~~Solway Park~~

Playford Park

Waiopehu Reserve - off the track

Muaupoko Park (excluding Dog Obedience Area)

~~TRIM No: D15/55076~~

~~-23-~~

Although Council is not responsible for this Park, it is ~~shown as a banned area in accordance with the requirements of the Horowhenua Lake Domain Board Bylaw, which places restrictions on Dogs unless authorised by that board. shown as a banned area in accordance with the requirements of requirements of the Horowhenua~~

~~TRIM No: D15/55076~~

~~-24-~~

~~Lake Domain Board Bylaw, which places restrictions on Dogs unless authorised by that Board.
Levin Adventure Park (excluding dog exercise area)~~

~~MANAKAU
Manakau Domain~~

~~TRIM No: D15/55076~~

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SCHEDULE 2

Dog Control Bylaw 2015

AREAS WHERE DOGS ARE ALLOWED (LEASHED AND/OR UNLEASHED)		
	LEASHED	UNLEASHED
Tokomaru	1. 4- Residential streets (unless prohibited) 2. Horseshoe Bend Reserve (during daylight savings hours)	1. Tokomaru Domain when not being used for sporting or other community uses 2. Horseshoe Bend Reserve (outside daylight saving) 3. Tokomaru Hall Greenspace
Shannon	1. Residential streets (unless prohibited) 2. Shannon Urban prohibited area (after shop trading hours) 3. Shannon Cemetery 4. Te Maire Park Hyde Park 4. 5. Shannon Domain	Moynihan Park when not being used for sporting or other community uses.
Foxton	1. Residential streets (unless prohibited) 2. Foxton Town prohibited area (after shop trading hours) 3. Foxton Cemetery 4. Easton Park 5. Seaview Garden 6. Stuart Donnelly Park	1. Victoria Park excluding sportsgrounds 2. River Loop reserve
Foxton Beach	1. Residential streets (unless prohibited) 2. Hennessey Street/Lowe Avenue grounds 2. Hartley Street Esplanade Holben Parade 3. Cousins Avenue Reserve 4. Flagstaff Reserve 5. Sunset Walkway	1. Foxton Beach outside of ramp areas 2. Cousins Avenue Plantation Reserve Hennessey Street/Lowe Avenue grounds 3. Ferry Reserve 4. Hartley Street Reserve
Waitarere	1. Residential streets (unless prohibited) 2.5. 2. Esplanade Reserve 3. Waitarere Beach Motor Camp (Caretaker and Camp Tenants only) Hudson/Wairarawa Reserve 4. Holmwood Park	Waitarere Beach outside of patrolled area
Hokio	Residential streets (unless prohibited)	Hokio Beach
Manakau	1. Manakau cemetery 2. Driscoll Reserve 3. Residential streets (unless prohibited)	1. Kuku Beach 2. Manakau Domain

Levin	<ol style="list-style-type: none"> 1. Residential streets (unless prohibited) 2. Levin Town prohibited area (after shop trading hours) 3. Iona Park 4. Green Avenue Reserve 5. Tiro Tiro Road Cemetery 6. Lincoln Place Reserve 7. Avenue Cemetery 8. Maire Park 9. Railway Reserve Levin North (Kiosk) 10. Railway Reserve (Liverpool Street to Tararua Road) 11. Public Gardens – Rose Gardens 12. Playford Park Motor Camp (Caretaker and Camp tenants only) 13. Morgan Crescent Reserve 14. Prouse Bush 15. Public Gardens - which includes, Thompson House, Memorial Gardens, <u>Remembrance Park and Rose Gardens</u> 16. Western Park (rear) 17. Levin Adventure Park dog exercise area only <u>Information Kiosk (the Avenue)</u> <u>Weraroa Domain</u> <u>Waiopehu Reserve (on track)</u> <u>Solway Park</u> <u>Gladys Taylor Park</u> 17. Levin Village Green 	<ol style="list-style-type: none"> 1. Kowhai Park 2. Argyle Avenue Reserve 3. Kimberley <u>Reserve (excluding Camping area)</u> 4. Gladstone Reserve 5. Kennedy Drive Park <u>Kennedy Reserve</u> 6. Green Avenue Reserve 7. Iona Park 8. Lincoln Place Reserve 9. MacArthur Street Reserve 10. Vincent Drive Reserve 5.11. Western Park (Rear)
Mangaore	1. Residential streets (unless prohibited)	Mangaore Park <u>Village Reserve</u>
Ohau	<ol style="list-style-type: none"> 1. Residential streets (unless prohibited) 2. Ohau Domain 	<ol style="list-style-type: none"> 1. Parikawau Reserve 2. Ohau Domain 3. Kirkcaldies Bridge Reserve
Waikawa	<ol style="list-style-type: none"> 1. Residential streets (unless prohibited) 2. Waikawa Reserve 2.3. Hank Edwards Reserve 	Waikawa Beach

PROTECTED WILDLIFE IN PUBLIC PLACES		
Public Place	Protected Wildlife Present	Control
<u>Manawatu Estuary Foreshore</u>	<u>Wrybill</u> <u>Turnstone</u> <u>Sharp-tailed Sandpiper</u> <u>Lesser Knot</u> <u>Curlew Sandpiper</u> <u>Red-necked Stint</u> <u>Banded Dotterel</u> <u>Variable Oystercatcher</u> <u>Bar Tailed Godwit</u> <u>Asiatic Whimbrel</u> <u>Least Golden Plover</u> <u>Greenshank</u> <u>Marsh Sandpiper</u> <u>Little Blue Penguins</u> <u>New Zealand Fur Seals</u>	<u>On a leash</u>

~~-26-~~

~~-27-~~

<u>Waikawa River mouth and Beach from Waikawa to Ohau and Ohau Estuary</u>	<u>Variable Oystercatcher</u> <u>Little Blue Penguins</u> <u>New Zealand Fur Seals</u>	<u>On a leash</u>
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TRIM No: D15/55076

SCHEDULE 1 Dog Control Bylaw 2015

DOG PROHIBITED AREAS

Description of Public Place

All land administered by the Department of Conservation (unless the dog owner has a permit from the Department of Conservation or there is Department of Conservation signage that identifies where a dog may be taken without a permit).

The area within three (3) metres of any children's playground whether or not the balance of the area is designated as a Dog Exercise Area or a Dog On-leash Area.

All playing fields (including bowling greens) within Council reserves and sportsgrounds and their car parks.

(Note: Most current sports grounds are listed in the Schedule below. In some cases, dogs are

allowed on parts of the grounds but only in the areas not including the playing fields, for the purposes and under the conditions specified in relation to a particular sports ground).

All public place areas when being used exclusively for a sporting event or other community use.

LEVIN TOWN (during shop trading hours)

The owner of any dog shall keep and prevent the same from being in that area of Levin Town defined as being the Oxford Street shopping area being all that public area including road, footpath, access way, reserve, and shopping mall entrance between the Durham Street intersection with Oxford Street and Stanley Street intersection with Oxford Street, being more particularly known as Oxford Street, Levin.

PROVIDED HOWEVER that exception to this provision is given to:

- (a) Police dogs present in the area in connection with Police work, or Dog Search Team work.
- (b) Dogs present in the area in connection with their function as Disability Assist Dogs.
- (c) Dogs otherwise authorised for specified purposes.

SHANNON URBAN AREA (during shop trading hours)

- i. Plimmer Terrace - Ballance Street to Grey Street.
- ii. Ballance Street - Plimmer Terrace to Venn Street.

PROVIDED HOWEVER that exception to this provision is given to:

- (a) Police dogs present in the area in connection with Police work or Dog Search Team work.
- (b) Dogs present in the area in connection with their function as Disability Assist Dogs.
- (c) Dogs otherwise authorised for specified purposes.

FOXTON TOWN (during shop trading hours)

"Town" defined as being the Main Street.

"SHOPPING AREA" being all that public area including road, footpath, access way, reserve shopping mall between the Ravensworth Street intersection with Main Street and the Union Street intersection with Main Street (including Flaxmill Reserve), being more particularly known as Main Street, Foxton,

PROVIDED HOWEVER that exception to this provision is given to:

- (a) Police dogs present in the area in connection with Police work or Dog Search Team work.
- (b) Dogs present in the area in connection with their function as Disability Assist Dogs.
- (c) Dogs otherwise authorised for specified purposes.

RESERVES PARKS AND OTHER AREAS (AT ALL TIMES)

SHANNON

Te Maire Park

FOXTON

Easton Park, including rugby grounds, swimming pool, and outdoor play area
Ihakara Gardens

FOXTON BEACH

Foxton Surf Beach (ramp to ramp) - during the period of Daylight Saving times.
Manawatu Rivermouth and Estuary Ramsar site.

WAITARERE

Waitarere Domain

Waitarere Beach (between flagged/patrolled area) - during the period of Daylight Saving times.

LEVIN

Parsons Avenue Reserve

Jubilee Park Play area

Levin Domain (Excluding Gladys Taylor Park)

Waiopahu Reserve - off the track

Muaupoko Park (excluding dog obedience Area) - Although Council is not responsible for this Park, it is shown as a banned area in accordance with the requirements of the Horowhenua Lake Domain Board Bylaw, which places restrictions on Dogs unless authorised by that board.

SCHEDULE 2

Dog Control Bylaw 2015

AREAS WHERE DOGS ARE ALLOWED (LEASHED AND/OR UNLEASHED)		
	LEASHED	UNLEASHED
Tokomaru	1. Residential streets (unless prohibited) 2. Horseshoe Bend Reserve (during daylight savings hours)	1. Tokomaru 2. Horseshoe Bend Reserve (outside daylight saving) 3. Tokomaru Hall Greenspace
Shannon	1. Residential streets (unless prohibited) 2. Shannon Urban prohibited area (after shop trading hours) 3. Shannon Cemetery 4. Hyde Park 5. Shannon Domain	Moynihan Park
Foxton	1. Residential streets (unless prohibited) 2. Foxton Town prohibited area (after shop trading hours) 3. Foxton Cemetery 4. Easton Park 5. Seaview Garden 6. Stuart Donnelly Park	1. Victoria Park 2. River Loop reserve
Foxton Beach	1. Residential streets (unless prohibited) 2. Holben Parade 3. Cousins Avenue Reserve 4. Flagstaff Reserve 5. Sunset Walkway	1. Foxton Beach outside of ramp areas 2. Hennessey Street/Lowe Avenue grounds 3. Ferry Reserve 4. Hartley Street Reserve
Waitarere	1. Residential streets (unless prohibited) 2. Esplanade Reserve 3. Hudson/Wairarawa Reserve 4. Holmwood Park	Waitarere Beach outside of patrolled area
Hokio	Residential streets (unless prohibited)	Hokio Beach
Manakau	1. Manakau cemetery 2. Driscoll Reserve 3. Residential streets (unless prohibited)	1. Kuku Beach 2. Manakau Domain
Levin	1. Residential streets (unless prohibited) 2. Levin Town prohibited area (after shop trading hours) 3. Tiro Tiro Road Cemetery 4. Avenue Cemetery 5. Maire Park 6. Railway Reserve Levin 7. Morgan Crescent Reserve 8. Public Gardens - which includes, Thompson House, Remembrance Park and Rose Gardens 9. Levin Adventure Park dog exercise area Only 10. Information Kiosk (the Avenue) 11. Weraroa Domain 12. Waiopehu Reserve (on track) 13. Solway Park 14. Gladys Taylor Park 15. Levin Village Green	1. Kowhai Park 2. Argyle Avenue Reserve 3. Kimberley Reserve (excluding Camping area) 4. Gladstone Reserve 5. Kennedy Reserve 6. Green Avenue Reserve 7. Iona Park 8. Lincoln Place Reserve 9. MacArthur Street Reserve 10. Vincent Drive Reserve 11. Western Park (Rear)
Mangaore	1. Residential streets (unless prohibited)	Mangaore Village Reserve
Ohau	1. Residential streets (unless prohibited)	1. Parikawau Reserve

		2. Ohau Domain 3. Kirkcaldies Bridge Reserve
Waikawa	1. Residential streets (unless prohibited) 2. Hank Edwards Reserve	Waikawa Beach

PROTECTED WILDLIFE IN PUBLIC PLACES		
Public Place	Protected Wildlife Present	Control
Manawatu Estuary Foreshore	Wrybill Turnstone Sharp-tailed Sandpiper Lesser Knot Curlew Sandpiper Red-necked Stint Banded Dotterel Variable Oystercatcher Bar Tailed Godwit Asiatic Whimbrel Least Golden Plover Greenshank Marsh Sandpiper Little Blue Penguins New Zealand Fur Seals	On a leash
Waikawa River mouth and Beach from Waikawa to Ohau and Ohau Estuary	Variable Oystercatcher Little Blue Penguins New Zealand Fur Seals	On a leash

File No.: 17/5

Animal Control Fees and Charges 2017/18

1. Purpose

To propose a schedule of Fees and Charges for Animal Control purposes, including Dog Registration Fees, to apply in the Horowhenua District for the 2017/18 year, i.e. 1 July 2017 to 30 June 2018.

2. Executive Summary

Historically fees and charges for Animal Control purposes have been set outside the Annual Plan/LTP process to facilitate the need for the production of Dog Registration Renewal notices enabling the mailing of the same in the last week of June annually.

3. Recommendation

- 3.1 That Report 17/5 Animal Control Fees and Charges 2017/18 be received.
- 3.2 That this decision be recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That Council adopts the Schedule of Animal Control Fees and Charges, attached as Attachment A as the Animal Control Fees and Charges to apply in the Horowhenua District from 1 July 2017 for the 2017/18 year.
- 3.4 That on adoption, Council gives public notice of its fees and charges as required by s37(6) of the Dog Control Act 1996.

4. Background / Previous Council Decisions

- 4.1 Section 37 of the Dog Control Act 1996 allows a Territorial Authority to set dog registration fees, including a penalty late payment fee of up to 50%, by resolution, and further that those fees shall be reasonable for the registration and control of dogs under the Act.
- 4.2 Council has previously adopted dog classification and registration structure criteria. No changes are proposed to that structure.

5. Discussion

- 5.1 Dog Registration fees are resolved annually by Council outside of the Annual Plan/LTP process to facilitate the preparation and processing timelines for dog renewal notices. It is also prudent and administratively practical to resolve the other Animal Control Fees and Charges at the same time.
- 5.2 Dog Registration Fees and Other Charges were last increased in the 2015/16 year. The proposal this year is a small increase of approximately 2% to ensure that increasing costs caused by inflation are taken account of.
- 5.3 An hourly charge out rate is proposed to be introduced as a new fee and be set at \$150.00 per hour in line with other officer charges across the Regulatory area. This need for this fee is a direct result of impending legislative changes as it relates to Menacing and Dangerous Dog activities. Specifically there will be a requirement for owners of dogs deemed to be menacing or dangerous to obtain a permit to keep the dog, undergo property inspection, have assessments of the dog's temperament, and an assessment of the owner's ability to

control the dog concerned undertaken. Whilst the implementation date of the legislation is not yet known, the requirement for Animal Control Officer's to conduct these activities is, hence the proposed fee introduction ensuring that it is the actual dog owner that incurs the cost, not dog owners generally or the District Ratepayers.

- 5.4 No direct comparison between proposed dog registration fees has been undertaken against other Council's. Whilst there may be some interest to compare, unless the comparison parameters are exactly the same it is not believed to be a particularly valuable exercise. It is however fair to say that the dog registration fees proposed for this District generally reflect favourably against others.

6. Options

There are primarily only two (2) options, being to accept or decline the recommendations. The preferred option is to resolve the recommendations as presented which will ensure that fees and charges set are in place for the ensuring year and are at a level that meets operational requirements.

6.1 Cost

Not Applicable to this Report

6.1.1 Rate Impact

There are no rate impacts arising

6.2 Community Wellbeing

There are no negative impacts on Community Wellbeing arising.

6.3 Consenting Issues

There are no consents required or consenting issues arising.

6.4 LTP Integration

There is no LTP programme related to the options or proposals in this report. There are also no Special Consultative Processes required.

7. Consultation

There was no consultation required to be undertaken.

8. Legal Considerations

The only legal requirement to be met is in respect of the giving of notice on fees and charges as it relates to Dog Registration – see Recommendation 3.4.

9. Financial Considerations

There is no financial impact.

10. Other Considerations

There are no other considerations other than the fact that the proposed hourly rate fee for Animal Control Officers is as a direct result of known impending legislation that will take effect as some point, and as a consequence it is administratively prudent to resolve this now.

11. Next Steps

In the event the proposed fees and charges are adopted by Council the next step is to give public notice as required by the Dog Control Act 1996 (see recommendation 3.4); publish on the Council website; and arrange for publication in Community Newsletters.

12. Supporting Information

Strategic Fit/Strategic Outcome

Not Applicable

Decision Making

Not Applicable

Consistency with Existing Policy

Not Applicable

Funding

Not Applicable


Confirmation of statutory compliance


In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

13. Appendices

No.	Title	Page
A	Proposed Fees & Charges 2017/18 Animal Control including Dog Registration	224

Author(s)	Vaimoana Miller Customer Experience Lead	
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Approved by	Monique Davidson Group Manager - Customer and Community Services	
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Horowhenua District Council Animal Control – Proposed Fees and Charges 2017/18

Dog Registration		16/17	Proposed 17/18	Variance
Disability Assist Dog	(Class 12)	Free	Free	Nil
Selected Owner Status	(Class 15)	\$55.00	\$56.00	+\$1.00
NZKC Registered Status	(Class 8)	\$57.00	\$58.00	+\$1.00
Racing Greyhound Registered Status	(Class 6)	\$57.00	\$58.00	+\$1.00
De-sexed Pet Urban	(Class 3)	\$68.00	\$69.00	+\$1.00
Entire Pet Urban	(Class 11)	\$112.00	\$114.00	+\$2.00
Working Dog	(Class 2)	\$57.00	\$58.00	+\$1.00
Stock (Farm) Dog	(Class 16)	\$57.00	\$58.00	+\$1.00
Rural Dog	(Class 14)	\$63.00	\$64.00	+\$1.00
Puppy	(Class 13)	\$44.00	\$45.00	Nil
Superannuitant Owner	(Class 1)	\$63.00	\$64.00	+\$1.00
Dangerous Dog De-sexed	(Class 5)	\$155.00	\$155.00	Nil
Dangerous Dog Entire	(Class 4)	\$265.00	\$265.00	Nil
Menacing Dog Entire Urban	(Class 10)	\$112.00	\$114.00	+\$2.00
Menacing Dog De-sexed Urban	(Class 9)	\$68.00	\$69.00	+\$1.00
Menacing Dog Rural	(Class 7)	\$63.00	\$64.00	+\$1.00
Late Fee if Paid after 31 July 2017		Plus 50%	Plus 50%	Nil
Other				
Animal Control Officer hourly rate		16/17	Proposed 17/18	Variance
		N/A	\$150.00	New Fee
Registration Discs		16/17	Proposed 17/18	Variance
Transfer from Another Local Authority		Free	Free	Nil
Replacement Disc		\$3.00	\$3.00	Nil
Dog Impounding		16/17	Proposed 17/18	Variance

Impoundment Fee, Per Dog	\$80.00	\$80.00	Nil
Daily Fee Cost, Per Dog	\$10.00	\$10.00	Nil
After-Hours Cost in Respect of any Impoundment	\$95.00	\$95.00	Nil
Dog Surrender Fee	\$37.00	\$40.00	+\$3.00
Microchipping Fee Following Impoundment	\$25.00	\$25.00	Nil
Stock Impounding (any four-legged, hooped animal)	16/17	Proposed 17/18	Variance
Impoundment Fee	\$65.00	\$65.00	Nil
After-Hours Call Out, Whether Animal(s) Impounded or Not	\$95.00	\$95.00	Nil
Daily Fee Costs, Per Head	\$7.00	\$7.00	Nil
Associated Costs (Transportation, Hay and the Like)	Cost + 20%	Cost + 20%	Nil
Feline	16/17	Proposed 17/18	Variance
Cage Deposit (50% Refundable)	\$24.00	\$24.00	Nil
Feral Cat Euthanasia	\$12.00	\$12.00	Nil
Kennel Licence (NZKC/Greyhound)	16/17	Proposed 17/18	Variance
First Time Applicants)	\$25.00	\$25.00	Nil

File No.: 17/9

Review of Dog Control Regime - National Action Plan

1. Purpose

The purpose of this Report is to advise Council of impending consultation on the subject matter, and propose that Council appoint two (2) Councillors to work with Officers in the development of a submission on behalf of this Council.

2. Executive Summary

- 2.1 The Associate Minister of Local Government recently announced a new national action plan to reduce the risk and harm of dog attacks. A Bill to amend the Dog Control Act 1996 will be introduced to Parliament in February 2017.
- 2.2 Whilst there is likely to be a Local Government NZ submission, it is believed important that this Council make an individual submission to the Bill. The proposal to have two Councillors work with officer's on a submission is to ensure that the elected perspective is reflected in any submission, and also for ease of preparation of that submission as timings of the submission and consultation phase may preclude a submission being endorsed by full Council prior to the submission being made. The timings of the consultation and submission process is not currently known

3. Recommendation

- 3.1 That Report 17/9 Review of Dog Control Regime - National Action Plan be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act
- 3.3 That Council appoint Councillor..... and Councillor to a subcommittee to work with Officer's in the development of a submission on behalf of this Council in respect of proposed amendments to the Dog Control Act 1996 as it pertains to reducing the risk and harm of dog attacks.
- 3.4 That authority be given for the subcommittee to make the submission on behalf of Council, and a copy of that submission be brought to an appropriate meeting of Council for receipt and information purposes.

4. Background / Previous Council Decisions

- 4.1 On 1 August 2016, the Hon Louise Upston, Associate Minister of Local Government launched an online survey 'Reducing dog attacks – share your thoughts' which ran until 14 August 2016. Responses were received from 3,096 people.
- 4.2 Of those respondents, the vast majority were dog owners (84%); around half indicated a particular concern about dog attacks (48%); and a significant proportion indicated that they had been the victim of a dog attack in the past (19%).
- 4.3 Respondents overwhelmingly identified dog owners (62%) and general education about dog behaviour (27%) as the two biggest contributing factors to dog attacks.

- 4.4 The Minister has now announced the introduction of a Bill to Parliament to make amendments to the Dog Control Act. The summary of the changes proposed to be included in this Bill are as contained in Clause 5 below.

5. Discussion

- 5.1 The following has been taken from the Department Of Internal Affairs website -

“National action plan to reduce the risk and harm of dog attacks

Updated November 2016

On 22 September 2016, the Associate Local Government Minister Louise Upston announced a new national action plan to reduce the risk and harm of dog attacks. On 23 November 2016, Minister Upston announced additional changes as part of the national action plan.

Law changes to give effect to the action plan will be included in a bill to amend the Dog Control Act 1996. It is intended that bill will be introduced to Parliament in February 2017. As part of the legislative process, all New Zealanders will have an opportunity to submit on the proposed changes.

Under the action plan, high-risk dogs and their owners will be subject to stricter controls. The law changes to give effect to such controls will complement a renewed focus on education about dog owner responsibility and safety around dogs, as well as new work with local government on best practice guidance for councils.

The action plan will be supported by a nationwide neutering programme, which includes \$850,000 of Government funding. A partnership between central and local government has been established to provide discounted neutering for menacing dogs around the country. In some areas, the costs of neutering will be fully subsidised. Rotorua and Opotiki will be the first districts to roll out the programme. Other councils and animal welfare organisations are invited to apply to roll out the programme in their area. Details about the application process will be available soon.

For the purposes of the action plan, high-risk dogs are those dogs that are classified as ‘menacing’ and ‘dangerous’ under the Dog Control Act 1996 (the Act), and those that would be classified as menacing or dangerous if known to local authorities and registered. Under the Act, a dog may be classified as menacing if it belongs to a breed and type currently banned from importation, or if the local authority considers the dog poses a threat to people or animals on the basis of its behaviour.

A local authority must classify a dog as dangerous if it constitutes a threat to the safety of any person or animal, based on its aggressive behaviour.

Proposed law changes will require owners of high-risk dogs to:

- Have their high-risk dog neutered.
- Keep high-risk dogs in a fenced in area at home that allows visitors dog-free access to at least one house entrance.
- Display signs at the front of their property alerting people of high-risk dogs.
- Ensure dangerous or menacing dogs wear collars identifying them as high-risk. These dogs must also wear muzzles and be on a leash in public places.
- Obtain a high-risk dog owner licence.
- Seek consent from the local authority to transfer the dog to new owner.
- Inform any new owner that the dog is classified.

Animal shelters will be prevented from adopting out high-risk dogs to new owners, except that menacing dogs can be adopted out to those who hold a high-risk dog owner licence.

There will be several adjustments to the infringements and offences under the Dog Control Act 1996, including:

- If an owner fails to:
 - Keep their dog under control, the council may issue a \$300 infringement fine (increase from \$200).
 - Meet the legal obligations of owning a dog classified as dangerous, the council may issue a \$500 infringement fee or the court may issue a fine of up to \$5,000 on conviction (increase from \$300 infringement fee and \$3,000 maximum fine on conviction).

- The offence for a dog ‘rushing’ at a person or animal causing death, injury or damage will be extended to include incidents on private property (currently this offence only applies to incidents in public places).
- If a dog attacks a person or animal causing serious injury, the courts may issue a maximum fine or \$30,000 on conviction and/or a term of imprisonment not exceeding five years (increase from \$20,000 maximum fine and three- year maximum imprisonment term).

Councils will be required to provide more detail in their annual statistics about dogs involved in attacks, including detail about the dog’s breed and whether it was neutered, registered and/or classified as dangerous or menacing at the time of attack.

The Government will have the power to introduce a regime to regulate the dog breeder industry, if required in the future.”

5.2 Our records reflect the following statistics that are relevant to this matter –

- a. Of the 658 dog complaints received YTD to 31 January 2017, 53 (8%) have been reported as dog attacks, and 59 (9%) have been reported as dog aggression;
- b. As at 31 January 2017 we have 16 dogs classified as Dangerous, 49 Menacing by deed, and 171 Menacing by Breed or Type.

6. Options

6.1 There are two (2) options, namely-

Option 1 to appoint Councillors to a sub-committee to work with officers to prepare a submission on the Bill and forward that submission on behalf of this Council; or

Option 2 not proceed as recommended and only provide support to any submission made by Local Government NZ.

6.2 The preferred option is Option 1 – see recommendations 3.3 and 3.4. It is believed that this Council’s perspective on matters such as this are extremely important and need to be made.

6.1 Cost

There are no costs associated with this matter.

6.1.1 Rate Impact

There will be no Rate impact arising.

6.2 Community Wellbeing

There are no negative impacts on Community Wellbeing arising. Any legislation that is aimed at reducing the threat from dogs is seen as a positive measure.

6.3 Consenting Issues

There are no consents or consenting issues arising.

6.4 LTP Integration

There is no LTF programme related to the option or proposals in this report. There are no Special Consultative Processes required.

7. Consultation

There was no consultation required to be undertaken by Council. However when it is known as to when the Bill is open for public consultation notice of this will be given through our

website and other means to ensure that as far as practicable the public are made aware of the opportunity to make private submissions on this matter.

8. Legal Considerations

There are no Legal Requirements or Statutory Obligations affecting the options or proposals.

9. Financial Considerations

There is no financial impact.

10. Other Considerations

There are no other considerations

11. Next Steps

11.1 On adoption of the recommendations -

- a. When the Bill is open for consultation officers to meet with the appointed Councillors to prepare submission on behalf of Council;
- b. Forward submission and then provide a copy of that submission to a future meeting of Council for information and receiving purposes.

12. Supporting Information

Strategic Fit/Strategic Outcome Not Applicable
Decision Making Not Applicable
Consistency with Existing Policy Not Applicable
Funding Not Applicable


Confirmation of statutory compliance


In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

13. Appendices

There are no appendices for this report

Author(s)	Mike Lepper Customer and Regulatory Services Manager	
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Approved by	Monique Davidson Group Manager - Customer and Community Services	
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Horowhenua District Council Draft Local Alcohol Policy

1. Purpose

To present a draft Local Alcohol Policy for the Horowhenua District seeking a resolution of Council to consult on using the Special Consultative Procedure as detailed in the Local Government Act 2002.

2. Executive Summary

- 2.1 The Sale and Supply of Alcohol Act 2012 provides the ability for a territorial authority that wishes to do so to have a Local Alcohol Policy. Council has previously expressed a desire to have a Local Alcohol Policy for the Horowhenua District.
- 2.2 A series of meetings have been held with partner agencies, Police, the Liquor Licensing Inspector, the Medical Officer of Health, and members of the District Licensing Committee in respect of a Local Alcohol Policy. A policy has been developed by this group which is now recommended to Council for formal consultation purposes as a draft policy.

3. Recommendation

- 3.1 That Report 16/189 Horowhenua District Council Draft Local Alcohol Policy be received.
- 3.2 That this decision is recognised as significant in terms of S76 of the Local Government Act
- 3.3 That Council reaffirms it wishes to proceed with the implementation of a Local Alcohol Policy for the District as resolved by the previous Council.
- 3.4 That Council resolves that the draft Local Alcohol Policy (LAP) attached as **Attachment A** be used for consultation purposes using the Special Consultative procedure as required by s79 of The Sale & Supply of Alcohol Act 2012. (Statement of Proposal)
- 3.5 That Council resolve that the Summary of Information attached as **Attachment B**, is a fair representation of the major matters in the statement of proposal; is in a form determined by Council; indicates where the statement of proposal is available; and states the period within which persons interested in the proposal may present their views to Council – s83AA Local Government Act 2002.
- 3.6 That the hearing of submissions following consultation be heard by the Hearings Committee of Council, acting under delegation of Council, for a subsequent recommendation from the committee to Council.

4. Background / Previous Council Decisions

- 4.1 Council previously resolved in 2015 its wish to have a Local Alcohol Policy developed for the District. Since that time work with partner agencies has taken place to develop a draft LAP which is attached to this Report and this is recommended to Council for consultation purposes.

5. Discussion

- 5.1 Given that this is a new Council it would be prudent for members to reaffirm whether or not they wish to implement a Local Alcohol Policy for the Horowhenua District. It should be noted that no territorial authority is required to have a local alcohol policy.

- 5.2 A LAP may include policies on any or all of the following matters relating to licensing (and no others):
- (a) location of licensed premises by reference to broad areas;
 - (b) location of licensed premises by reference to proximity to premises of a particular kind or kinds;
 - (c) location of licensed premises by reference to proximity to facilities of a particular kind or kinds;
 - (d) whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district, or any stated part of the district;
 - (e) maximum trading hours;
 - (f) the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions;
 - (g) one-way door restrictions.

Notes :

- (1) paragraphs (a) to (d) do not apply to special licences, or premises for which a special licence is held or has been applied for.
 - (2) A LAP must not include policies on any matter not relating to licensing.
 - (3) The draft LAP is proposing policies that cover those matters above.
- 5.3 A territorial authority that wishes to have a LAP must produce a draft policy – see **Attachment A**. When producing a draft policy, a territorial authority must have regard to :
- (a). the objectives and policies of its district plan; and
 - (b) the number of licences of each kind held for premises in its district, and the location and opening hours of each of the premises; and
 - (c) any areas in which bylaws prohibiting alcohol in public places are in force; and
 - (d) the demography of the district's residents; and
 - (e) the demography of people who visit the district as tourists or holidaymakers; and
 - (f) the overall health indicators of the district's residents; and
 - (g) the nature and severity of the alcohol-related problems arising in the district

Notes:

- (1) Current Licence details are as follow:

<u>Location</u>	<u>Premises Type</u>	<u>Number</u>	<u>General Hours</u>
Tokomaru	Club	1	9am to 1am
Foxton	Club	6	various
Foxton	On Licence	7	Various 8am to 1am
	Off Licence	6	Various 7am to 10pm
Shannon	Club	3	Various 9am to 11pm
	On	1	9am to 3am & 9am to 10pm Sun.
	Off	2	Various 7am to 10pm
Levin	Club	12	Various 9am to 1am
	On	17	Various 7am to 3am
	Off	9	Various 7am to 11pm
Manakau/Ohau	Club	1	9am to 11pm
	On	4	Various 9am to 1am
	Off	1	10am to 5pm
Waitarere	Club	1	9am to 12 midnight
	On	1	9am to 1am
	Off	2	Various 7am to 11pm

- (2) Information relating to alcohol-related problems in the district have been provide by New Zealand Police and this is attached as **Attachment C**.
- (3) All other matters have been considered as part of the development of this policy.

6. Options

6.1 There are three (3) options available at this point in time, namely:

Option 1 : Decide not to proceed with a LAP for the district. In the event this is the option resolved the outcome will be that the District Licensing Committee will continue to make their decisions on licensing matters in accordance with the national default requirements as contained in The Sale & Supply of Alcohol Act 2012.

Option 2 : Refer the draft attached back to officer's for further consideration. This option should only be considered if there is a belief the policy as presented does not address the matters raised by legislation, or contains matters other than that which is allowed by legislation. It is not believed that this is the case.

Option 3 : Adopt the draft as has been presented for consultation purposes with the community, industry members, and other interested parties, using the Special Consultative Procedure.

6.2 **Preferred Option.** The preferred option is Option 3, being to consult on the draft policy presented. The reason for this is that it is believed that the draft meets the requirements relating to a LAP as contained in The Sale & Supply of Alcohol Act 2012, (The Act), and as a consequence is now ready to be fully consulted on – this will meet the requirements of S79(1) of The Act which states *"If, after producing a draft policy under section 78, a territorial authority continues to wish to have a local alcohol policy, it must produce a provisional policy by using the special consultative procedure to consult on the draft policy"*.

6.3 Cost

Any costs associated with this matter can be absorbed within current budgets.

6.3.1 Rate Impact

There will be no Rate impacts arising

6.4 Community Wellbeing

There are no known negative impacts on Community Wellbeing. By undertaking consultation on the draft LAP, the opportunity for community input is being provided which could shape the completed LAP if Council decides to continue with the LAP process.

6.5 Consenting Issues

There are no Consents required or consenting issues arising.

6.6 LTP Integration

The development of a Local Alcohol Policy was signified in the 2015 – 2025 Long Term Plan, page 55.

7. Consultation

The introduction of a LAP requires consultation using the special consultative procedure – section 79 of The Act. The recommendations address this requirement.

8. Legal Considerations

Other than use of the Special Consultative Procedure there are no other legal considerations at this point in time.

9. Financial Considerations

Not Applicable to this matter

10. Other Considerations

There are no other considerations at this point in time.

11. Next Steps

In the event the recommendations are adopted, the next steps will be as follows –

- (a) Week of 7 February 2017 – consultation commences;
- (b) 17 March 2017, 5pm, - consultation closes;
- (c) Week commencing 21 March 2017 – officer consideration of submissions, report preparation on consultation feedback;
- (d) Early April 2017 hearing of submissions and deliberation by Hearings Committee- followed by recommendations to Council;
- (e) 3 May 2017 meeting of Council consider and resolve recommendations of Hearings Committee, and then resolve whether or not to continue the introduction of a LAP by producing a provisional policy.

There may be other steps after this, being dependent upon subsequent decisions of Council.

12. Supporting Information

Strategic Fit/Strategic Outcome Not Applicable to this matter
Decision Making Not Applicable to this matter
Consistency with Existing Policy Not Applicable to this matter
Funding Not Applicable to this matter
<u>Confirmation of statutory compliance</u> In accordance with section 76 of the Local Government Act 2002, this report is approved as: <ol style="list-style-type: none">a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Confirmation of statutory compliance


In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

13. Appendices

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Author(s)	Mike Lepper Customer and Regulatory Services Manager	
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Approved by	Monique Davidson Group Manager - Customer and Community Services	
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STATEMENT OF PROPOSAL



LOCAL ALCOHOL POLICY



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**HOROWHENUA DISTRICT COUNCIL
LOCAL ALCOHOL POLICY**

1. INTRODUCTION AND EXPLANATORY MATERIAL

- 1.1 The Sale and Supply of Alcohol Act 2012 (the Act) has the following objectives:
- (a) that the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and
 - (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
- 1.2 Alcohol related harm is defined very widely and includes any crime, damage, death, disease, disorderly behaviour, illness or injury, and harm to individuals or the community, either directly or indirectly caused by excessive or inappropriate alcohol consumption.
- 1.3 The Act allows territorial authorities to make a local alcohol policy (LAP). The LAP is a set of policies, made by the Council in consultation with its community, about the sale and supply of alcohol in its geographical area. Horowhenua District Council has decided to develop a LAP for its district and to set restrictions and conditions for licensed premises within the district.
- 1.4 Once the LAP comes into force, Council's District Licensing Committee (DLC) and the Alcohol Regulatory Licensing Authority (ARLA) must have regard to the policy when they make decisions on licence applications.
- 1.5 Through a LAP the community is able to:
- Limit the location of licensed premises in particular areas or near certain types of facilities, such as in specific neighbourhoods or near schools or churches;
 - Limit the density of licensed premises by specifying whether new licences or types of licences should be issued in a particular areas;
 - Impose conditions on groups of licences, such as a "one-way door" condition that would allow patrons to leave premises but not enter or re-enter after a certain time;
 - Recommend discretionary conditions for licences;
 - Restrict or extend the default maximum trading hours set in the Act, which are:
 - 8.00 am – 4.00 am for on-licences (such as hotels and restaurants)
 - 7.00 am - 11.00 pm for off-licences (such as bottle stores and supermarkets).
- 1.6 Where the LAP does set maximum trading hours, the District Licensing Committee has discretion to set the permitted trading hours as more restrictive than the maximum trading hours in the LAP.
- 1.7 The LAP can be more restrictive in its provisions relating to licensed premises, but cannot permit activities not allowed by the District Plan. The Horowhenua District Plan provides for entertainment activities (including licensed premises) within the commercial zone, or by resource consent.
- 1.8 Section 117 of the Act permits the District Licensing Committee and the Alcohol Regulatory Licensing Authority to issue any licence subject to "any reasonable conditions not inconsistent with this Act". The LAP includes policies to guide the District Licensing

Committee and Alcohol Regulatory Licensing Authority as to the discretionary conditions that may be appropriate.

2. CRITERIA FOR CONSIDERING LICENSING APPLICATIONS

2.1 The purpose of the LAP is to provide local guidance to the Council's District Licensing Committee in deciding whether to issue or renew a licence.

2.2 Under section 105 of the Act, the DLC has to have regard to a range of matters in addition to any relevant local alcohol policy when considering a licence application. The types of matters include:

- the object of the Act;
- the suitability of the applicant;
- the design and layout of any proposed premises;
- whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the licence;
- whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effect of the issue of existing licences, but –
 - it is nevertheless desirable not to issue any further licences.

2.3 The Act says that a licence may be refused or conditions applied if the issue of the licence, or the consequences of the issue of the licence, would be inconsistent with the LAP (section 108 and 109). Where a licence is renewed and it will be inconsistent with the provisions of the LAP, conditions may be imposed (section 133).

3. GOALS OF THIS LAP

The LAP provides direction for the DLC so that licensing decisions:

- contribute to Horowhenua being a safe and healthy District;
- reflect local communities' character and amenity and their values, preferences and needs;
- encourage licensed environments that foster positive, responsible drinking behaviour and minimise alcohol-related harm.

4. OBJECTIVES OF THE LAP

The objectives of the LAP are to provide a policy which:

- reflects the views of local communities as to the appropriate location, number, hours and conditions that should apply to licensed premises within their communities;
- provides certainty and clarity for applicants and the public as to whether a proposed license application will meet the criteria of the LAP;
- provides effective guidance for the decisions of the DLC and ARLA.

5. DEFINITIONS

5.1 When reading this LAP, the following words and phrases have been used. For further details refer to the section of the Act referenced.

5.2 Types of Licences

- **on-licences** where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol there (see section 14 of the Act);
- **off-licences** where the licensee sells alcohol from a premises for consumption somewhere else (see section 17 of the Act);
- **club licences** where the licensee (e.g. a club) can sell and supply alcohol for consumption on the club premises by authorised customer (see section 21 of the Act); and
- **special licences** which can be either on-site or off-site special licences. With an on-site special, the licensee can sell or supply alcohol for consumption there to people attending an event described in it. With an off-site special, the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it (see section 22 of the Act).

Notes:

Some premises hold more than one licence – for example, a tavern may also hold an off-licence and be able to sell alcohol which is consumed off the premises.

The Act allows special licences to be issued for up to 12 months. Unlike other kinds of licence, special licences are not subject to the Act's default maximum hours so can apply up to 24 hours a day. Special licenses are to allow the sale or supply of alcohol at events and are not intended to be a substitute for a "Club", "on" or "off" licence.

5.3 Other terms

bottle store means retail premises where (generally speaking) at least 85% of the annual sale revenue is expected to be earned from the sale of alcohol for consumption somewhere else (refer section 32(1) of the Act).

bar in relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol (refer section 5(1) of the Act).

café has the same meaning as restaurant in terms of the licence.

club means a body that –

- (a) is a body having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or
- (b) is a body corporate whose object is not (or none of whose objects is) gain; or
- (c) holds a permanent club charter (refer section 5(1) of the Act).

grocery store grocery store means a shop that –

- (a) From the date this LAP comes into force no on-licences are to be issued for any premises unless that premises is already licensed; or is located on land zoned commercial or a Resource Consent has been granted by Council for its operation either before or after that date.
- (b) No new on-licences shall be issued for any premises located within 100 metres of the legal site boundary of any school, early childcare facility, place of worship, or public park existing at the time the licence application is made.

Note: Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises.

7.3 Notice of Licence Application

Applicants for NEW or RENEWALS of an On Licence are required to give notice to potentially affected parties within 100 metres of the legal site boundary of the premises. This requirement is additional to notifications required by the Act,

7.4 Discretionary Conditions

Conditions relating to the following matters may be considered generally appropriate for on-licensed premises such as night-clubs and late-night bars:

- 'One-way door' restrictions;
- The time entertainment finishes;
- Provision of additional security (staff) after 'x' hour;
- The installation and operation of CCTV cameras on the exterior of, and within a premises;
- Provision of effective exterior lighting;
- Restrictions on the size of servings (e.g. 'doubles') and time of 'last orders';
- Management of patrons queuing to enter the licensed premises;
- Restriction on the use of outdoor areas after 'x' hour;
- That where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence previously or is operating a premises that has never been a licensed premises before), the trading hours may be more restrictive than the maximum trading hours contained in this LAP;
- Application of the principles of Crime Prevention Through Environmental Design;
- The display of advertising signage will be considered as part of the effect on the amenity and good order of the locality during the application consideration process.

The following conditions may be appropriate for on-licensed premises such as BYO restaurants:

- The holder of a manager's certificate to be on duty during busy periods, e.g. Thursday, Friday and Saturday nights;
- That where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence previously or is operating a premises that has never been a licensed premises before), the trading hours are more restrictive than the maximum trading hours contained in this LAP.

8. SPECIAL LICENCES

8.1 Hours

The hours (opening and closing) and duration of a special licence are set at the discretion of the DLC for each event, having regard to the nature of the event or series of events. The following maximum trading hours apply to all special licenses in the Horowhenua District territorial area:

Monday to Sunday	generally the closing time for any special licence shall not exceed 1am on any given day, however the DLC may consider extensions in exceptional circumstances.
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8.2 On and Off-site

Special licences may be issued both for off-site consumption (e.g. wine sales from a market stall) or for on-site consumption, e.g. at a community event or when a bar has a special licence to open earlier/close later for significant events. Generally for premises holding existing on-licences, the conditions of a special licence will specify a closing time no more than two hours later than permitted by their on-licence.

8.3 Discretionary Conditions

In addition to the discretionary conditions in Section 147 of the Act, the following conditions may be considered appropriate for special licences:

- Any special licence for a series of events should not be for a period exceeding 6 months, and the number of events is not to exceed 20..
- A 'One-way door' restriction to apply from a specified time.
- No glassware is to be taken outside the building or onto grass or artificial grass surfaces.
- Plastic containers or cans to be used for any event (except when it is being served and remains within the building).
- Areas to be clearly defined / cordoned off / demarcated where liquor is being sold/consumed outside of the building, e.g. beer tent. Where appropriate people are to remain within the defined area.
- The holder of a manager's certificate to be present when alcohol is available for sale, or the number of manager's certificate holders required may be specified.
- The maximum number of alcoholic drinks per sale transaction may be specified.
- A register to be maintained recording any incidents or issues of concern, and is to be available to Police or Licensing Inspector on request.

9. CLUB LICENCES

9.1 Hours

The following maximum trading hours apply to all club-licensed premises:

Monday to Sunday	9.00 am until 1.00 am the following day.
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9.2 Discretionary Conditions

Conditions relating to the following matters may be appropriate for Club licensed premises depending on the size and nature of the club:

- a requirement for the holder of a manager's certificate to be present when alcohol is available for sale during busy periods, e.g. more than 100 people are on the Club premises.

10. POLICY REVIEW

Pursuant to section 97 of the Act Council must review its LAP using the Special Consultative Procedure no later than six (6) years after it comes into force and no later than six (6) years after the most recent review of it was completed.

Summary of Information



DRAFT LOCAL ALCOHOL POLICY

At a meeting of the Horowhenua District Council held on 1 February 2017, Council resolved to consult on this draft Policy using the Special Consultative Procedure as laid down in the Local Government Act 2002.

1. Proposal

Council is proposing to introduce a Local Alcohol Policy to apply throughout the Horowhenua District. This Policy will set rules around the sale, supply, and consumption of alcohol within the District.

2. Submissions

Submissions on the proposal close at 5.00 pm on Friday, 17 March 2017. All submissions should be addressed to:

Local Alcohol Policy
Horowhenua District Council
Private Bag 4002
Levin 5540

Submitters should advise whether they wish to be heard when submissions are considered. A meeting will be scheduled after the consultation period has closed. Submitters are advised that pursuant to the Local Government Act 2002 and subject to the Local Government Official Information and Meetings Act 1987, all submissions shall be made available to the public.

Submission forms and the Statement of Proposal are available at the Council Offices in Levin (126 Oxford Street, or Te Takere), Foxton (Clyde Street); or Shannon (Plimmer Terrace). Copies may also be obtained by telephoning Council's Customer Service Centre, Levin, on (06) 366 0999, and on Council's website www.horowhenua.govt.nz.

3. Form of Summary

The form and contents of this summary were approved by a resolution of Council on 1 February 2017.

Submission form to Draft Local Alcohol Policy

OFFICE USE ONLY

RM8 No:

Submission No:

Please print clearly using a black or dark blue pen

Your details

Mr / Mrs / Miss / Ms / Dr (circle) Name:

Name of Organisation (if applicable)

Postal address:

..... Post Code

Phone: A/H Mobile

Email:

Communication

Preferred method of communication: email post

Presentation

Do you wish to present your comments to Council in person at a hearing: Yes No

My submission(s)

Please complete your submission on the form overleaf. Please note that your submission will be part of a public agenda.

You can post your submission to: Local Alcohol Policy
Horowhenua District Council
Private Bag 4002
Levin 5540

OR drop it into Council at 126 Oxford Street, Levin; or Te Takere; your local library or Service Centre. Alternatively fax to (06) 366 0983 or email to: enquiries@horowhenua.govt.nz.

Submission forms can be completed on line or downloaded from www.horowhenua.govt.nz.

We need to receive your submission by 5.00 pm on Friday, 17 March 2017.



Intelligence Report:

Levin – Local Alcohol Policy

Update for District
Calls for Service 2013-2016

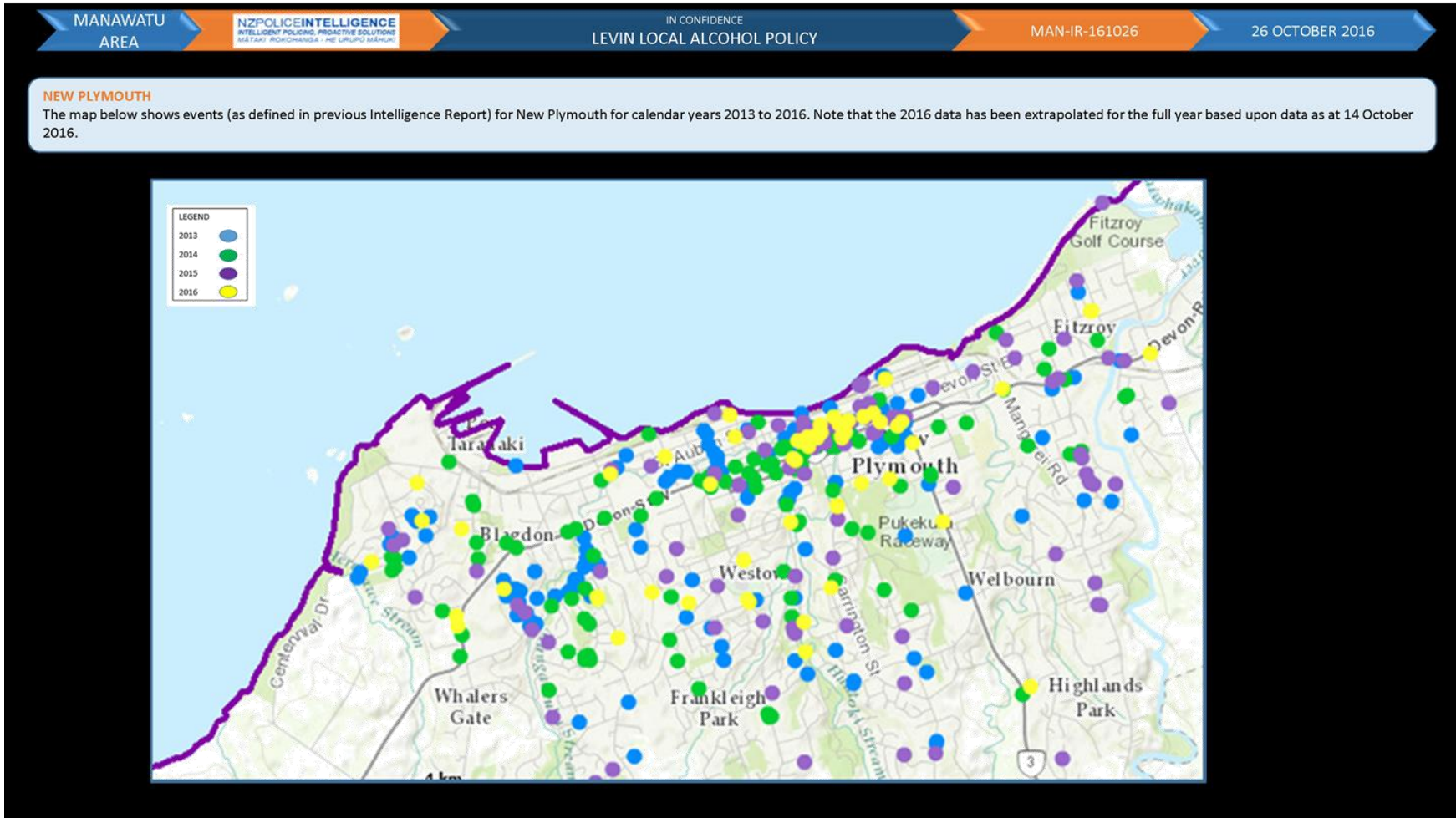
Prepared by:

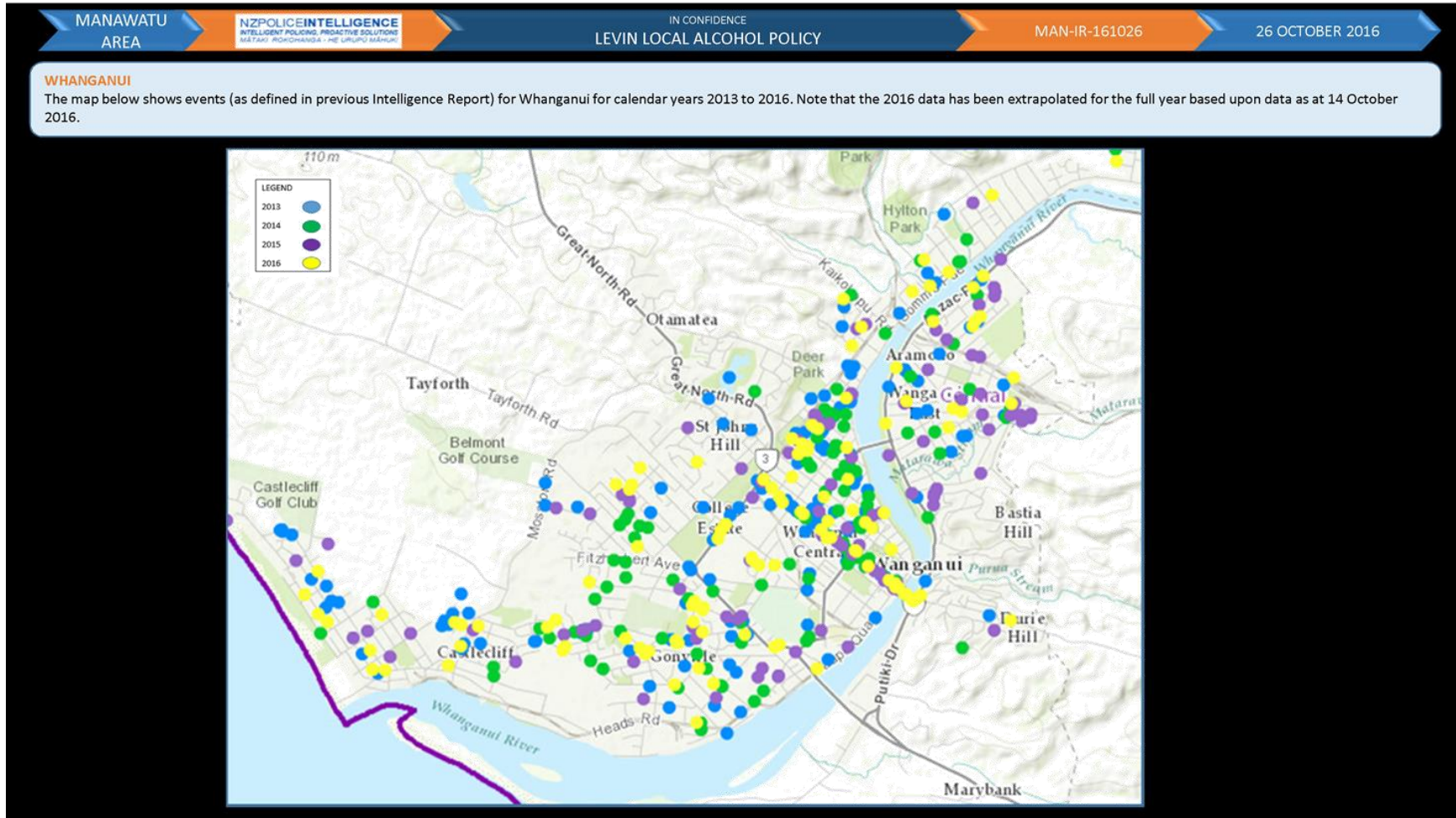
Mary Ellwood – A/Lead Analyst,
Intelligence CDHQ, October 2016

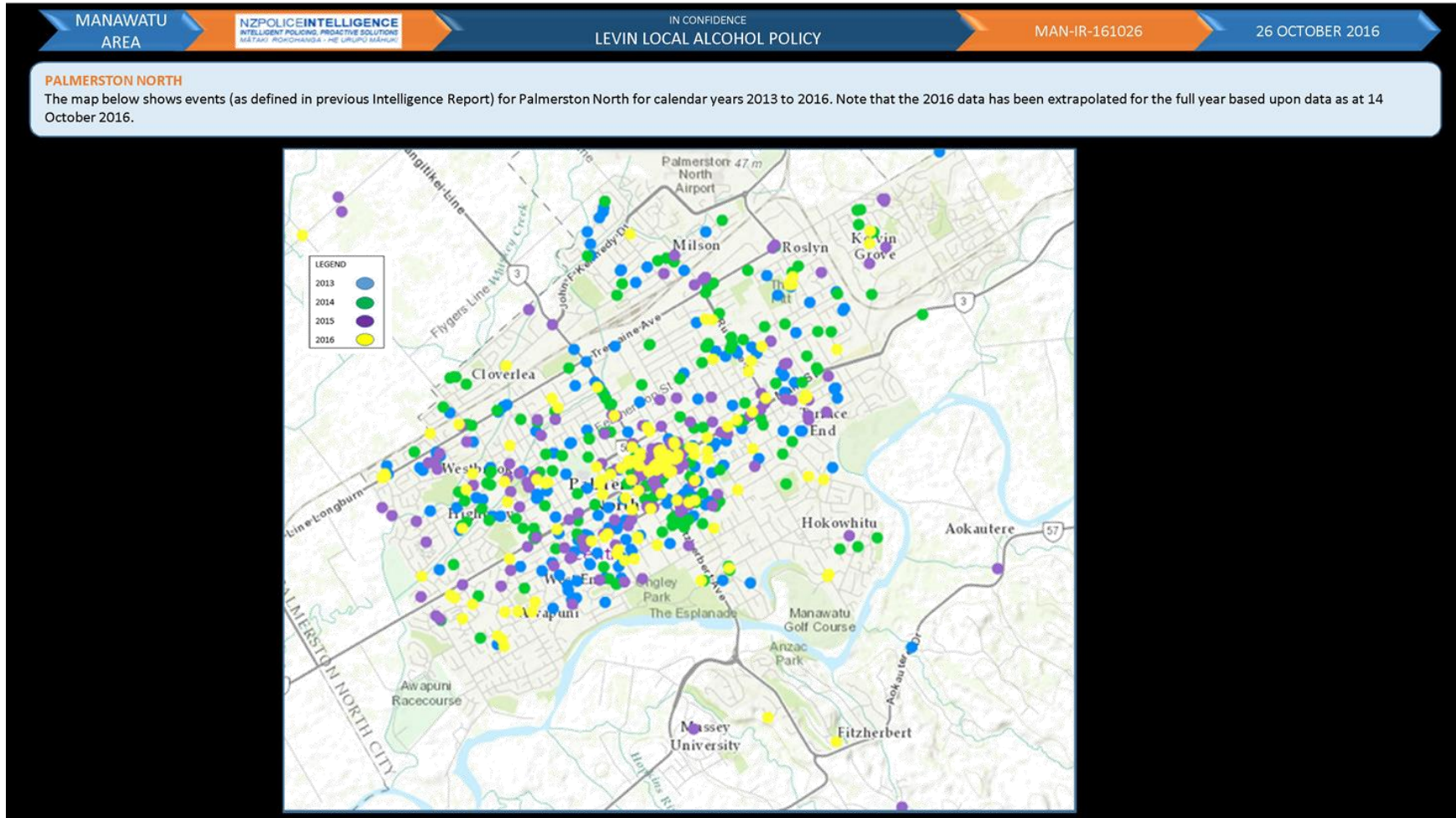


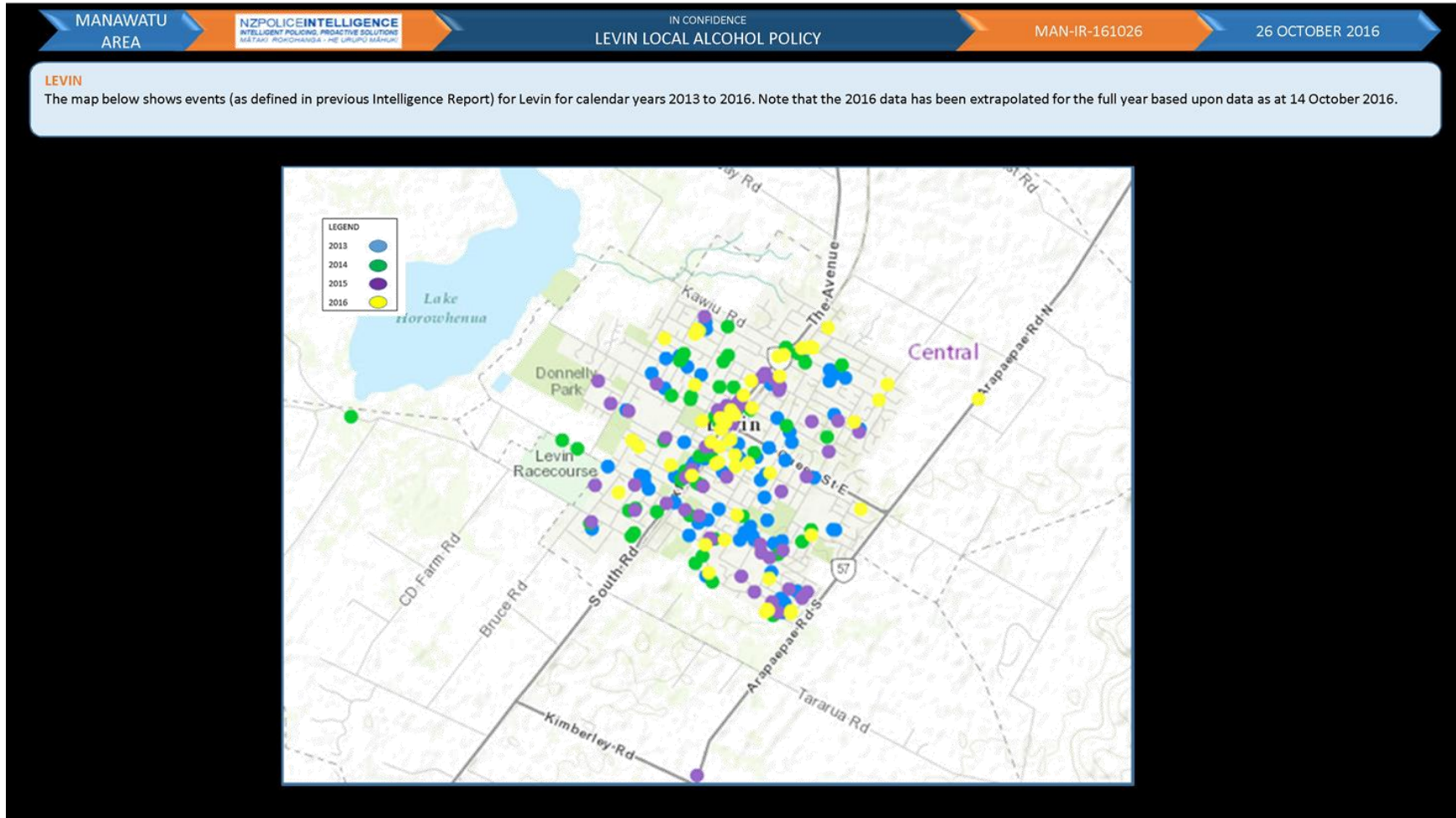
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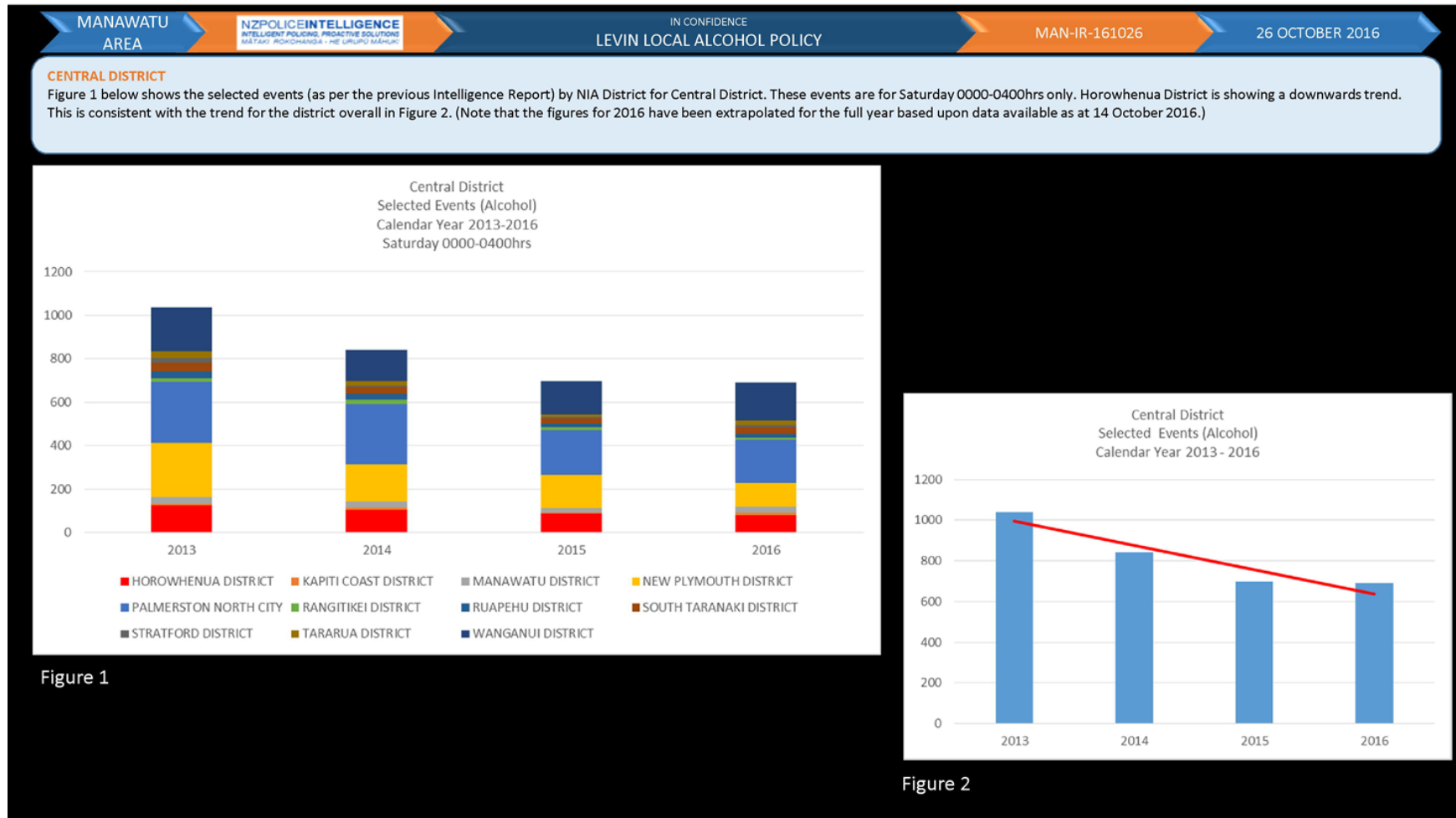
INTELLIGENT POLICING, PROACTIVE SOLUTIONS
MATAKI ROKOHANGA – HE URUPU MAHUKI











File No.: 16/632

District Licensing Committee Appointments

1. Purpose

The purpose of this Report is to propose the appointment of two (2) Councillors to the District Licensing Committee, (DLC), effective from 2 February 2017, one as Chairperson of the DLC, and the other as Deputy Chairperson.

2. Executive Summary

- 2.1 The Sale and Supply of Alcohol Act 2012 requires each territorial authority to appoint one (1) or more licensing committees as, in its opinion, are required to deal with licensing matters for its District.
- 2.2 Currently Councillor Brannigan and Mr Tony Rush fill the appointments of Commissioners to the DLC through until 28 February 2017, as previously resolved by Council. They were previously Councillor Appointees, but this change was put in place to cover the 2016 election period.
- 2.3 This Report is to propose that the interim Commissioner appointments be terminated and that two (2) Councillors be appointed by Council to the DLC.

3. Recommendation

- 3.1 That Report 16/632 District Licensing Committee Appointments be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act
- 3.3 That Council resolves to appoint two (2) Councillors to the District Licensing Committee, one as Chairperson and one as the Deputy Chairperson (to act in the place of the Chairperson if the Chairperson is unable to act because of illness, or absence from New Zealand, or for other sufficient reason), effective 2 February 2017, and that the term of the appointment be through until such time as the next Local Body election.
- 3.4 That on the appointment of two (2) Councillors to the DLC the appointment of Councillor Brannigan and Mr Tony Rush as Commissioners is terminated.
- 3.5 That the following Councillors be appointed to the DLC -
 - (i) Cr R Brannigan as Chairperson
 - (ii) Cr N Gimblett as Deputy Chairperson

4. Background / Previous Council Decisions

- 4.1 At the meeting of Council held on 3 July 2013, Report 13/431, it was resolved that one Licensing Committee be established for the District and that two Councillors be appointed to the DLC, one as Chairperson and one as Deputy Chairperson. It was subsequently resolved that Councillor Brannigan be appointed as the Chairperson and Councillor Rush be appointed as the Deputy.
- 4.2 At the meeting of Council held on 5 October 2016, Report 16/519, it was resolved that the two Councillors (Brannigan and Rush) be appointed as Commissioners to the DLC through

until 28 February 2017 or until such time as new Councillor appointments were confirmed following the 2016 elections. This action was taken to ensure the continuity and the ability of the DLC to continue functioning during the election process.

5. Discussion

- 5.1 A DLC is made up of three (3) members, one who must be appointed as the chairperson and who must be either an elected member of the territorial authority, or a commissioner. The other members are drawn from an approved list of public members maintained by the territorial authority. It should be noted that the current list of public members has previously been approved through to November 2018.
- 5.2 It is important to note that a DLC chairperson is appointed for all decisions considered by the DLC. Elected members of the DLC hold a semi-judicial role and cannot allow electioneering or a political standpoint to influence decisions. The decisions need to be made according to what is legally correct, and cannot be influenced by concerns that the decision may be unpopular and affect re-election prospects.
- 5.3 There are a range of competencies that should guide the decision process of Council when appointing a Chairperson and Deputy Chairperson to the DLC – these are summarised as follows –
- a. demonstrated knowledge of the Sale and Supply of Alcohol Act 2012
 - b. demonstrated experience of legal and regulatory alcohol environment;
 - c. knowledge of alcohol-related harm and its impact on communities;
 - d. quality decision making ability such as - able to sort fact from fiction, applies pragmatic decision-making, balanced assertiveness, chairperson experience, considers information from a variety of sources in an objective unbiased way to reach a conclusion;
 - e. understanding and application of legislation, interpreting case law;
 - f. demonstrates behaviours that are consistent with standards for professional and ethical conduct, refrains from behaviours that fosters the appearance of conflict of interest, applies rules and regulations in a consistent, non-biased manner
- 5.4 As stated earlier, clause 4.1, it had previously been resolved that Councillors be appointed to the DLC. This has worked well over the last 3 years and Councillor Brannigan has undertaken the role of the Chairperson of the DLC in this time. This report proposes that Councillors again be appointed to the DLC as Chairperson and Deputy Chairperson.

6. Options

- 6.1 There are two options available under the Sale and Supply of Alcohol Act 2012, namely to either appoint Councillors to the DLC as the Chairperson and Deputy Chairperson, or, decide not to appoint Councillors and therefore on a recommendation of Council allow the Chief Executive of Council to appoint a Commissioner or Commissioners and in this case they would assume all functions, powers, and duties of the chairperson of the DLC

Option 1. Resolve to appoint two (2) Councillors to the DLC, one as the Chairperson and the other as the Deputy Chairperson.

Option 2. Resolve to recommend to the Council Chief Executive Officer to appoint a commissioner(s) to the DLC.

Preferred Option. The preferred option is Option 1 - it has worked well both operationally and administratively over the last 3 years and there are suitably qualified Councillors, based on the criteria listed in clause 5.3 above, available to fulfil the expectations of this role. See recommendations 3.3 and 3.5.

6.1 Cost

The costs associated with the recommended/preferred option will be funded from within existing operational budgets relating to the DLC.

6.1.1 Rate Impact

Not Applicable to this Report

6.2 Community Wellbeing

6.2.1 Whilst not applicable to the subject matter of this report, the DLC, as it relates to applications for new or renewal liquor licences including variations and temporary authorities together with Special Licences and Managers Certificates will be required to consider these matters against the requirements of the Sale and Supply of Alcohol Act 2012 and taking account of the requirements of any Local Alcohol Policy that may be in place. There will also be public hearings for contested applications, and all decisions of the DLC must be in writing.

6.2.2 These matters are believed to sufficiently address matters of Community Well Being.

6.3 Consenting Issues

There are no consenting issues attached to this matter.

6.4 LTP Integration

Not Applicable to this report.

7. Consultation

There are no consultation requirements associated with this matter; this is purely an administrative decision of Council under legislation.

8. Legal Considerations

Territorial Authorities are required to have a Licensing Committee and are required to have members to that committee including appointing elected members or Commissioners. Adoption of the recommendations will meet those requirements.

9. Financial Considerations

Ongoing costs are included in operational budgets.

10. Other Considerations

There are no other considerations in respect of the subject matter of this Report.

11. Next Steps

There are no other next steps other than updating membership details in respect of the DLC.

12. Supporting Information

Strategic Fit/Strategic Outcome Not Applicable

Decision Making Not Applicable.

Consistency with Existing Policy Not Applicable.

Funding Not Applicable.

Confirmation of statutory compliance


In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

13. Appendices

There are no appendices for this report

Author(s)	Mike Lepper Customer and Regulatory Services Manager	
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Approved by	Monique Davidson Group Manager - Customer and Community Services	
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File No.: 16/649

Liquor Licensing Matters from 1 July 2016 to 31 December 2016

1. Purpose

To report, for information purposes, on matters relating to liquor licensing for the period 1 July 2016 to 31 December 2016.

2. Executive Summary

Applications that were uncontested, decisions were made by the Chairperson of the District Licensing Committee. Contested decisions were made by the District Licensing Committee.

3. Recommendation

- 3.1 That Report 16/188 Liquor Licensing Matters from 1 April 2016 to 30 June 2016 be received.
- 3.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

4. Background / Previous Council Decisions

Decisions on licensing matters are reported to Council for information purposes.

5. Discussion

5.1 The following decisions are advised -

- a Decision made by Chairperson of the District Licensing Committee Under Delegated Authority of Council dated 4 December 2013, and in accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 (Uncontested applications).

	New/On/Off Club Licences	To Expire
(i) New Licence		
Delicious Food & Catering Limited	40/ON/007/2016	04.08.17
Pipi Point Limited	40/ON/008/2016	02.09.17
R M Gisborne Limited	40/ON/009/2016	23.09.17
Heart of Cakes New Zealand Limited	40/ON/011/2016	16.12.17
(ii) Renewed Licence		
Full Draw Hospitality Limited	40/ON/006/2015	27.07.19
Levin Supermarkets Limited	40/OFF/002/2016	02.02.19
Iconic Liquor Limited	40/OFF/007/2015	27.07.19
Hydra Enterprises Limited	40/OFF/003/2015	24.06.19
General Distributors Limited	40/OFF/007/2016	19.06.19
Foxton Rugby Football Club	40/CL/008/2016	04.08.19
Kaffir Lime Limited	40/ON/008/2015	10.09.19
Elizabeth Newman & Francis De Porres Taylor	40/OFF/008/2016	08.09.19
Tokomaru RSA & Country Club Incorporated	40/CL/009/2016	14.09.19

Sharjeet Wano Limited	40/ON/010/2016	16.10.19
(iii) New Certificate		
Corey Andrew Foster	40/CERT/032/2016	07.07.17
Peter Eric Duckmanton	40/CERT/034/2016	15.07.17
Sunil Kadali	40/CERT/036/2016	15.07.17
Sumit Prasher	40/CERT/039/2016	26.07.17
Fiona Nadine Chainey-Blanche	40/CERT/042/2016	25.08.17
Talula Sunny Mclaughlin	40/CERT/050/2016	01.09.17
Asten Naomi Davina Simpson	40/CERT/049/2016	27.09.17
James Alexander Archibald	40/CERT/058/2016	28.09.17
Rhienna Marie Bevan	40/CERT/062/2016	07.10.17
Chirag Kumar Patel	40/CERT/064/2016	07.10.17
Mica Marie Hawtin	40/CERT/065/2016	11.10.17
Kylie Marie Mayhew	40/CERT/067/2016	17.10.17
Julie Caroline Brenda Garratt	40/CERT/072/2016	28.10.17
Elizabeth Jayne Burns	40/CERT/071/2016	28.10.17
Teresa Lovey Nicholson	40/CERT/070/2016	28.10.17
Billie Jean Hubbard	40/CERT/069/2016	28.10.17
Amy Kate Moore	40/CERT/068/2016	28.10.17
Laura May Petersen	40/CERT/077/2016	16.11.17
Wendy Leone Whakatihi	40/CERT/079/2016	16.11.17
Eleanor Nielsen	40/CERT/078/2016	16.11.17
Sharron Jane Symons	40/CERT/081/2016	29.11.17
Barbara Dawn Jerard	40/CERT/082/2016	29.11.17
Jordan Satini Robert Kerr	40/CERT/073/2016	11.11.17
Lynda Dick	40/CERT/085/2016	21.12.17
Jody Ann Brennan	40/CERT/086/2016	21.12.17
Sandra Maria Engelen	40/CERT/084/2016	21.12.17
iv) Renewed Certificate		
Maxwell Robert Tuhau	40/CERT/026/2015	24.07.19
Corey Jay MacMillan	40/CERT/031/2016	03.07.19
Lisa Maree Kennedy	40/CERT/033/2016	30.07.19
Shaun Phillip Chasland	40/CERT/028/2016	11.07.19
Lisa Moana Roiri	40/CERT/035/2016	22.09.19
Lara Kate Graham	40/CERT/037/2016	17.07.19
Colin Richard Palmer	40/CERT/040/2015	10.09.19
Crystal Brie Killin	40/CERT/038/2015	21.08.19
Ngaire Gail Hunter	40/CERT/041/2016	21.08.19
Patricia Eileen Van Der Velden	40/CERT/040/2016	28.08.19
Kaushiki Singh	40/CERT/036/2015	21.07.19
Klayton Blades	40/CERT/048/2016	02.09.19
Tajinder Singh	40/CERT/043/2016	16.09.19
Terina Mai Clifton	40/CERT/046/2016	30.08.19
Andrew David Robb	40/CERT/044/2016	08.10.19
Cheryl Joy Nielsen	40/CERT/045/2016	11.09.19
Gwendoline Jane Bailey	40/CERT/047/2016	22.09.19
MacGregor Neil Scott	40/CERT/051/2016	22.09.19
Daniel Bartlett	40/CERT/052/2016	06.10.19
Anthony Michael Brough	40/CERT/062/2015	05.11.19
Karilyn Joy Wildbore	40/CERT/053/2015	23.10.19
Diane Corkill	40/CERT/054/2015	22.10.19
Shona Theresa Ngatai	40/CERT/057/2015	05.11.19
Colleen Tyree	40/CERT/061/2015	05.11.19
Francis De Porres Taylor	40/CERT/066/2016	03.10.19

Leata Parnell McLeod	40/CERT/060/2015	05.11.19
Jennifer Ann Bremner	40/CERT/054/2016	11.09.19
Anthony Ernest Stella	40/CERT/053/2016	11.09.19
Malcolm Thomas Bremner	40/CERT/055/2016	11.09.19
Donna Christine McBrydie	40/CERT/056/2016	11.09.19
Julie – Maree Flannagan	40/CERT/057/2016	11.09.19
Wendy Jane Batt	40/CERT/060/2016	11.09.19
Steven Patrick John Horgan	40/CERT/041/2015	10.09.19
Malcolm Owen Pratt	40/CERT/045/2015	17.09.19
Paul Joseph McIntyre	40/CERT/059/2016	20.10.19
Nicola Jane Keighley	40/CERT/061/2016	19.12.19
Tania Aroha Edlin	40/CERT/063/2016	11.10.19
Stacey Margaret Ann Puklowski	40/CERT/052/2015	16.10.19
Mikaela Heather Caldw	40/CERT/076/2016	20.01.20
Wade Salton	40/CERT/075/2016	04.12.19
Dale Ann Streat	40/CERT/070/2015	01.12.19
Angela Rose Symons	40/CERT/068/2015	01.12.19
Vanitaben Tusharkumar Patel	40/CERT/080/2016	09.10.20
Jo-Ann Dawson	40/CERT/074/2016	02.12.19
Antoninette Teresa Holden	40/CERT/083/2016	15.01.20
Anita Petra Funnell	40/CERT/066/2015	01.12.19
Lorna Mary Goodson	40/CERT/087/2016	15.01.20
James Owen Thompson	40/CERT/088/2016	21.12.19

(v) Special Licence

Number

Gary O'Brien	2348
Levin Cosmopolitan Club	2349
Levin Cosmopolitan Club	2350
Levin Cosmopolitan Club	2351
Athletic Rugby Club	2352
Foxton RSA	2353
Levin Club	2354
Foxton RSA	2355
Levin Cosmopolitan Club	2356
Levin RSA	2357
Manawatu Marine boating Club	2358
Tokomaru RSA	2359
Business Kapiti Horowhenua Inc	2360
Levin RSA	2361
Levin Performing Arts Society	2362
Levin Cosmopolitan Club	2363
Levin Cosmopolitan Club	2364
Ohau Wines	2365
Levin Club	2366
Manawatu Powerboat Club	2367
Levin Cosmopolitan Club	2368
Levin Cosmopolitan Club	2369
Levin Cosmopolitan Club	2370
Levin Cosmopolitan Club	2371
Levin Cosmopolitan Club	2372
Levin Cosmopolitan Club	2373
Levin Club	2374
Horowhenua District Council	2375
Levin Cosmopolitan Club	2376
Levin Club	2377

8. Legal Considerations

Applications have been determined in accordance with legislative requirements.

9. Financial Considerations

There are no financial considerations.

10. Other Considerations

There are no other considerations required.

11. Next Steps

Not applicable to this report.

12. Supporting Information

Not applicable to this report.

Confirmation of statutory compliance


In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

1. Appendices

There are no attachments for this report.

Author(s)	Mike Lepper Customer and Regulatory Services Manager	
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Approved by	Monique Davidson Group Manager - Customer and Community Services	
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Policy on Dangerous and Insanitary Buildings 2017

1. Purpose

To present to Council a revised draft policy in respect of Dangerous and Insanitary Buildings seeking a resolution of Council to consult on using the Special Consultative Procedure as detailed in the Local Government Act 2002.

2. Executive Summary

2.1 Section 132 of the Building Act 2004 is as follows in respect of the adoption and review of a policy relating to Dangerous and Insanitary buildings -

132 Adoption and review of policy

- (1) A policy under section 131 must be adopted in accordance with the special consultative procedure in section 83 of the Local Government Act 2002.
- (2) A policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement
- (3) A territorial authority must, as soon as practicable after adopting or amending a policy, provide a copy of the policy to the chief executive.
- (4) A territorial authority must complete a review of a policy within 5 years after the policy is adopted and then at intervals of not more than 5 years.
- (5) A policy does not cease to have effect because it is due for review or being reviewed.

2.2 This Report is to facilitate the review process of this policy.

3. Recommendation

- 3.1 That Report 17/7 Policy on Dangerous and Insanitary Buildings 2017 be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act
- 3.3 That Council resolves that the draft policy on Dangerous and Insanitary buildings attached as **Attachment A** be used for consultation purposes using the Special Consultative procedure as required by Section 132 of the Building Act 2002 (Statement of proposal).
- 3.4 That Council resolve that the Summary of Information attached as **Attachment B**, is a fair representation of the major matters in the Statement of proposal; is in a form determined by Council; indicates where the Statement of proposal is available; and states the period within which persons interested in the proposal may present their views to Council – s83AA Local Government Act 2002.
- 3.5 That the hearing of submissions following consultation be heard by the Hearings Committee of Council, acting under delegation of Council, for a subsequent recommendation from the committee to Council.

4. Background / Previous Council Decisions

- 4.1 Council adopted a policy on Dangerous and Insanitary buildings as part of its overall policy that incorporated provisions also relating to Earthquake-Prone buildings. This policy was adopted on 31 May 2006.

5. Discussion

- 5.1 The policy provisions as they relate to Dangerous and Insanitary buildings have not been reviewed since being adopted. The primary reason for this was to try and capture any legislative changes in respect of earthquake prone buildings as these matters were all part of the same document.
- 5.2 Now that the provisions relating to the legislation around earthquake prone buildings is known, it is timely to remove the provisions of Dangerous and Insanitary buildings from the original 2006 policy and proceed with this review as a separate document.
- 5.3 The draft policy document presented for adoption and consultation purposes is primarily identical to the provisions as contained in the 2006 policy. The prime change is the inclusion of information as it relates to "affected buildings" as this provision was not in force in 2006 – see page 4 of the draft policy for definition.

6. Options

- 6.1 There are no options as it relates to the need for Council to have a policy on this matter – section 131 of the Building Act 2004 requires this.
- 6.2 There are also no options relating to the need to consult when reviewing, amending or adopting a policy on this matter – section 132(2) of the Building Act 2004 requires this.
- 6.3 Consequently the only options available are in respect of content of the draft policy. As stated in clause 5.3 above the renewed policy is practically identical to the previous policy. For this reason the preferred option is for Council to resolve to consult on the draft as presented.

6.4 Cost

Any costs associated with this matter can be absorbed within current budgets.

6.4.1 Rate Impact

There will be no Rate impact arising

6.5 Community Wellbeing

There are no known negative impacts on Community Wellbeing. The positive impacts are that Council has an operative policy that allows it to take appropriate actions in respect of suspected dangerous or insanitary buildings if the need arises.

6.6 Consenting Issues

There are no consents required or consenting issues arising

6.7 LTP Integration

Not Applicable to this Report

7. Consultation

As stated above the review of this policy requires use of the Special Consultative Procedure – the recommendations address this requirement.

8. Legal Considerations

These have been addressed by this Report – use of the Special Consultative procedure and the need to have a Policy.

9. Financial Considerations

Not Applicable to this matter

10. Other Considerations

There are no other considerations at this point in time.

11. Next Steps

In the event the recommendations are adopted, the next steps will be as follows-

- (a) Week of 7 February 2017 – consultation commences;
- (b) 17 March 2017, 5pm – consultation closes;
- (c) Week commencing 21 March 2017 – officer consideration of submissions, report preparation on consultation feedback.
- (d) Early April 2017 hearing of submissions and deliberation by Hearings Committee, followed by recommendations to Council;
- (e) 3 May 2017 meeting of Council consider and resolve recommendations of Hearings Committee.

There may be other steps after this, dependent upon subsequent decisions of Council.

12. Supporting Information

Strategic Fit/Strategic Outcome Not Applicable to this matter
Decision Making Not Applicable to this matter
Consistency with Existing Policy This proposal is to replace current policy.
Funding Not applicable to this matter.
<u>Confirmation of statutory compliance</u> In accordance with section 76 of the Local Government Act 2002, this report is approved as: <ol style="list-style-type: none">a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Confirmation of statutory compliance


In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

13. Appendices

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Author(s)	Mike Lepper Customer and Regulatory Services Manager	
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Approved by	Monique Davidson Group Manager - Customer and Community Services	
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Statement of Proposal

POLICY ON DANGEROUS AND INSANITARY BUILDINGS 2017

Adopted :

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HOROWHENUA DISTRICT COUNCIL
DANGEROUS AND INSANITARY BUILDINGS
POLICY 2017

1. Introduction and Background

- 1.1 Section 131 of the Building Act 2004 (“the Act”) requires territorial authorities (“TAs”) to have a policy on dangerous and insanitary buildings. Additionally, Council is now also required to take into account affected buildings¹.
- 1.2 One of the key purposes of the Act, as set out in Section 3, is to ensure ‘people who use buildings can do so safely and without endangering their health’. Section 4 details the principles to be applied in performing functions under the Act and specifically states that TAs must take these principles into account in the adoption and review of their dangerous and insanitary building policies.
- 1.3 This policy was originally adopted by the Horowhenua District Council (“Council”) on 31 May 2006 in accordance with the requirements of the Building Act 2004.
- 1.4 The policy is required to state²: The approach that the Council will take in performing its functions under the Act; Council’s priorities in performing those functions; and how the policy will apply to heritage buildings.
- 1.5 In reviewing, amending and adopting this policy, Council has followed the special consultative procedure set out in Section 83 of the Local Government Act 2002.
- 1.6 In many, but not all, cases whether a building is dangerous, affected or insanitary status will not be readily apparent. For that reason, any attempt to identify these buildings proactively is unlikely to be successful unless Council has considerable resources to undertake inspections and evaluations of buildings.
- 1.7 As a consequence, the most likely sources of information concerning dangerous, affected or insanitary buildings continues to be from building occupants, neighbours, or as the result of an inspection by the Police, the Fire Service or other agencies authorised to inspect buildings. Other sources of information will be known directly by Council, possibly following a significant weather event.
- 1.8 Relying on complaints to provide information concerning potentially dangerous or insanitary buildings continues to be the most practical way in which Council can identify both these buildings and affected buildings within the district and undertake its statutory responsibilities.

2. Definitions

The following definitions, contained in the Building Act 2004, will be used to determine whether a building is insanitary, dangerous or earthquake-prone:

- **Dangerous:** (s121(1)) – “A building is dangerous for the purposes of this Act if –
 - a. in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause –
 - (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property, or
 - (ii) damage to other property; or

- b. in the event of fire, injury or death to any person in the building or to persons on other property is likely.”
- **Insanitary:** (s123) “A building is insanitary for the purposes of this Act if the building
 - a. is offensive or likely to be injurious to health because –
 - (i) of how it is situated or constructed; or
 - (ii) it is in a state of disrepair; or
 - b. has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or
 - c. does not have a supply of potable water that is adequate for its intended use; or
 - d. does not have sanitary facilities that are adequate for its intended use.”
- **Affected building:** (s121A) “The building is an affected building for the purposes of this Act if it is adjacent to, adjoining, or nearby –
 - a. a dangerous building as defined in Section 121; or
 - b. a dangerous dam within the meaning of Section 153.”

3. Policy Approach

3.1 Policy Principles

Provisions of the Act with regard to dangerous, affected or insanitary buildings reflect the government’s broader concern with the safety of the public in buildings, and with the health and safety of people occupying buildings that may be considered to be dangerous, affected or insanitary. However, Council recognises that public safety must be balanced against the other broader economic issues and in relation to other Council Policy.

3.2 Overall Approach

- (i) Sections 124 to 130 of the Act provide the authority necessary for TAs to take action on dangerous, affected or insanitary buildings and set out how this action is to be taken.
- (ii) Council will continue to encourage the public to discuss their development plans with Council and to obtain building consent for work Council deems is necessary prior to any work commencing. This is particularly important in order to avoid creating dangerous or insanitary conditions that could be injurious to the health of occupants, particularly children and the elderly, or where safety risks are likely to arise from a change in use.
- (iii) Council has in the past relied upon complaints from various sources to identify dangerous or insanitary buildings and will continue with this passive approach.

3.3 Identifying Dangerous, Affected or Insanitary Buildings

- (i) Council will:
 - Take a passive approach to identification of buildings.
 - Actively respond to and investigate all buildings complaints received.
 - Identify from these investigations any buildings that are dangerous, affected or insanitary.
 - For dangerous buildings, inform the owner(s) and occupier of the building to take action to reduce or remove the danger; as is required by Sections 124 and 125 of

- the Act; (and liaise with the New Zealand Fire Service when Council deems it is appropriate, in accordance with Section 121(2) of the Act).
- For insanitary buildings, inform the owner(s) of the building to take action to prevent the building from remaining insanitary as is required by Sections 124 and 125 of the Act (and liaise with the Medical Officer of Health when required to assess whether the occupants may be neglected or inform).
- (ii) For affected buildings, inform the owner(s) of the building only when restricting entry to the building.

3.4 Assessment Criteria

- (i) Council will assess dangerous, affected or insanitary buildings in accordance with the Act and established case law, as well as the building code.
- (ii) Council will:
- Investigate as to whether the building is occupied.
 - Assess the use to which the building is put.
 - Assess whether the dangerous or insanitary conditions pose a reasonable probability of danger to occupants or visitors, or to the health of any occupants of the building. Upon the determination that a building is dangerous assess whether the dangerous building poses a reasonable probability of danger to occupants or visitors of any adjacent, adjoining or nearby buildings.
- (iii) Considerations as to dangerous assessment where a building is either occupied or not may include:
- Structural collapse.
 - Loose materials/connections.
 - Overcrowding.
 - Use which is not fit for purpose.
 - Seeking advice from the New Zealand Fire Service³.
- (iv) Considerations as to insanitary assessment where a building is occupied may include:
- Adequate sanitary facilities for the use.
 - Adequate drinking water.
 - Separation of use for kitchen and other sanitary facilities.
 - Likelihood of moisture penetration.
 - Natural disaster.
 - Defects in roof and walls/poor maintenance/occupant misuse.
 - The degree to which the building is offensive to adjacent and nearby properties.
- (v) A building will be deemed to be an affected building if it is adjacent, adjoining or nearby a building which Council has assessed as being a dangerous building.

3.5 Taking Action

- (i) In accordance with Sections 124 and 125 of the Act the Council will:

- Advise and liaise with the owner(s) of the buildings identified as being dangerous, affected or insanitary.
- As a consequence of a building being identified as dangerous consider whether any buildings should be regarded as being an affected building for the purposes of the Act.
- May request a written report on the dangerous building from the New Zealand Fire Service.

(ii) If found to be dangerous or insanitary:

- Attach written notice to the building requiring work to be carried out on the building, within a time stated in the notice being not less than ten (10) days, to reduce or remove the danger.
- Give copies of the notice to the building owner, occupier, and every person who has an interest in the land, or is claiming an interest in the land, as well as the Heritage New Zealand Pouhere Taonga, if the building is a heritage building.
- Contact the owner at the expiry of the time period set down in the notice in order to gain access to the building to ascertain whether the notice has been complied with.
- Where the danger is the result of non-consented building work, Council will formally request the owner(s) to provide an explanation as to how the work occurred and who carried it out and under whose instructions; (and apply for a Certificate of Acceptance if applicable).
- Pursue enforcement action under the Act if the requirements of the notice are not met within a reasonable period of time as well as any other non-compliance matters.

(iii) Where Council has determined under Section 121A of the Act that a building is an “affected building” Council may do any or all of the following:

- Erect a hoarding or put up a fence around the building;
- Attach a notice warning people not to approach the building;
- Issue a written notice restricting entry to the affected building for particular purposes or to particular groups of people for a maximum period of thirty (30) days. Such notice may be reissued once for a further thirty (30) days.

(iv) If the building is considered to be immediately dangerous or insanitary Council may:

- Cause any action to be taken to remove that danger or insanitary condition (this may include prohibiting persons using or occupying the building and demolition of all or part of the building); and
- Take action to recover costs from the owner(s) if Council must undertake works to remove the danger or insanitary condition.
- The owner(s) will also be informed that the amount recoverable by Council will become a charge on the land on which the building is situated.

(v) All owners have a right of appeal as defined in the Act, which can include applying to the Department of Building and Housing for a determination under Section 177 of the Act.

3.6 Interaction between the Dangerous and Insanitary Buildings policy and related sections of the Act:

(i) Section 41: Building consent not required in certain cases.

- (ii) In cases where a building is assessed as being immediately dangerous or insanitary Council may not require prior building consent to be obtained for any building work required so as to remove the dangerous or insanitary condition immediately. However, where Council has issued a notice under Section 125(1) of the Act it must advise the owner of the building if a building consent will be required prior to the owner commencing any remedial works to the building.
- (iii) Prior to the lodging of a building consent application for the work required under the notice it is imperative that building owners discuss any works with Council. In those circumstances where Council has not required a building consent to be issued prior to the commencement of the remedial works required by the notice, the building owner will still be required to apply for a certificate of compliance as required by the Act.

3.7 Record Keeping

- (i) Any buildings identified as being dangerous or insanitary will have a notation placed on the property file for the property on which the building is situated until the danger or insanitary condition is remedied.
- (ii) A notation will be placed on the property file of an affected building until such time as the dangerous condition of the adjacent, adjoining or nearby building has been rectified.
- (iii) In addition, the following information will be placed on the Land Information Memorandum (LIM):
 - Notice issued that the building is dangerous, insanitary or is an affected building.
 - Copy of letter to owner(s), occupier and any other person that the building is dangerous, insanitary or is an affected building.
 - Copy of the notice given under Section 124(1) that identifies the work to be carried out on the building and the timeframe given to reduce or remove the danger or insanitary condition.

3.8 Economic Impact of Policy

Due to the lower number of dangerous, affected or insanitary building encountered annually by Council, the economic impact of this policy is, at this date, considered to be low.

3.9 Access to Information

- (i) Information concerning dangerous, affected or insanitary buildings will be contained on the relevant LIM and Council records.
- (ii) In granting access to information concerning dangerous, affected or insanitary buildings, Council will confirm to the requirements of the Local Government Official Information and Meetings Act 1987 and Local Government Act 2002.

4. **Heritage Buildings**

4.1 No special dispensation will be given to heritage buildings under this policy.

4.2 The fact that a building has heritage status does not mean that it can be left in a dangerous or insanitary condition. As per Section 125(2)(f) of the Act, a copy of any notice issued

under Section 124 of the Act will be sent to Heritage New Zealand Pouhere Taonga where a heritage building has been identified as a dangerous, affected or insanitary building.

5. Priorities

- 5.1 The Council will give priority to buildings where it has been determined that immediate action is necessary to fix dangerous or insanitary conditions. Immediate action will be required in those situations to fix those dangerous or insanitary conditions such as prohibiting occupation of the property, putting up a hoarding or fence or taking prosecution action where necessary.
- 5.2 Buildings that are determined to be dangerous or insanitary, but not requiring immediate action to fix those dangerous or insanitary conditions, will be subject to the minimum timeframes to prevent the building from remaining dangerous or insanitary (not less than ten (10) days) as set in Section 124(1)(c) of the Act.

6. Policy Review

This policy will be reviewed on a 5 yearly basis from the date of adoption as required by section 132(4) of the Building Act 2004.

Notes

- ¹ Section 132(a) Building Act 2004 which came into force on 27 November 2013
² Section 131(2) of the Building Act 2004
³ Section 121(2)(a) of the Building Act 2004

Summary of Information



DRAFT POLICY ON DANGEROUS AND INSANITARY BUILDINGS 2017

At a meeting of the Horowhenua District Council held on 1 February 2017, Council resolved to consult on this draft Policy using the Special Consultative Procedure as laid down in the Local Government Act 2002.

1. Proposal

Council is proposing to update its 2006 policy in respect of dangerous and insanitary buildings by introducing a separate policy on this matter. There are no significant changes from the 2006 policy in this review.

2. Submissions

Submissions on the proposal close at 5.00 pm on Friday, 17 March 2017. All submissions should be addressed to:

Dangerous and Insanitary Buildings Policy
Horowhenua District Council
Private Bag 4002
Levin 5540

Submitters should advise whether they wish to be heard when submissions are considered. A meeting will be scheduled after the consultation period has closed. Submitters are advised that pursuant to the Local Government Act 2002 and subject to the Local Government Official Information and Meetings Act 1987, all submissions shall be made available to the public.

Submission forms and the Statement of Proposal are available at the Council Offices in Levin (126 Oxford Street, or Te Takere), Foxton (Clyde Street); or Shannon (Plimmer Terrace). Copies may also be obtained by telephoning Council's Customer Service Centre, Levin, on (06) 366 0999, and on Council's website www.horowhenua.govt.nz.

3. Form of Summary

The form and contents of this summary were approved by a resolution of Council on 1 February 2017.

OFFICE USE ONLY

RM8 No:

Submission No:

Submission form to Draft Dangerous and Insanitary Buildings Policy

Please print clearly using a black or dark blue pen

Your details

Mr / Mrs / Miss / Ms / Dr (circle) Name:

Name of Organisation (if applicable)

Postal address:

..... Post Code

Phone: A/H Mobile

Email:

Communication

Preferred method of communication: email post

Presentation

Do you wish to present your comments to Council in person at a hearing: Yes No

My submission(s)

Please complete your submission on the form overleaf. Please note that your submission will be part of a public agenda.

You can post your submission to: Dangerous and Insanitary Buildings Policy
Horowhenua District Council
Private Bag 4002
Levin 5540

OR drop it into Council at 126 Oxford Street, Levin; or Te Takere; your local library or Service Centre. Alternatively fax to (06) 366 0983 or email to: enquiries@horowhenua.govt.nz.

Submission forms can be completed on line or downloaded from www.horowhenua.govt.nz.

We need to receive your submission by 5.00 pm on Friday, 17 March 2017.

Planning Services Matters Considered Under Delegated Authority

File No.: 17/3

1. Purpose

To present details of decisions made under delegated authority in respect of Planning Services Matters.

2. Recommendation

- 2.1 That Report 17/3 Planning Services Matters Considered Under Delegated Authority be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

3. Discussion

The following decisions were made under delegated authority:

- (i) Subdivision and Land Use Consents approved:

Subdivision Resource Consents Approved - 19/11/16 to 18/12/16

Approved Date	File Ref	Applicant	Address
28/11/2016	SUB/3844	Lo-Ke Investments Ltd	27 Coventry Street, Levin
28/11/2016	SUB/3862	David Fraser	18 Gordon Place, Levin
01/12/2016	SUB/3850	Julie Netten	45 Heatherlea West Road, Levin Rural
02/12/2016	SUB/3854	Lay Ping Chan	42 Kawi Road, Levin
08/12/2016	SUB/3859	William Bell	Tararua Road, Levin Rural
08/12/2016	SUB/3861	Margaret Adamson	31 Bond Street, Foxton Beach
15/12/2016	SUB/3864	Trevor Clarke	205 Muhunoa East Road, Levin Rural
16/12/2016	SUB/3866	Michael Rodgers	9 Hogs Road, Levin Rural

Land Use Resource Consents Approved - 19/11/16 to 18/12/16

Approved Date	File Ref	Applicant	Address
23/11/2016	LUC/3839	Gary Brind	143 Wallace Road, Levin Rural
28/11/2016	LUC/3843	Steven Barton	4 Essex Street, Levin
28/11/2016	LUC/3855	Valleyview Poultry Ltd	40 Waihou Road, Levin Rural
28/11/2016	LUC/3858	Masonic Villages Trust	685 Queen Street, Levin
30/11/2016	LUC/3846	Wendy Montford	8 Corbin Court, Ohau
02/12/2016	LUC/3847	Richard Templeton	8 Linklater Avenue, Foxton Beach
05/12/2016	LUC/3873	Deborah Stevens	37 Rua Avenue, Waitare Beach
06/12/2016	LUC/3874	Nasser Ahmed Ali Shehata	21 Robbie Street, Foxton Beach
07/12/2016	LUC/3875	Scott Stratton	73 Laward Road, Tokomaru
07/12/2016	LUC/3863	Te Kohanga Reo Trust Board	484-488 Koputaroa Road, Levin Rural
09/12/2016	LUC/3857	Transpower NZ Limited	North Manakau Road, Levin Rural
12/12/2016	LUC/3852	Gary Sexton	Honi Taipua Street, Levin Rural
14/12/2016	LUC/3867	Hessels Poultry Farm	128-146 State Highway 1, Foxton

(ii) Road Name approved

Date	Name	Location	Public/Private
1/12/2016	Eastern Rise	Off Manakau Heights Road, Manakau	Private

Attachments



There are no attachments for this report.

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Signatories

Author(s)	Mike Lepper Customer and Regulatory Services Manager	
Approved by	Monique Davidson Group Manager - Customer and Community Services	

Exclusion of the Public : Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following part(s) of the proceedings of this meeting.

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 follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

C1 2017 Tertiary Scholarship Recipients

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. s7(2)(j) - The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

C2 NE Levin Stormwater - Fairfield Road Pipeline

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities. Tender prices for contractors are included in the report and should not be publicly shared.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.